

NEW HOPE BOROUGH COUNCIL
BUCKS COUNTY, PENNSYLVANIA

JANUARY COUNCIL MEETING

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

TUESDAY, JANUARY 17, 2023

COMMENCING AT 6:30 P.M.

BOARD MEMBERS PRESENT:

CONNIE GERING - PRESIDENT
LAURIE McHUGH
TINA RETTIG
LOUISE FEDER
KENNETH MAISEL
PETER MEYER

ALSO PRESENT:

LAURENCE KELLER - MAYOR
PETER GRAY - BOROUGH MANAGER
JOHN PENNINGHAM, ESQ. - BOROUGH COUNCIL SOLICITOR
MARK LABRUM, ESQ. - BOROUGH COUNCIL SOLICITOR
MICHELE FIORAVANTI - BOROUGH ENGINEER
MARY STOVER - ZONING OFFICER
MICHAEL CUMMINGS - CHIEF OF POLICE
MATTHEW DECKER - AUDIO/VIDEO TECHNICIAN

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PRESIDENT GERING: Good evening. I will call the meeting to order. If you can stand up for the Pledge of Allegiance.

Thank you. Pete, if you can take roll call.

MR. GRAY: Certainly. Ms. McHugh?

MS. McHUGH: I am here.

MR. GRAY: Ms. Rettig?

MS. RETTIG: Here.

MR. GRAY: Ms. Feder?

MS. FEDER: Here.

MR. GRAY: Mr. Maisel?

MR. MAISEL: Here.

MR. GRAY: Mr. Meyer?

MR. MEYER: Here.

MR. GRAY: Mr. Dougherty? Mayor Keller?

MAYOR KELLER: Here.

MR. GRAY: Ms. Gering?

PRESIDENT GERING: Here. Thank you.

Mayor, do you want to start?

MAYOR KELLER: Yes. I would like to start by calling up our new part-time -- soon to be part-time police officer, Case McLeod.

Those of you that aren't aware of it,

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Case's brother Austin is here, he is also an officer in New Hope Police Department. So it will be a first in my memory, two brothers in the same department.

I, Case McLeod, do solemnly swear.

OFFICER McLEOD: I, Case McLeod, do solemnly swear.

MAYOR KELLER: That I will support, obey and defend.

OFFICER McLEOD: That I will support, obey and defend.

MAYOR KELLER: The Constitution of the United States.

OFFICER McLEOD: The Constitution of the United States.

MAYOR KELLER: And the Constitution of this Commonwealth.

OFFICER McLEOD: And the Constitution of this Commonwealth.

MAYOR KELLER: And that I will discharge.

OFFICER McLEOD: And that I will discharge.

MAYOR KELLER: The duties of my office.

OFFICER McLEOD: The duties of my office.

MAYOR KELLER: With fidelity.

OFFICER McLEOD: With fidelity.

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2 MAYOR KELLER: I acknowledge.

3 OFFICER McLEOD: I acknowledge.

4 MAYOR KELLER: That I will uphold, obey and

5 enforce.

6 OFFICER McLEOD: That I will uphold, obey

7 and enforce.

8 MAYOR KELLER: The law without

9 consideration.

10 OFFICER McLEOD: The law without

11 consideration.

12 MAYOR KELLER: To a person's race, color,

13 sex.

14 OFFICER McLEOD: To a person's race, color,

15 sex.

16 MAYOR KELLER: Religious creed.

17 OFFICER McLEOD: Religious creed.

18 MAYOR KELLER: Sexual orientation.

19 OFFICER McLEOD: Sexual orientation.

20 MAYOR KELLER: Age.

21 OFFICER McLEOD: Age.

22 MAYOR KELLER: National origin.

23 OFFICER McLEOD: National origin.

24 MAYOR KELLER: Ancestry.

25 OFFICER McLEOD: Ancestry.

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2 MAYOR KELLER: Handicapped.

3 OFFICER McLEOD: Handicapped.

4 MAYOR KELLER: Or disability.

5 OFFICER McLEOD: Or disability.

6 MAYOR KELLER: This is a moral obligation.

7 OFFICER McLEOD: This is a moral

8 obligation.

9 MAYOR KELLER: To the public.

10 OFFICER McLEOD: To the public.

11 MAYOR KELLER: I serve.

12 OFFICER McLEOD: I serve.

13 MAYOR KELLER: And for which.

14 OFFICER McLEOD: And for which.

15 MAYOR KELLER: I will be held accountable.

16 OFFICER McLEOD: I will be held

17 accountable.

18 Congratulations, Case.

19 PRESIDENT GERING: Congratulations.

20 Before we get started we will do a little

21 housekeeping. This being our first meeting for January,

22 we have had some new procedures and I think some of you

23 found out that we start at 6:30 now, not 7:00 p.m.

24 We also did some things to speed things up

25 and have a flawless meeting. We did public comment in the

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2 beginning of the meetings so we will start with that and

3 it is public comment that you would like to make on what

4 is on the agenda and we are going to have a timer set for

5 three minutes. Ms. McHugh will have her timer set.

6 So we will start with that. Is there

7 anyone for public comment for any of the items that are on

8 the agenda that would like to come up?

9 MS. McHUGH: Come on, there has to be

10 somebody.

11 MR. BALDERSTON: Quick question.

12 PRESIDENT GERING: No questions, comments.

13 MR. BALDERSTON: Are we able to come

14 comment on the things as they take place in the meeting,

15 items on the agenda?

16 MR. FENNINGHAM: Public comment is relating

17 to items on the agenda and there are no follow-up

18 questions at the conclusion of the public meeting.

19 PRESIDENT GERING: All right.

20 MR. BALDERSTON: I for one don't think that

21 is right.

22 PRESIDENT GERING: Yes, Mr. Clapper.

23 MR. CLAPPER: Good evening. I would like

24 to make a comment about an item that is not on the agenda

25 but a general comment that I don't think will ever be on

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2 the agenda. So I would like to make a quick three-minute

3 comment. I want the --

4 PRESIDENT GERING: Mr. Clapper, it is --

5 right now it is only what is on the agenda and we have a

6 really long agenda so we will move forward then.

7 MR. CLAPPER: I would like to make this

8 brief statement because it does affect all of us and

9 perhaps even what is going to happen tonight.

10 PRESIDENT GERING: All right. Go ahead.

11 MR. CLAPPER: Thank you. I want the

12 Council to know that I was offended by the way I was

13 verbally treated at the last Council meeting when I asked

14 three simple questions about the 2023 budget. Not

15 questions to challenge the budget or -- but simply to

16 understand it as it was the question of other people who

17 asked me.

18 Now I would characterize the response as

19 rude and embarrassing to the residents and guests of New

20 Hope. This behavior doesn't reflect on me or other

21 meeting participants in the way we behave but rather on

22 you, individuals we selected and elected to represent and

23 lead us. We are embarrassed for that.

24 I trust that we are all working to promote

25 public participation in our small town government process.

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 2 This approach will serve to discourage others from coming
 3 forward and offering constructive criticism and thoughts
 4 for fear of what they might experience as I did last week
 5 or last month.
 6 I have witnessed this similar behavior to
 7 others over the past few years and I implore the Council
 8 to elevate the level of professionalism in this dialogue
 9 when dealing with the public. Don't let this unnecessary
 10 attitude take away from the good work that you do. Thank
 11 you.
 12 PRESIDENT GERING: Any other public
 13 comment?
 14 All right. Yes?
 15 UNIDENTIFIED SPEAKER: I submitted a
 16 written comment and I was --
 17 PRESIDENT GERING: It will be addressed
 18 later.
 19 All right. We will move on.
 20 On the agenda first item is a Zoning
 21 Hearing Board application for 121 Lakeview Drive asking
 22 for a variance for installing exterior stairway.
 23 Do we have our presentation here? There is
 24 no one here for 121 Lakeview Drive? So I need guidance
 25 here. Do we just go on and discuss it without any one

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 2 being here to represent their case since they have to go
 3 to the Zoning Hearing Board?
 4 MR. GRAY: Yes.
 5 PRESIDENT GERING: We can. Okay. 121
 6 Lakeview is in the Riverwoods community and for full
 7 disclosure, I am also a resident up there.
 8 My understanding from neighbors is that
 9 this property is being used as an Airbnb and as of
 10 October, they had posted online advertising six bedrooms,
 11 five and a half baths for \$7,000 a week. And I note there
 12 has been complaints from the neighbors in reference to
 13 this particular property.
 14 And it being that it is a private
 15 community, there is also a requirement for them to have
 16 approval from the Association to put the exterior steps
 17 out there, which they had done actually prior to getting
 18 approved and my understanding is that has not happened.
 19 Any other comments from Council?
 20 MR. MEYER: Yes, if I may. According to
 21 the report that we have on this property, one of the
 22 problems in addition to the fact that they didn't get the
 23 permission -- by the way, the staircase exists, is that
 24 the building itself does not appear -- the current use of
 25 the property is not consistent with use 275-14.A detached

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 2 dwelling. So in fact we have a bigger problem than simply
 3 the staircase itself, their pattern of utilization of the
 4 building. And I think that that is something we need to
 5 consider with regard to this particular approval as well.
 6 And I am unequivocally inclined that we
 7 should certainly not approve this.
 8 PRESIDENT GERING: Any other comments from
 9 Council?
 10 Can we have a motion to oppose the
 11 application?
 12 MS. RETTIG: I will make that motion.
 13 MS. McHUGH: I will second.
 14 PRESIDENT GERING: All in favor?
 15 MS. FEDER: Aye.
 16 MR. MEYER: Aye.
 17 MS. McHUGH: Aye.
 18 MS. RETTIG: Aye.
 19 MR. MAISEL: Aye.
 20 PRESIDENT GERING: Aye. Thank you.
 21 Next on the agenda is a Certificate of
 22 Appropriateness for 2 Stockton Avenue. And this is for
 23 New Hope Arts for their improvements.
 24 Can you put that up there? That is what
 25 the existing exterior -- can you go to what they are

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 2 proposing? I think that is it.
 3 MS. McHUGH: Anybody here from New Hope
 4 Arts? Do you want to explain this?
 5 PRESIDENT GERING: Identify yourself,
 6 please.
 7 MR. TRASK: Connor Trask, T-R-A-S-K.
 8 So what we are doing here in New Hope Arts
 9 is making the front entryway more compliant, providing a
 10 proper guardrail, pushing the entryway of the doors
 11 further in because there was no clearing space on the
 12 landing. Currently the door opens up and hits the
 13 railing. So we are pushing the front entryway doors back,
 14 turning it into a double door for better use of the
 15 building itself.
 16 There is a compliant ramp going into the
 17 back of the building. We are now -- with the new stair it
 18 will be taking up more space and the old canopy did not
 19 cover the existing stair which made it wet. So the canopy
 20 will now cover the new portion of the stairs so it is not
 21 wet and dangerous.
 22 MS. McHUGH: You're not infringing on the
 23 sidewalk at all?
 24 MR. TRASK: It will maintain the same
 25 footprint as the existing patio. The stair will turn but

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2 not infringing in the existing sidewalk.
3 MS. McHUGH: Can I ask you a question? I
4 have asked -- I was at your opening for this.
5 Can you not provide 3-D renderings?
6 MR. TRASK: We can provide 3-D renderings.
7 MS. McHUGH: I have asked Ralph Fey many
8 times. It would make our job much easier, things would go
9 much faster and it would save you a lot of paper and the
10 public and I would actually be able to see what it will
11 look like.
12 MR. TRASK: Okay.
13 PRESIDENT GERING: The lettering that is
14 above the door has not been approved yet?
15 MR. TRASK: Correct.
16 PRESIDENT GERING: Any other questions from
17 Council?
18 Can I have a motion for approval?
19 MR. MEYER: So moved.
20 MR. MAISEL: I will second it.
21 PRESIDENT GERING: Okay. All in favor?
22 MS. FEDER: Aye.
23 MR. MEYER: Aye.
24 MS. McHUGH: Aye.
25 MS. RETTIG: Aye.

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2 All in favor?
3 MS. FEDER: Aye.
4 MR. MEYER: Aye.
5 MS. McHUGH: Aye.
6 MS. RETTIG: Aye.
7 MR. MAISEL: Aye.
8 PRESIDENT GERING: Aye. Thank you.
9 Next on the agenda is 181 West Bridge
10 Street for a Certificate for Demolition permit.
11 And who would like to start from that
12 group? Mr. VanLuvanee, welcome.
13 MR. VanLUVANEE: Thank you very much. It
14 was suggested that we should try to hold our presentation
15 to 30 minutes and we will try to do exactly that in
16 expediency.
17 Just a couple of brief remarks before we
18 start and then we can decide how to proceed. It is my
19 understanding that at the last meeting -- and we were here
20 I couldn't believe this, it was actually last April that
21 we made a presentation to Council on this project.
22 And at that time, you will recall, we had
23 the reports of Mr. Nacarrato. Mr. Hillier testified. At
24 the conclusion of that discussion that was when Council
25 suggested that they would like to hire a third engineer to

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2 MR. MAISEL: Aye.
3 PRESIDENT GERING: Aye. Looks good.
4 Next is 14 East Mechanic Street to install
5 a new chimney flue for the rear of the property.
6 Can I have a motion for approval?
7 MS. McHUGH: I will make the motion.
8 PRESIDENT GERING: Second?
9 MS. FEDER: I will second.
10 PRESIDENT GERING: Any discussion from
11 Council?
12 All in favor?
13 MS. FEDER: Aye.
14 MR. MEYER: Aye.
15 MS. McHUGH: Aye.
16 MS. RETTIG: Aye.
17 MR. MAISEL: Aye.
18 PRESIDENT GERING: Aye. Thank you.
19 Next is Certificate of Appropriateness for
20 16 East Mechanic Street to install a new chimney flue in
21 the rear of the property.
22 Can I have a motion for approval?
23 MS. RETTIG: I will make that motion.
24 MS. McHUGH: I will second it.
25 PRESIDENT GERING: Discussion?

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2 give an independent report. Mr. Hillier agreed to pay for
3 that report with the understanding it would be of the
4 Borough selection. Took a couple of months but eventually
5 the Borough did select an engineer, WJM from Doylestown.
6 WJM submitted a report in the end of
7 October, I think it was October 28th, which I see was on
8 the website, the Borough website. Following that report
9 -- and WJM did reach a conclusion and the conclusion is in
10 that report was that -- I will read it.
11 The last page, page six; due to the
12 condition of the structure and the extensive scope of
13 repair and rebuild work, complexity and sequencing
14 challenges regarding the required temporary shoring up and
15 bracing and the significant worksite safety concerns, we
16 recommend the existing building be demolished and
17 reconstructed utilizing new materials.
18 We had that reviewed by our structural
19 engineers. They had no disagreement with WJM's report,
20 methodology or the conclusions.
21 Subsequently I was contacted by your
22 Solicitor with a suggestion -- or the e-mail from Mr.
23 Fenningham suggesting that they thought perhaps there was
24 some ambiguities in the report and that should be
25 clarified. And someone on Council or representatives of

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1 Council felt that a supplemental report should be prepared
 2 with Mr. Hillier paying for it. Mr. Hillier declined to
 3 pay for that report. We felt that the first report was
 4 clear.
 5
 6 The next thing that I recall happening, we
 7 had a staff meeting here in this room with Mr. Hillier and
 8 his representatives and the Borough staff including
 9 Mr. Fenningham with Mr. Mohan, at which time he was asked
 10 questions.
 11 We had a discussion, we discussed what we
 12 called I guess a selective demolition where you try to
 13 save some components, if possible. And I thought that we
 14 had reached a conclusion, Bob thought that we had reached
 15 a conclusion, which was that the exterior -- that
 16 everybody there agreed that the exterior walls needed to
 17 be removed and there was no point in attempting to save
 18 them. And that Bob would provide an estimate of the
 19 selective demolition that he was describing that would be
 20 an effort to save, if possible, some of the interior
 21 walls.
 22 Since that time we supplemented our
 23 information by the submission of a diagram of the interior
 24 walls that Mr. Hillier and his team believe may be
 25 possible to salvage. And I believe that is on the last

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1 did include the recommendation for the retention of the
 2 third structural engineer so we have essentially satisfied
 3 that part.
 4
 5 We have reviewed that recommendation and
 6 that recommendation is still acceptable to Mr. Hillier as
 7 it was the day that we negotiated the conditions and
 8 agreed to the conditions in front of HARB.
 9 So as far as we are concerned, the record
 10 is complete. Bob did want to comment though and clarify
 11 what it is that he had intended to do and to make you
 12 understand that it is consistent with his original
 13 commitment.
 14 I went back to the early part of the
 15 record, actually before Mr. Hillier and company ever
 16 bought this property back in 2010, 2011. There was a
 17 Zoning Hearing Board proceeding back then and you
 18 obviously can access your own Zoning Hearing Board
 19 proceedings, I am sure.
 20 You will find a decision dated May 6th,
 21 2011, revised June 1st of 2011 in which the Zoning Hearing
 22 Board made a number of findings of fact. And I only
 23 mention these because I know the last time we were here
 24 there was a great deal of concern about what they called
 25 selective demolition and which ordinance calls selective

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1 page of the materials that were in the packet that was
 2 sent to you by Borough staff.
 3
 4 We saw today -- first of all we got the WJM
 5 supplemental report that was just dated January 6th,
 6 approximately the day that it was received, and we
 7 reviewed it. And we believe that the suggested method of
 8 selective demolition and the steps that would be required
 9 in order to undertake that are not at all consistent with
 10 what we discussed at the meeting and are not anything that
 11 Mr. Hillier would agree to or did agree to at the table.
 12 I also would note for all of you that in
 13 the supplemental report the first thing -- the second
 14 paragraph that Mr. Mohan reiterates his conclusion and
 15 recommendation that the building should be razed.
 16 I have asked -- as far as witnesses, we
 17 didn't bring our experts back. The experts' reports speak
 18 for themselves at this point. We have three experts,
 19 structural engineers, all of whom have recommended that
 20 the building be demolished. From my perspective, that
 21 should be adequate.
 22 Again you have in front of you the
 23 recommendation of the HARB that was negotiated
 24 specifically and over the course of two meetings with
 25 Mr. Hillier and his team and HARB. That recommendation

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1 demolition and that is did Mr. Hillier buy this property
 2 and intentionally just sit on it so it would fall apart.
 3
 4 The interesting thing about that Zoning
 5 Hearing Board decision is there is a finding of fact that
 6 says each member of the Zoning Hearing Board independently
 7 went to the property to observe its condition and based on
 8 that observation there are findings of fact.
 9 There are several findings of fact in the
 10 course of that decision about the extent of the physical
 11 deterioration of that building and recognizing that it was
 12 not likely to be feasible to be restored. I am
 13 paraphrasing because there are 60 or 70 findings of fact.
 14 There are a lot of findings of fact in that.
 15 The point is they found that the building
 16 was already extremely deteriorated before Mr. -- and the
 17 significance of the date by the way, Mr. Hillier bought
 18 the property approximately a month and a half after that
 19 Zoning Hearing Board decision, not before. They had known
 20 that it had deteriorated. Those were observations before
 21 he closed on the building and that was 11 years ago.
 22 So I think all of that is consistent with
 23 the testimony and the reports of the three structural
 24 engineers who examined this building and that is this
 25 building's present condition is not the result of 10, 11,

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 2 12, 13 years of deterioration, it is the result of well
 3 over a hundred years of deterioration.
 4 The other thing that you will find
 5 interesting in that report is Mr. Hillier's vision for
 6 what he would like to do with this building and what he
 7 intended to do, one thing that is clear is that -- and Bob
 8 will tell you this tonight. I will ask him to repeat it,
 9 that the project that he designed and which everybody
 10 falls back on said well you will preserve the building.
 11 The entire interior of the building was going to be
 12 gutted. Nothing was going to be preserved.
 13 So coming around full circle, the WJM
 14 supplemental report focuses on the ability -- possibly
 15 after great expense, possibly to save some interior
 16 features, which WJM notes are not visible from the
 17 exterior. And I only mention that to remind you that your
 18 jurisdiction does not extend to matters that are not
 19 visible. So just to that reminder, that is the extent of
 20 the reminder.
 21 I would like Bob to reiterate what it is
 22 you had indicated that you were willing to do by way of
 23 selective demolition and indicate perhaps the cost and
 24 differential between the total demolition and selective
 25 demolition and then perhaps even propose a compromise

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 2 where Cintra is built and the stone in the ground where
 3 Odette's was built. And they are two entirely different
 4 geological formations, even though they are you know quite
 5 approximate to each other.
 6 Now if you can go back to the plans that --
 7 the plans that -- and at our work session your counselor
 8 and I --
 9 MS. McHUGH: Speak into the mic.
 10 MR. HILLIER: Excuse me.
 11 MS. McHUGH: Speak into the microphone so
 12 everybody can hear you.
 13 MR. HILLIER: Okay. So at that meeting we
 14 agreed that we would attempt to tear down all of the
 15 building outside but we would save the walls that are
 16 shown in red here, which go all the way up and support the
 17 chimney.
 18 What we don't know because right now they
 19 are coated in plaster, we don't know whether or not they
 20 are the same stone or possibly brick because there is
 21 brick in the basement and there the chimney themselves are
 22 brick and so we are thinking that that may be brick. We
 23 have -- I can tell you that the price to do what -- a
 24 building with the steel structure to hold up -- but I will
 25 -- while we investigate it, is over a million dollars.

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 2 because I think -- I would like you to tell the Board also
 3 that to use the interior side of this building you would
 4 have to take away all of the interior features,
 5 reconstruct the building. I will let it come from you,
 6 not me, I am not an architect.
 7 MR. HILLIER: Good evening. Can you hear
 8 me?
 9 PRESIDENT GERING: Identify yourself for
 10 the court stenographer.
 11 MR. HILLIER: J. Robert Hillier of 2846
 12 River Road and I am an architect and been an architect for
 13 50 something years. And I have done a lot of development
 14 on the side of my architectural practice and I have done a
 15 few historic restorations.
 16 And when I bought this project I thought we
 17 could restore it. I was a little bit naive about the
 18 stone. And what I found out -- we have a geologist here
 19 tonight, if you want to hear the difference between the
 20 stone in this building and the stone in the Odette's
 21 building.
 22 It has to do with the fact that they didn't
 23 have trucks and that when they built these buildings, they
 24 took the stone out of the ground. And there is a definite
 25 geological difference between the stone in the ground

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 2 We have a proposal right now to tear down
 3 the building and -- for \$88,000. And to save -- to go in
 4 and the contractor would be what is known as selective
 5 demolition, we would go in and basically take the building
 6 apart and leave those walls standing and then we would
 7 brace them to hold them up while we were building the new
 8 building around it. And that operation would cost a
 9 hundred thousand dollars more, which we are willing to pay
 10 but we could also pay that money and have it collapse at
 11 any point. That is the danger that we have, spending that
 12 money and then having the walls not be able to stand but
 13 we are willing to take that chance. And so that is where
 14 we are.
 15 I just want to remind everybody that there
 16 are four categories of preservation and one of them is in
 17 fact replication and that is the fourth category that the
 18 National Park Service has for historic restoration where
 19 you can completely imitate what was there.
 20 Our own intention is to completely and
 21 accurately rebuild the original Cintra with all of the
 22 lattice work, with all of the materials we are going to
 23 save; the shutters where we can, we will save the brick on
 24 the corners and then we are basically going to save what
 25 we can save. And inside we would save the wood flooring,

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2 which may be reusable. We have to refinish it but we can
3 save that and hopefully these original walls would be
4 saved.
5 So that is where we are and the important
6 thing is -- and I just wanted to repeat this, I said it
7 before. Williamsburg was -- is a complete -- stop right
8 there. Go back up. There is a building that we actually
9 moved in Princeton and -- go down one more. Down there.
10 And that is what we restored it to.
11 And so I want to make this building -- with
12 that building we replaced all of the windows, all of the
13 columns and basically all we did was keep the shell and we
14 put it back to the original design that it had been.
15 You can't really see the detail but you see
16 that arched window, that is where the stairway is and that
17 window was originally just a regular square mullion and we
18 went back to the original drawings from McKim, Mead &
19 White and we actually reconstructed it. It cost us \$9,000
20 that window with the curved mullion work in it. And our
21 thought here was to do exactly the same thing but it would
22 be all new construction.
23 So that is where we are. It is a hundred
24 thousand dollars to do the selective demolition. We are
25 willing to do that.

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2 And is there anything else I need to say?
3 MR. VanLUVANEE: One more comment. There
4 is talk in the WJM supplemental report about possibly
5 saving floors. You can save floor boards but you can't
6 save the floors, is that correct?
7 MR. HILLIER: That is correct.
8 MR. VanLUVANEE: Comments on that, please.
9 MR. HILLIER: Incidentally, the joists that
10 are in the building would not meet today's codes and so
11 you can't save the floors as an assembly but we can save
12 the original finished floors like this floor here, we can
13 save those boards and reinstall them in the house and
14 refinish them which we would certainly want to do.
15 And all I can do is assure you that at the
16 end of the day we will end up with a building that looks
17 like the original Cintra mansion.
18 And what is important about that is that
19 all of the porches and the lattice work, which has been
20 lost over the years, all of the deterioration if you look
21 at photos going back to 1917, 1918, you can see that at
22 that point the pebble dash stucco was falling off and they
23 were just patching it with regular stucco.
24 And what we have learned from the various
25 structural engineers is that that was the beginning of the

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1
2 deterioration basically over a hundred years ago. Here.
3 I am back here at the mic so you can hear me.
4 Look at this, there is an arched porch,
5 this is the entrance to it and there was a beautiful
6 carved wood arched porch and there was a balcony up above
7 with a railing and if you look here you can see the stucco
8 was already failing and it had been patched at this point.
9 It had also been patched at this point.
10 Another thing we found out in the photos,
11 which is not the way it is today, is that there -- this
12 was a wooden siding underneath the porch. So it was
13 pebble dash stucco but in here inside it was actually wood
14 siding on the top of the stone and that is all gone. And
15 our proposal is that we put all of that back.
16 MS. McHUGH: What is the date of the photo?
17 MR. HILLIER: 1917.
18 MS. McHUGH: That is what I thought it
19 said.
20 MR. HILLIER: So I am getting on in years
21 and I really want to get this job done. And so -- and it
22 looks like because of the stone deteriorating, I mean you
23 can crumble it with your hands. We really would like to
24 just move ahead and take the building down and build it
25 back to what it originally was.

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2 And when people are going by -- and we will
3 put a plaque there that explains it all, which we have
4 done on all of the buildings we have restored, a little
5 historical plaque. As I think I have suggested before,
6 before we let people move into it we would have an open
7 house in support of the Historic Society of New Hope.
8 That is the other thing we want to do.
9 MR. VanLUVANEE: I mentioned at the
10 beginning of my remarks that Mr. Hillier's firm had
11 retained a geologist to address the issue we had heard
12 about; why can't you move this building, why couldn't you
13 reconstruct this building like you did with Cintra --
14 with Odette's.
15 I would like to introduce Mark Zdepski, I
16 hope I pronounced that correctly. I will let Mark tell
17 you just a little bit about himself. He is a geologist,
18 he grew up as I understand it in New Jersey up around
19 Stockton. He has a lengthy career all around the world in
20 the practice of geology and he is now semi-retired and
21 does some consulting.
22 Mr. Hillier's team found him last week. He
23 did an inspection of the building last Thursday. He
24 generated a report for us over the weekend which I sent to
25 Mr. Fenningham yesterday, just as soon as possible. And

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2 Mark agreed to come tonight to -- just to introduce
3 himself and just tell you -- and I will not ask him to
4 speak for an hour, just to tell you what he did and what
5 he found.
6 MR. ZDEPSKI: My name is John Mark Zdepski,
7 Z-D-E-P-S-K-I. I grew up in Milford area,
8 Milford/Frenchtown, New Jersey and I reside now just
9 outside of Stockton.
10 I have a BS and MS in Geology from the
11 University of Alaska in Fairbanks. I spent 11 years in
12 Fairbanks, then went from there to Montana underground
13 mine. Then went from there to Nevada and looked for gold
14 deposits and got laid off in 1985 and moved back to New
15 Jersey and have worked in the environmental business and
16 now I am retired.
17 So last week I got a phone call, whether or
18 not I was available to take a look at some rocks which I
19 always enjoy doing. And I went to the Cintra site and
20 looked at the deteriorated walls and also went through the
21 geologic literatures, the best geologic map for Bucks
22 County is published in the report by Greenman in 1955.
23 And then looked at the -- from the Cintra
24 site went down and looked at Odette's and just compared
25 the two buildings to the geologic setting that they were

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1 placed on.
2
3 The difference between the two buildings
4 are that Odette's is in a thermally metamorphic zone from
5 a Jurassic age intrusion which would be a magna of -- it
6 is a volcanic rock if you were, but it is not volcanic, it
7 is an intrusion, it is solidified underground and cooked
8 up the settlements and hardened.
9 Therefore the Odette's rocks are hard and
10 relatively impermeable in comparison -- the rocks that are
11 up at the Cintra site. In addition to that, the
12 sedimentary cement -- the sedimentary rocks at the Cintra
13 site is calcite which is water soluble at room temperature
14 and ground water temperature.
15 And once calcite begins to dissolve, it
16 creates carbonic acid. There is also iron pyrite which I
17 observed in the sandstones which when it dissolved makes
18 sulfuric acid. So between the two of those they begin
19 deterioration of rock as soon as it is exposed to water
20 from the atmosphere, ground water and oxygen when it is at
21 the land surface promotes a deterioration.
22 And that is the basis of my conclusions
23 that the two were from very different geologic
24 environments and the rocks that construct the building
25 reflect that.

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2 PRESIDENT GERING: I have a question for
3 you. The type of rock that is at this property, my
4 understanding is that there is different variations of it
5 and there are buildings here in New Hope and in Princeton
6 that are still standing up.
7 Can you talk about that?
8 MR. ZDEPSKI: When you say --
9 PRESIDENT GERING: The argillite.
10 MR. ZDEPSKI: They will -- well these are
11 actually argillaceous sandstone and shales. Argillite is a
12 term that is referred -- refers to a clay stone that is
13 dense, hard and well integrated. Argillaceous refers to a
14 clay content.
15 So an argillite is a clay stone and it is
16 -- the one we have here, the black argillite that we all
17 know and love, the jingle stone, blue jingle, lockatong
18 argillite is a well integrated very dense rock.
19 What we have here, which would be off to
20 the north of town here is an argillaceous sandstone in
21 shales that have -- arkosic shales, arkosic sandstones
22 that are not well integrated at all. They are not as
23 suitable as a building stone. They don't appear in any
24 building stone. The building stones of Pennsylvania
25 publications, those stones don't appear there as being a

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1 viable source for building stone.
2
3 PRESIDENT GERING: Thank you.
4 MR. FENNINGHAM: I have a question.
5 PRESIDENT GERING: Go ahead.
6 MR. FENNINGHAM: So Mark, it was said by
7 Mr. Hillier that the rock, stone, argillaceous stone is --
8 was used originally in construction of Cintra mansion
9 because of its proximity to the site.
10 MR. ZDEPSKI: That is what it looks like,
11 yes.
12 MR. FENNINGHAM: So the question is in the
13 site of the existing mansion, that type of sandstone,
14 shale type of argillaceous stone is there now?
15 MR. ZDEPSKI: That is correct. It
16 underlies the land surface there.
17 MR. FENNINGHAM: So it wasn't a decision or
18 a choice to use it, it was the stone that was in proximity
19 to the actual site as they built the Cintra mansion back
20 when it was built?
21 MR. ZDEPSKI: That is what it looks like.
22 Yes, sir.
23 MR. HILLIER: This is the geological map.
24 I will hold it for you.
25 MR. ZDEPSKI: If you just come up here, the

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2 Odette's site is down here and the Cintra site is up here.
3 This red cross hatch is a Jurassic diabase trap rock is a
4 popular term for it. And the big zone at the outside of
5 that trap rock intrusion is shown in a sort of brownish
6 hatch. So this is the cooked up thermally metamorphosed
7 rocks which are called hornfels.

8 And you can see Odette's the original
9 location was right down here in the hornfels zone. And in
10 fact on inspection the Odette's facility building is built
11 out of those hornfels rocks.

12 The rest of this has a general description,
13 there is only -- you can see here there are actually three
14 rock -- precious stone pits that were there at one time
15 probably because of the durability of that hornfels.
16 Whereas if you scan through all of this green up in here
17 for the -- what is called the brunswick (sic) lithofacies
18 and there is only one pit shown on there.

19 And when I read through the building stones
20 of Pennsylvania, the pits that are known for brownstone,
21 which we all know and love is a red/brown sandstone, those
22 are all the way up by Lumberville. And because the rock
23 up there was much better so we call it well-integrated, it
24 is a much more compact, dense rock without that calcite
25 cement that deteriorates.

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2 that I can remember anyway.
3 MS. McHUGH: Mr. Hillier, can I ask you
4 one quick question?

5 So the walls that you want to save, you
6 can't look behind them to see whether they are brick or
7 not before you start demolition to see if you can save
8 them?

9 MR. HILLIER: Right now they are all
10 plaster.

11 MS. McHUGH: Right.

12 MR. HILLIER: And when the structural
13 engineer says he thinks the plaster are holding them up,
14 once we remove the floors surrounding it, that is where
15 the selective demolition comes in. You remove the floors
16 and then you can take the plaster off.

17 MS. McHUGH: You can't spot test?

18 MR. HILLIER: You take the plaster off,
19 then we will know what they are made of. And as I said, I
20 am hoping -- my suspicion is they are brick because the
21 chimneys are brick and there is brick walls in the
22 basement.

23 MS. McHUGH: Okay. Thank you.

24 MR. MAISEL: I have a couple comments.
25 Are we commenting --

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2 MR. HILLIER: He mentioned lockatong
3 argillite and the buildings at Princeton --

4 MS. McHUGH: Speak into the microphone,
5 people can't hear you.

6 MR. HILLIER: The buildings in Princeton
7 are the dormitories or buildings of the lockatong
8 argillite which is different than -- we have been calling
9 it argillite but Mark has a much longer word for it.

10 PRESIDENT GERING: Thank you.

11 MR. MEYER: That was very helpful. Thank
12 you very much.

13 MR. VanLUVANEE: That is where we were
14 going to stop tonight rather than bringing experts back.
15 I think you got -- you have heard enough and I think the
16 structural engineers and the geologist are all on the same
17 page as far as the quality of this material.

18 And I think the conclusion that was reached
19 by the structural engineers is still the -- is consistent
20 with what we are requesting you to do, is consistent with
21 the recommendation of HARB and that is that that building
22 should be demolished and reconstructed as Mr. Hillier has
23 described to you so that it actually looks like the
24 original building with the pebble dash stucco rather than
25 what it has looked like for about the last 50, 60 years

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2 PRESIDENT GERING: Well let me put a motion
3 on the table.

4 Can I have a motion for approval for
5 demolition for 181 West Bridge Street?

6 MR. MAISEL: I will make that motion.

7 MR. MEYER: Second.

8 PRESIDENT GERING: Council discussion?

9 MR. MAISEL: I read the WJM Engineering
10 report which Mr. Hillier was kind enough to pay for. We
11 selected it and we got what I think we were perhaps afraid
12 we were going to see.

13 And that is on a personal level it looks
14 somewhat hopeless but I do want to -- I think we need to
15 go on record with the observations that were made by the
16 engineering firm.

17 And I am reading close to 19 or 20
18 observations that were made and I think 15 of them refer
19 to roof covering is in poor condition and is permitting
20 water intrusion. The roof failures are permitting bulk
21 water. Failure permitting bulk water intrusion to the
22 stone walls.

23 And almost through 15 of the 20
24 observations that were made by the engineering firm speak
25 to something that is clearly gone on for at least the last

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1 10 or 15 years in earnest.

2 And I appreciate Mr. Hillier's comment
3 regarding being naive about what he was embarking on, but
4 it still doesn't diminish the point that this thing was
5 really neglected whether it was inadvertent or not, and I
6 think using inadvertent is kind.

7 I don't think it changes anything tonight
8 for me. It is a regrettable situation but I personally
9 think that I can't think of any one else that I would like
10 to have shepherd this than Mr. Hillier. I think his
11 competency and his appreciation of what we are dealing
12 with and at this point in his career that I don't think he
13 is looking for a get quick rich thing. So I can
14 appreciate that he is going to be at the helm of this
15 thing and spearheading it.

16 And in my opinion, they have met the
17 threshold that we have put in front of them to get this
18 permission.

19 MS. FEDER: I second everything that Ken
20 said absolutely. And thank you for your plans to try and
21 preserve the interior walls even though I understand that
22 our purview is primarily the exterior. I think going the
23 extra mile to preserve those interior elements is really
24 something that we all appreciate it.

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1 understand what you are saying, Mr. VanLuvanee, that was
2 discussed at HARB. Having not been at the HARB meeting, I
3 just wanted a quick point of clarification.

4 MR. VanLUVANEE: I didn't bring all of the
5 transcripts.

6 MS. FEDER: Item E says prior to demolition
7 that the applicant will consult with the Pennsylvania
8 State Historic Preservation Office to determine approvals
9 necessary to satisfy the Pennsylvania State History Code
10 or the National Preservation Act.

11 And then skipping to the end it says it is
12 required by DEP policy and the Pennsylvania State History
13 Code that the applicant consult with the PA --

14 MR. FENNINGHAM: First the planning
15 commission report is advisory.

16 MS. FEDER: Sure.

17 MR. FENNINGHAM: And going beyond that to
18 HARB, the resolution from the HARB recommendation was to
19 hire WJM Engineering to go right to the heart of the
20 issue, whether the building itself -- rather than
21 administrative review, Steve Mohan, who is here tonight to
22 answer any questions you may have of WJM Engineering.

23 He did his own site inspection and
24 determined what Mr. VanLuvanee said which is consistent
25

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1 I had a question, I don't know if it is for
2 Mr. Hillier, for Pete and our attorney. I was looking
3 over the March 1, the zoning -- the BC-- the Bucks County
4 Planning Commission suggested conditions of demolition.
5 It looks like so many of them are already in the COA.

6 I just had a question about item E which is
7 talking about will consult with the Pennsylvania State
8 Historic Preservation Office prior to demolition and I
9 didn't see that in our COA. I wasn't sure if there was a
10 reason there and/or that has already been covered
11 somewhere else.

12 PRESIDENT GERING: We will let legal
13 counsel respond to that.

14 MR. VanLUVANEE: I can tell you that the
15 conditions were discussed with HARB and we explained to
16 HARB why those -- through our expert, why those conditions
17 were not necessarily appropriate or required or were
18 necessary and HARB obviously chose not to include them.
19 There is no requirement that we consult. Your consultant
20 -- the Bucks County Planning Commission is not correct in
21 his statements.

22 MS. FEDER: About the DEP policy? It is
23 item E. The reason why I am asking this, the Bucks County
24 Planning Commission's list of suggested -- I completely
25

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1 with his reports, that there is no -- the exterior walls
2 cannot be salvaged.

3 MS. FEDER: Sure. I just wanted to make
4 sure that the policy highlighted in there about having
5 mandating this --

6 MR. FENNINGHAM: I think that is a good
7 observation but I think we are beyond that.

8 MS. FEDER: I just wanted to double check.

9 MR. FENNINGHAM: I would add to the point
10 that in Mr. Mohan's reports, both reports he refers to
11 careful assessment, sequencing. And what I understand and
12 I will state this, I don't want to speak for Steve because
13 he is here.

14 But even if there was an effort to do
15 selective demolition by assessment of interior components,
16 each step along the way of perhaps five steps within the
17 engineering process could result in a negative
18 determination.

19 In other words, you can get past step one
20 and it is a go. Take away the plaster on the interior
21 walls. Step two looks for anything that would be
22 indicative of not -- it is saved. It is solid.

23 And you get to step three and that negates
24 step one and two.
25

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 2 So you see in his report, Mr. Mohan's
 3 report when he talks about this review sequencing, that is
 4 a very critical factor. And what he says in his report to
 5 you as the expert -- independent expert is that it is
 6 possible to preserve some element of the interior part of
 7 the building.
 8 But his conclusion is, as Mr. VanLuvanee
 9 stated, it is on page six and the ambiguity that was the
 10 reason for the meeting was that very issue, to decide what
 11 is really being said about selective demolition, what is
 12 really attainable.
 13 And I think I can tell you what I came away
 14 with which was it is really not feasible to not only
 15 select demo but what is really the conclusion of the
 16 independent expert is to demo the building and use new
 17 materials.
 18 Because as Mr. Hillier said, he will try to
 19 preserve floor pieces but the floor itself as constructed
 20 with the joists won't meet today's load-bearing
 21 requirements. And put another way, I would not want to be
 22 in that building when some one started taking the plaster
 23 off the interior walls to see if they will crumble down
 24 upon us. I mean that is really the practical conclusion
 25 of what is in both WJM reports. I mean to put it in the

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 2 construction field for a number of years and running a
 3 very successful construction company, the brick walls --
 4 possibly the brick walls inside -- what I like to say
 5 about that, that structure has been absorbing moisture.
 6 Now if there is brick walls in there and they have been
 7 absorbing moisture, the age of those brick are
 8 deteriorating, the mortar is deteriorating.
 9 I think it is totally insane -- insane to
 10 try to save any of that. I think it should all come down
 11 and let this man get started with something that will be a
 12 credit to our community. Thank you.
 13 PRESIDENT GERING: Jay, did you have
 14 something to say?
 15 MR. FREEO: Yes. A few items.
 16 Jay Freeo, 186 South Main Street, New Hope.
 17 I read through the reports and came to
 18 similar conclusions that Ken did. One thing the report --
 19 the WJM report, the preliminary report did indicate that
 20 the extent of the decay was astounding and I attended many
 21 of the prior meetings, and the neglect was apparent.
 22 And like Ken, I went through and counted
 23 seven references to bulk water intrusion. There is eight
 24 references to water infiltration. And what I can tell
 25 about that stone is it is poor quality stone, however if

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 2 most blunt way.
 3 PRESIDENT GERING: Any other --
 4 MS. McHUGH: I just want to say this was
 5 not one of my favorite projects. I hate seeing anything
 6 come down in New Hope, especially something historic.
 7 And we were really excited when you came
 8 back before Council and gave us your grand plan. But I
 9 have to say we have asked a lot from you and you have
 10 provided and you have used the people we asked you to do.
 11 You have done the reports we asked you to do. You brought
 12 in experts that we didn't ask you to do.
 13 So I mean I just see a decaying property
 14 and something needs to be done with it. Letting it sit
 15 for much longer will do no good for anybody so that is how
 16 I feel. It is not with a happy heart that I do it.
 17 PRESIDENT GERING: Any other Council
 18 comments? Any one from the public?
 19 MS. McHUGH: I would like to hear what the
 20 public has to say. There is a lot of you here.
 21 PRESIDENT GERING: Yes, Mr. Balderston.
 22 MR. BALDERSTON: Joe Balderston. As I said
 23 back in -- I think it was the April meeting, the building
 24 should be torn down before it becomes a pile of rubble.
 25 My experience that I have had in the

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 2 it is kept dry and if it is kept not exposed to the
 3 atmosphere, it will retain its integrity. And that is why
 4 it has lasted this long.
 5 It is once the maintenance fell apart on
 6 many fronts, some prior to Mr. Hillier's purchase of the
 7 property and a lot of it after, that is what contributed
 8 to the catastrophic failure of the structural integrity of
 9 this building. And as far as the shoring goes, the
 10 attempts at shoring that building were purely pathetic
 11 when you drive by.
 12 What I would like to know too is does the
 13 approval of the demolition that we have voted on now, does
 14 it carry with it any follow on development to that
 15 property? This I assume is strictly a permit for the pure
 16 demolition and any follow on activity for the property
 17 will be a totally separate issue?
 18 PRESIDENT GERING: Yes.
 19 MR. FREEO: Thank you.
 20 PRESIDENT GERING: Any other public
 21 comment?
 22 MS. STAGNITTO: Hello. Laura Stagnitto,
 23 S-T-A-G-N-I-T-T-O. I have been here a few times and I am
 24 one of the people that desperately wanted to save the
 25 building. I agree with Laurie, it is heartbreaking to see

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2 a historic building torn down in New Hope.
3 But I commend Council and I commend
4 Mr. Hillier, who I have great respect for as a
5 world-renowned architect for going above and beyond and
6 hiring experts, hiring independent experts and it really
7 sounds like he is going to do right by this building.
8 A lot of people are probably surprised that
9 I would say this but I am impressed that he is willing to
10 save things in and out and that he is really willing to
11 replicate it as to that photo from 1917.
12 And so Mr. Hillier, I thank you for this
13 project. And for Council, like I said every one went
14 above and beyond to try to save this building. It is
15 heartbreaking but it is better than what a lot of the
16 other developers are doing in New Hope where they just buy
17 and rip down and build up mega mc mansions. So thank you
18 all.
19 MS. McHUGH: Thank you for that.
20 PRESIDENT GERING: Any other public
21 comments? Yes, Mr. -- is that Glen back there?
22 MR. STEPHAN: Glen Stephan, Stephan Design.
23 I have been in town for 20 plus years and I
24 have presented my case numerous times. We all want to
25 preserve the look of this town because it is awesome where

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2 this demolition. Thank you.
3 PRESIDENT GERING: Thank you. We will
4 vote. All in favor?
5 MS. FEDER: Aye.
6 MR. MEYER: Aye.
7 MS. McHUGH: Aye.
8 MS. RETTIG: Aye.
9 MR. MAISEL: Aye.
10 PRESIDENT GERING: Aye. Opposed? Motion
11 passes. Good luck, Mr. Hillier.
12 All right. Next on the agenda is a
13 Certificate of Appropriateness for 8 Waterloo for
14 demolition of the building.
15 Can I have a motion?
16 MR. MAISEL: I will make that motion.
17 PRESIDENT GERING: Second?
18 MR. MEYER: Second.
19 PRESIDENT GERING: Okay. Mr. VanLuvanee,
20 come and do your presentation.
21 MR. VanLUVANEE: Thank you very much.
22 There is a question again and the answer is
23 expediency that I think you recognize that you have 8
24 Waterloo and 10 Waterloo as separate applications, which
25 was your request, and we agree that they were two

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2 we live. If they had the technology back in the day to
3 build the way we can build today, they would have done it.
4 They didn't.
5 I am all for continuing the look of this
6 town with building with materials that will sustain and
7 comply with building codes so I think we really have to
8 look at preservation in town. But moving forward in
9 technology and how to build using building materials to
10 build these buildings so this is a perfect example of how
11 we take the look and continue the look yet build it the
12 way it needs to be complied with to building compliancy.
13 Thank you.
14 PRESIDENT GERING: Any other public
15 comment?
16 Mr. Duffy?
17 MR. DUFFY: Good evening, Council. Ed
18 Duffy, New Hope, 23 Arden.
19 Once again New Hope has lucked out. New
20 Hope has such karma that we seem to -- by whatever
21 circumstance, match up a great developer with a great
22 project and once again with Mr. Hillier it couldn't be
23 better. We have put him through a lot. You have taken
24 him through the gauntlet and I think he's exceeded the
25 gauntlet so there should be no question that you approve

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2 properties.
3 By the same token, even our expert team has
4 concluded that they have always been together and we have
5 Mr. Ross here who will explain what he found on that -- in
6 that store.
7 The two packages, and I compared them
8 today, with a couple of very minor exceptions like the
9 flood elevation certificates are identical packages.
10 So the question I am asking and -- we have
11 the same team of experts representing both applications,
12 the reports were joined reports so we have duplicate
13 reports if you look at the two applications.
14 So my question is again, does it make sense
15 to consolidate the presentation and consider both?
16 PRESIDENT GERING: I think I personally --
17 I don't know how everybody else -- I read everything you
18 put in there, we have quite a bit and I think my concern
19 is -- I think 8 Waterloo you are asking for -- you're --
20 one of the properties -- I have to go back, you're not --
21 there is no demolition but it is a partial demolition if I
22 am correct.
23 MR. VanLUVANEE: I think this is
24 technically correct. Mr. Ross will be able to speak
25 directly to that.

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2 PRESIDENT GERING: That is for 8, it is 8
3 that you are saving the first floor and the staircase but
4 you're tearing down the second floor; am I correct? Or is
5 that 10?
6 MR. VanLUVANEE: I lose track. The
7 gentleman behind me now is Barton Ross. Barton Ross is a
8 very, very well-known and nationally historic
9 preservationist architect. He is also a planner. You
10 have his CV so I will not go through all of his
11 qualifications.
12 But he has been involved in many, many
13 projects. As you know, we have a team of three -- again
14 nationally known experts on this project; Mr. Primavera
15 who is the historic preservationist who did the report,
16 Mr. Ross and then our structural engineer Matthew Daw from
17 Simpson Gumpertz & Heger in DC also has a national
18 reputation as a historic preservationist architect. Again
19 we have people who have made their living trying to save
20 buildings, not tearing them down.
21 Mr. Primavera is not here tonight but his
22 reports you have read. And Mr. Ross is here to testify
23 briefly. Mr. Daw is here to testify briefly. As long as
24 -- I am prepared to make an offer of proof to the extent
25 that if I called Mr. Primavera that he would testify

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2 MR. VanLUVANEE: But you have to listen to
3 -- you have to read the report in order to put it in
4 context. You have to hear what Mr. Ross will tell you.
5 PRESIDENT GERING: Go ahead.
6 MR. VanLUVANEE: That is why I brought him.
7 I can't speak as articulately as he can.
8 He issued two reports, I think you saw
9 that. There was an initial report and a supplemental
10 report. I will have Barton -- I will not ask him to
11 introduce himself by going through all of his resume
12 because you have that.
13 I will ask him to explain to you how he did
14 the research on this building, that was the subject of his
15 initial report and then how he at the request of HARB
16 modified the plans for the replacement structure, which is
17 not the subject of this hearing admittedly, but to show
18 you how he believes this can be accomplished, preserve
19 what is original of the building even though some of you
20 can't see it. Go ahead, Barton.
21 MR. FENNINGHAM: John, before you go
22 further let me ask you a question.
23 I think for both 8 and 10 it is partial
24 demolition.
25 MR. VanLUVANEE: That is correct I think.

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2 consistent to the conclusions in his report. If I called
3 Mr. Ross he would testify consistent with the conclusions
4 in his report and Mr. Daw would do the same.
5 But it was our intent because we have --
6 Mr. Ross did submit a report following the HARB meetings
7 that was then reconsidered by HARB on its December 6th
8 meeting and that was resulted in the recommendation you
9 have before us. And that report does address I think the
10 issues that you have raised, Ms. Gering.
11 So I will introduce Barton.
12 PRESIDENT GERING: Yeah, it is right here.
13 It is part of the plans that were submitted, it said
14 historic building to remain. Okay. So if you're asking
15 for a Certificate of Appropriateness, how will you have
16 the historic building to remain? Then it says it is only
17 the ground floor and you're tearing down the second floor.
18 What is there to guarantee when you are
19 tearing down the second floor that the whole building
20 doesn't come down?
21 MR. VanLUVANEE: It is not a historic
22 building the way you described it.
23 PRESIDENT GERING: That is what is in front
24 of me, it says historic building to remain. I am reading
25 right after what was submitted to us.

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2 PRESIDENT GERING: That is not what the
3 certificate says, the -- both certificates I have in front
4 of me says for a Certificate of Demolition. So that is
5 part of the problem also.
6 MR. VanLUVANEE: Certificate of Demolition
7 applies whether it is partial or total. You still need a
8 Certificate of Appropriateness for demolition.
9 MR. FENNINGHAM: But part of that
10 recommendation is with the retention of the historic
11 portion. So that is -- I am only making that point --
12 PRESIDENT GERING: That is okay because I
13 am looking at this and I am going if you're asking for a
14 Certificate of Demolition, how are you preserving the
15 historic building and then afterwards you will take the
16 second floor off of it.
17 MR. FENNINGHAM: My point was to say I
18 don't know if we can consolidate the presentations because
19 each structure if it is going to be partially demolished,
20 we need to hear the presentation on each structure.
21 MS. MCHUGH: That is the reason we asked
22 for them to be separate.
23 MR. ROSS: Good evening. All right. So to
24 back up, in March of last year we did a history report
25 about these two buildings. It was actually a double house

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1 that was built as worker housing right along the river.
 2 We determined after going through all of
 3 the historic photos, the historic maps, historic Sanborn
 4 Insurance maps, we determined that the two buildings were
 5 built approximately 1890. And then they were enlarged by
 6 the 19 -- they are clearly shown on the 1909 Sanborn map.
 7 And then they were also shown on the 1924 Sanborn map.
 8 And it very clearly shows that it was a two
 9 story wood dwelling, they were both exactly the same,
 10 symmetrical and had like a saltbox form so a gable roof
 11 and a saltbox form and some kind of porch facing Waterloo
 12 Street.
 13 So then as we went through, you know we
 14 have the benefit of actually walking through the buildings
 15 and seeing what historically remained through the
 16 buildings. So we came up with a lot of findings and
 17 considerations based on what still existed that was
 18 historic.
 19 Obviously these buildings have been, you
 20 know heavily altered over time would be a nice way to say
 21 it. They still have their gable form. They still have
 22 their central chimney there in the middle and so those are
 23 the forms that after we have gone through -- every one
 24 knows you know there was previous applications to
 25

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1 there is only one of the historic staircases that remain.
 2 The chimney is right in between these two portions that
 3 you see in blue here.
 4 And so that is the 1890 portion of the
 5 building. So that is what we are now proposing to keep
 6 and build around and we will take these portions of the
 7 structures, obviously they are severely compromised. One
 8 has brick added to the front of it, the other has been
 9 added onto numerous times in the back.
 10 On the left we have a lot of 1960s and
 11 1950s additions. On the right we have an early '80s
 12 addition that takes up most of the building.
 13 So basically we are proposing to take down
 14 those portions that are not historically significant and
 15 were built much later. We are actually proposing now to
 16 save the 1890s portions and basically build a new
 17 development of housing around it with two new houses. And
 18 the way we have to propose to keep it in the future is we
 19 would have to do a property boundary amendment.
 20 And so that is what we are proposing in our
 21 drawings that the historic portion will end up being 8
 22 Waterloo and the new portion will be 10 Waterloo. So we
 23 will actually have to split it a little bit differently
 24 but that actually gives us two roughly the same square
 25

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1 completely raze the entire site and so we took all of that
 2 information and presentation that was given to HARB before
 3 and now we are actually taking that to heart and save what
 4 is historically the 1890s portion of the building.
 5 They are both built on symmetrical 16x16
 6 stone foundations that are -- you can see in the photos
 7 they still exist in the building, both in the basement and
 8 we are actually going to leave it even though these
 9 buildings flood many times over the years. We are
 10 basically going to keep the two existing portions intact.
 11 They need obviously extensive modification.
 12 Mr. Daw, the engineer, can explain that to you as well.
 13 Basically to protect them from future flooding events and
 14 to build the new building around it.
 15 So they actually are -- if you go back to
 16 the site plan, they are both proposed to be partial
 17 demolition. Yes, on the left there and it is hard to see
 18 but you can see the porch there on the left, that is the
 19 property of 8 Waterloo and then everything to the right,
 20 which is basically two thirds of what you see here, that
 21 is 10 Waterloo.
 22 And so the buildings are exactly split
 23 between 8 and 10 Waterloo so that is the original double
 24 house. And you can see there the historic staircase,
 25

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1 footage new homes. And this way we will be able to keep
 2 the historic portions of the structures.
 3 And you can see there that is the attic
 4 plan. That is what you see in the photos. That is the
 5 only portion of either one that has the attic remaining.
 6 So on the left side, which will be 8 Waterloo, the attic
 7 is no longer remaining.
 8 And so we will -- we are saving, salvaging
 9 all of the historic elements we can including the
 10 staircase, chimney. You know, I think actually unlike the
 11 application it is possible we will be able to sister some
 12 of the floors and be able to save some of the building.
 13 Obviously it has been blown out the back so
 14 off of the back of both buildings basically the facades
 15 have been severely compromised as the buildings have been
 16 expanded towards the water. It requires a lot of new
 17 interventions and sistering and fixing and repairing but
 18 we want to keep the essential forms of these two
 19 structures as much historic materials as possible and
 20 build our new development around it. That is what we are
 21 actually proposing to do on it.
 22 MR. MEYER: Can I get some clarification on
 23 what we are looking at right now?
 24 MR. ROSS: Sure.
 25

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2 MR. MEYER: In the upper right there it
3 says in red 10 Waterloo to be removed but the historic
4 staircase that is referenced in the blue section is in 10
5 Waterloo. So -- and then it says with regard to 8,
6 non-historic portions of 8 Waterloo to be removed.
7 That is something really to me totally and
8 utterly confusing in the diagram that we have up there
9 right now.
10 MR. VanLUVANEE: That is why we had this
11 discussion, Mr. Meyer, with HARB. And Mr. O'Brien was the
12 one who went through and decided how to frame the
13 recommendation and he took the wording that was on the
14 exhibits, even though you and I might decide that it could
15 have been done a different way, but that is why he was
16 specific in framing his motion so that what you do is you
17 look at this plan to decide what gets removed and what
18 doesn't.
19 And you have to remove the plan in
20 conjunction with the recommendations that were made by
21 HARB in its motions.
22 MR. MEYER: I am looking at a plan that
23 says that the staircases are in 10 and we are now talking
24 about preserving something in 8.
25 Would you please explain to me what report

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1 identified as being original is going to be preserved.
2 That is the intent.
3 PRESIDENT GERING: Is that because you are
4 getting tax credits from the federal and state in order to
5 preserve because I heard that at the HARB meeting.
6 MR. VanLUVANEE: Somebody asked a
7 question. I don't know -- I don't remember the answer.
8 PRESIDENT GERING: Mr. Primavera stated
9 that you needed to preserve certain portions in order to
10 get federal credits in --
11 MR. VanLUVANEE: He was not speaking for
12 the owners. I know the owners have not even looked into
13 the issue of whether historic tax credits would apply.
14 You remember we had an original plan from a
15 different architect. Nobody liked the looks of it and it
16 was a total demolition.
17 When Mr. Primavera's -- his recommendation
18 to my clients hired Mr. Ross and Mr. Daw to come in
19 because of their experience in historic preservation and I
20 will call it preference to try to preserve something that
21 is maybe worthy of preserving.
22 And Mr. Ross then identified and Mr. Daw
23 confirmed some of the original parts of the buildings that
24 had not be focused on before and then came up with --
25

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1 it is that all of a sudden moves the staircase from 10 to
2 8. Look at the diagram.
3 MR. VanLUVANEE: The entire -- based on
4 your architectural plans as well as your plans for the
5 redevelopment of the property, one of the reasons you
6 developed the plan was so that you would have all of the
7 historic -- all of the historic building to remain in one
8 of the two structures; is that correct?
9 MR. ROSS: Correct.
10 MR. VanLUVANEE: So we don't have to split,
11 we don't have the staircase in the middle. It will all be
12 on one of the two properties and that is consistent with
13 all of what you're calling the historic building. As a
14 practical matter, the historic building isn't historic, it
15 is just the old original part of the building?
16 MR. ROSS: Correct.
17 MR. VanLUVANEE: Your report indicates that
18 there is no historic significance to this building under
19 the National Registry criteria --
20 MR. MEYER: I am not arguing over the
21 historic --
22 MR. VanLUVANEE: I know you're not, Mr.
23 Meyer. I understand but I think if we follow the
24 recommendations of HARB, everything that Mr. Ross
25

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1 again with Mr. Primavera's suggestion to my clients, came
2 up with a plan for reconstruction of the building that
3 would preserve all of the historic older portions in one
4 -- on one of the two properties.
5 We have said from the beginning that we
6 have to subdivide the property. There is a postage stamp
7 one lot and the other lot is a little bit bigger. But
8 with this current plan you put it all on one structure,
9 you can have a much better chance of preserving and going
10 forward.
11 MR. MEYER: Neither of you has come close
12 to responding to my question.
13 MR. VanLUVANEE: I am --
14 MR. MEYER: Would you come up because and
15 take a look at what I am referring to because you can't
16 see what I am talking about. All right. This is 8.
17 MR. ROSS: Yes.
18 MR. MEYER: This is 10?
19 MR. ROSS: Currently, yes.
20 MR. MEYER: The staircase is 10?
21 MR. ROSS: Currently, yes.
22 MR. MEYER: Is the staircase being moved
23 over to 8 because here it says that you are demolishing
24 all of 10 and over here it says that you are partially
25

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2 demolishing 8 and I am trying to reconcile these two
3 statements with this diagram.

4 MR. ROSS: Yes, sir. I think it is
5 semantics. It is non-historic portions of 8 and 10 are
6 being demolished. The new lot line would be here. This
7 would be the future 8 so that may be part of the confusion
8 but non-historic portions of both current properties are
9 proposed to be demolished. Proposed to be.

10 MS. FEDER: Mr. Ross, just for the benefit
11 of everybody else would you be able to show on the larger
12 screen where the new hopeful property line would be
13 between the two?

14 MR. ROSS: So this is the current property
15 line. Can everyone see that? Current property line, this
16 is 8, that is the original 16x16. This is now 10, that is
17 the original 16x16.

18 So it is a double house with a
19 central chimney. This would have been symmetrical, now
20 only one of the historic staircases remains and one of the
21 historic attics remains with the lathe and plaster.

22 So what we are proposing is to keep the
23 1890 double house but -- so both portions of the site will
24 be equal distance, 30 foot wide for new development.
25 Proposing moving the lot line from 8 to 10 which is

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2 demolished. Then we go further, the additions are then
3 identified by reference to sheets that are attached. The
4 1890 structure will remain at the current location and not
5 be razed nor disturbed during demolition. Detailed
6 demolition plan be submitted.

7 But in the next one Marcor will receive all
8 necessary Certificates of Appropriateness from the Borough
9 for the entire project including for the proposed new
10 structures as well as the approval and initial required
11 building, zoning and land development approvals and
12 permits prior to any demolition.

13 So this is the first step. You are not
14 authorizing demolition tomorrow, probably not next year,
15 maybe not even two years from now because there are a lot
16 of steps that will have to go through to get there.

17 MR. MEYER: There is significant
18 considerations --

19 MR. VanLUVANEE: Excuse me, Mr. Meyer.

20 PRESIDENT GERING: He didn't hear you.

21 MR. MEYER: All right. If we are -- I am
22 still confused by this but I think I clarified now that we
23 are also talking with a diagram that doesn't adequately
24 describe it that we are moving a property line, therefore
25 the labels don't apply in quite the way that they appear

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2 actually center of the site.

3 And over here off the screen where you
4 can't see there is a historic garden wall and a tree and
5 there are two parking spots here that we are proposing to
6 keep. That is how you end up getting a symmetrical
7 portion.

8 So it does say non-historic portions of 8
9 Waterloo to be removed, it is actually technically all
10 non-historic portions of 10 will also be removed. The
11 note should have been the same.

12 MR. VanLUVANEE: The other thing that I
13 might point out, HARB was very concerned that there be no
14 demolition until the Borough had assurance, complete
15 assurance that they knew exactly what was going to happen.

16 Obviously if you go in there and demolish
17 everything right now around this exterior without knowing
18 what is going to replace it, you probably jeopardize the
19 security and integrity of that.

20 So these conditions again were crafted so
21 that you will know exactly what you get. And in the
22 meantime, nothing can be done to these buildings, they
23 will remain.

24 The first condition was that all additions
25 constructed beyond the original 1890 structures would be

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2 to.

3 MR. VanLUVANEE: That is part of the total
4 project and that is why they put the conditions in the way
5 they phrased them.

6 MR. MEYER: All right. So we have an
7 application here for a demolition. I understand that. We
8 have a -- two different applications because we asked you
9 to split them. Total -- estimated total cost of all work
10 items is \$50,000.

11 MR. VanLUVANEE: For demolition, yes.

12 MR. MEYER: For the one or for both?

13 MR. VanLUVANEE: That was for both.

14 MR. MEYER: All right. Because you have
15 got 50,000 in each one, you don't have 50,000 separate.
16 All right. So it is a 50,000 total for the demolition?

17 MR. VanLUVANEE: That was the original
18 estimate, that's correct.

19 MR. MEYER: All right. Fine. I am just
20 looking at the documents that I --

21 MR. VanLUVANEE: I understand. Remember
22 we had we filed one application, we were then asked --

23 MR. MEYER: I am concerned about the fact
24 that 50,000 seems like a rather low -- that may be the
25 original estimate. My suspicion is that it is going to be

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 2 somewhat higher if in fact we are going to try in the
 3 course of demolition to preserve the historic features
 4 that you talked about.
 5 MR. VanLUVANEE: Mr. Ross and I agree with
 6 you.
 7 MR. MEYER: All right. Fine. So we have
 8 got a minor flaw in the application itself. Okay. But I
 9 just wanted to clarify that.
 10 If we are going to start going through the
 11 terms and conditions, let me talk about what -- discuss
 12 them for a moment. The 1890 structures shall remain at
 13 their current location and not be razed nor disturbed
 14 during demolition.
 15 We have had one property in this town that
 16 had a historic building that we were trying to preserve
 17 where we tried to indicate to the developers that we
 18 wanted to make sure that they structurally preserved the
 19 exterior of the building, and the historic building before
 20 they started building anything else.
 21 And it was serious objection to this and
 22 the concern that the Borough had at that point and the
 23 Borough Engineer had at that point was that the
 24 construction process itself could end up damaging,
 25 destroying, making unviable the existing historic

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 2 to me that something on that order is appropriate when we
 3 are dealing with a longer term arising here and something
 4 of that order would seem to be somewhat necessary.
 5 MR. VanLUVANEE: Well I suggest to you that
 6 it isn't necessary in that these buildings are presently
 7 occupied and they are generating income for the property
 8 owner. They have no incentive to tear them down.
 9 If this were a vacant structure, I think
 10 you may have a better argument.
 11 MR. MEYER: I am not concerned about the
 12 intent of tearing it down and leaving it torn down, I am
 13 concerned about the intent -- I am concerned about
 14 external third sort of -- I am not sure of the correct
 15 legal term but third party external events that interfere
 16 with the plans of the developer at the stage at which they
 17 have been fully approved by the Borough and the demolition
 18 takes place and then the Borough is stuck because in fact
 19 the developer cannot take the next steps because of
 20 financial considerations or whatever else.
 21 And I am concerned about trying to protect
 22 the Borough in that situation. So that has nothing to do
 23 with the current occupancy or the current stability of the
 24 building as it sits right now.
 25 MR. VanLUVANEE: Well let me -- this is

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 2 structure.
 3 So my concern is that what you have here is
 4 item four that reads the 1890s structure shall remain at
 5 current location and not be razed nor disturbed during
 6 demolition. I want some language in there that ensures
 7 that it will also be preserved during construction.
 8 This is based on a bad experience that we
 9 have had in the Borough. I don't think that is an
 10 unreasonable change to make. All right.
 11 Demolition plan, I understand all of that.
 12 And on the certificates of approval from the Borough for
 13 the entire project including the proposed new structures
 14 and so on I have got a concern there that results from yet
 15 another nasty experience we have had in the Borough which
 16 is a demolition that took place without a permit that is
 17 still sitting there with nothing having been built.
 18 And I am a little bit concerned about how
 19 the Borough can protect itself in the event of a
 20 demolition and just for the sake of argument, let us say a
 21 deep recession, interest rates going up to 12 percent,
 22 whatever you want to put in there in terms of a negative.
 23 I would like to see the Borough protected
 24 in some manner from having a vacant lot there that is an
 25 eyesore. I am not sure what the proposed -- but it seems

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 2 not a total answer, Mr. Meyer, but if we subdivide this we
 3 will have to elevate the building, do stormwater controls,
 4 have land development agreements in place before we can
 5 start construction. I suspect that that would provide you
 6 with the type of protection you may not have had in the
 7 other case. Just my suggestion.
 8 MR. MEYER: I think -- look, we are
 9 certainly going to get protection in terms of the intent.
 10 I can certainly see the developer moving forward and
 11 expending significant sums to be able to get to that point
 12 at which then the Borough would approve the demolition.
 13 I am concerned about what happens
 14 potentially to the developer after demolition and
 15 protecting the Borough at that stage. It is something
 16 that has concerned me with regard to other developments in
 17 town. I think it's not an unreasonable consideration.
 18 We may be talking about some sort of
 19 escrow, we may be talking about some sort of line of
 20 credit that is in some sense dedicated to completing
 21 something there.
 22 I am not sure what is appropriate. There
 23 are a number of different possible ways of proceeding but
 24 that is my concern with regard to the clause six in the
 25 proposed Certificate of Appropriateness.

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2 And I think that is not an unreasonable
3 thing to think about in terms of some sort of further
4 modification of this thing.
5 And I finally got one more that I just want
6 to point out to you which is that item seven reads the
7 applicant shall conduct all demolition of the additions
8 and retention of the 1890 structures in accordance with
9 the US Secretary of Interior's standards for the
10 rehabilitation of historic structures.
11 I have got no problem at all with that but
12 I still want to make sure we do that in a manner that is
13 also consistent with all of the ordinances and
14 requirements of the Borough of New Hope so that is also
15 included in that paragraph because I think it belongs
16 there.
17 MR. VanLUVANEE: Mr. Meyer, I don't have
18 any problem with that. I just want you to understand that
19 when we talked in front of HARB about these, several
20 different people had concerns that mirrored some of your
21 concerns, the sense was -- and you don't have to agree
22 with this, but the sense was that you are going to have
23 another Certificate of Appropriateness down the road for
24 the house. You're going to have another opportunity there
25 to impose conditions consistent with what you are talking

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1 presentation but I do not believe that anybody is actually
2 testifying.
3 I look at the submissions that you have
4 given us which include things such as maps that predate
5 New Hope moving south of Aquetong Creek which are totally
6 and completely irrelevant to this application and a heck
7 of a lot more than in the hundreds of pages that I have in
8 front of me that have been put there as far as I can tell
9 to obfuscate and confuse this Council and I don't
10 appreciate the presentation.
11 And I want to make it very clear that what
12 I am trying to do is push to get to the specifics of what
13 it is we need to deal with here. If I am being too
14 specific at this point, then fine.
15 MR. VanLUVANEE: I was prepared, as you
16 know I have always been prepared, to offer my witnesses
17 and go through their testimony. It was suggested to me
18 that I should keep my presentation to 30 minutes or less.
19 It was suggested to me that I might even prefer to make an
20 offer of proof rather than introduce the witnesses whose
21 reports you have.
22 Mr. Ross is prepared to take you through
23 every step of his report and I was prepared to go that
24 way. That is what I anticipated. I mean I waited a year
25

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1 about now because we can't start demolition until we have
2 all of those permits.
3 You also are going to have your land
4 development application for subdivision and land
5 development application in front of you which we can
6 accept additional conditions.
7 Their thinking was that we don't know what
8 is going to happen in the next two to three, four years
9 with respect to the total project and you have more than
10 one additional bite at the apple to fine tune these
11 conditions.
12 My clients are certainly understandable and
13 understand your concerns and I just think we are not going
14 to be better able to articulate conditions when we know
15 exactly what it is we are conditioning. This is just the
16 first step.
17 MR. MEYER: Understood fully.
18 Just very, very briefly, the reason that I
19 am taking the stand that I am taking and I am raising the
20 issues at this point in time is that I am dealing with a
21 situation in which I have had an attorney stand in front
22 of me and make repeated references to people testifying.
23 This is not a court of law. You're making
24 a presentation and I appreciate the presentation as a
25

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1 and a half to get here. I was more than happy to do that.
2 Mr. Daw came up here from Washington, DC to
3 tell you about himself and what he did and his
4 conclusions, which are in his report, but we are perfectly
5 willing to let you listen to our testimony all night.
6 MR. MEYER: I have no interest in spending
7 more time than is necessary. What I am concerned --
8 MR. VanLUVANEE: I don't appreciate being
9 criticized for not offering testimony if you don't want to
10 hear.
11 MR. MEYER: Did I object?
12 MR. VanLUVANEE: I thought you did.
13 PRESIDENT GERING: All right.
14 MR. MEYER: I did not.
15 PRESIDENT GERING: I think it is great that
16 you submitted information for everybody and we did read it
17 and I also read numerous pages and it was interesting.
18 Now I will go to our attorney. Since Peter
19 had questions about having you know bonds posted or
20 whatever for this development, would that be what becomes
21 when it is land development and is that when all of those
22 conditions are done? How does that work?
23 MR. FENNINGHAM: Correct. During the
24 normal process there will be presentations as identified
25

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2 in paragraphs six of the recommended Certificate of
3 Appropriateness. So that normal administrative process
4 through land development, building code review, zoning
5 review, stormwater management review will all generate an
6 opportunity to look at the proposed construction plans and
7 impose conditions that are appropriate, including for
8 example performance bonds. So all of that to be done
9 before demolition.

10 PRESIDENT GERING: Okay. Thank you for
11 that.

12 Any more comments from Council?

13 MS. FEDER: Yes. Just taking a step back
14 and thank you for the history of the property, it was an
15 interesting report.

16 I just wanted to make a comment more for
17 Council then as a direct question. Looking at these two
18 properties and thinking about all of the conversations we
19 have had tonight about demolition in the historic
20 district, our design guidelines for the historic district
21 are pretty clear that we shouldn't be demolishing anything
22 unless it is structurally unsound.

23 And as we saw in the application before
24 this, we have gone to great lengths to make sure that
25 demolitions aren't happening to properties that can

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2 MR. VanLUVANEE: I talked to your counsel
3 about how to address that.

4 MR. MAISEL: All right. I think the -- I
5 think the provisions that have been -- and the conditions
6 that were established by HARB are really fairly binding on
7 their part in terms of complying with what needs to be --
8 even though you're addressing -- they are basically by
9 virtue of their agreeing, they are handcuffed to a certain
10 -- the south view from South Main down there is going to
11 be the historic building.

12 You won't even see what might be -- and
13 they have shown renderings in the past as to what might
14 appear on the south side which would be blocked by, you
15 know by structures on Waterloo.

16 So the historic building as it exists is
17 somewhat templated in there where they are handcuffed a
18 bit. And so I think the conditions that were established
19 are binding enough that they are going to have to do a lot
20 to make something out of this that we are not looking for.

21 MS. FEDER: Can I push back that -- you're
22 right the conditions are really well written but I would
23 push back in saying that the historic building is just
24 this 1890 portion.

25 And I understand that we are not talking

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1
2 otherwise be rehabbed or saved. And I understand the
3 applicants on this application point that there is an 1890
4 central house to these two properties; however the
5 historic district isn't set up saying that we need to only
6 preserve houses of a certain date.

7 The district is there to try to preserve
8 the essential character of one part of town. And I am
9 reluctant to green light any demolition that -- and I
10 understand about the conditions in the COA but we have no
11 idea what these applicants are hoping to put up on the
12 other side of it.

13 It is encouraging, of course, that they
14 want to preserve the 1890 portion of the building but I am
15 really reluctant to approve a demolition not knowing what
16 we are looking at the other side of this even with the
17 stop gaps in place.

18 MR. MAISEL: I don't want to be a
19 demolition junky, but first of all I want to make
20 something very clear, you only have 18 months if you get
21 the COA.

22 MR. VanLUVANEE: That is a subject we have
23 to raise yet.

24 MR. MAISEL: You have been talking about
25 years and you know if --

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2 about significance in the National Registry, et cetera, et
3 cetera. What we are talking about is the essential nature
4 of that character and that part of that town.

5 What is to stop anybody else from the
6 historic district to say I want to preserve this part of
7 my property from X date and the rest of it I would like a
8 demolition approval for the foreseeable just in case I
9 want to build something.

10 I think it is a really slippery slope and I
11 think without us understanding what the replacement would
12 be here, I would really pause over approving any kind of
13 demolition. I think it sends the wrong message about the
14 ways in which we handle properties within the historic
15 district.

16 There is a character to that part of the
17 town even though not every part of the two structures on 8
18 and 10 Waterloo date from 1890, I think there is a case to
19 be made for waiting to talk about anything to do with
20 demolition while they are structurally sound, they are
21 inhabited.

22 We have no idea what is coming on the other
23 side of this application in terms of design for the future
24 of the two sites.

25 MR. VanLUVANEE: May I address that?

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1 PRESIDENT GERING: Yes.
 2 MR. VanLUVANEE: That issue was the subject
 3 of a lengthy discussion with HARB. The fact of the matter
 4 is we have to start somewhere. If we don't have a
 5 certificate approving demolition, partial demolition in
 6 this case, then we can't go -- it makes no sense to go to
 7 the next step and start spending money on variances that
 8 we need from the Zoning Hearing Board to pursue the
 9 project because we don't know that we have a project.
 10 MS. FEDER: Sure. Mr. VanLuvanee --
 11 MR. VanLUVANEE: It makes no sense to
 12 submit a subdivision land development application because
 13 we don't know whether we will be able to do what we want
 14 to do. It is a step by step -- it is a very tedious
 15 process but there is a logical progression.
 16 I can assure you we spent at least an hour
 17 with HARB going through the steps and until everyone
 18 understood that while the progression has to start with
 19 the demolition permit, although a demolition permit that
 20 doesn't give us permission to even demolish.
 21 MS. FEDER: Mr. VanLuvanee, I appreciate
 22 all of the time that you have spent at HARB and I know
 23 that HARB has worked so hard on this application as well
 24 as the one for 10.
 25

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1 PRESIDENT GERING: I have to stop you right
 2 there. If we went through town and tore down everything
 3 that people consider eyesores, there wouldn't be anything
 4 left in the charm of this town. So that part is not going
 5 to --
 6 MR. VanLUVANEE: It is not --
 7 PRESIDENT GERING: I will stop you there.
 8 You have tenants in that building so the building is not
 9 on the priority list like the property we just approved to
 10 be torn down.
 11 So what this is is investors buying a piece
 12 of property and deciding they can make more money by
 13 tearing down something again that they feel is "an
 14 eyesore". Maybe it is, maybe it isn't but again, that is
 15 not a good argument.
 16 MR. VanLUVANEE: It is a good argument.
 17 PRESIDENT GERING: Let's move on with this.
 18 MR. VanLUVANEE: Let me explain to you why
 19 it is a good argument or I will have Mr. Daw explain to
 20 you why it is a good argument.
 21 PRESIDENT GERING: If you have people
 22 living in there, it is not a property to be torn down.
 23 MR. VanLUVANEE: That doesn't mean that
 24 that will continue because if you read Mr. Daw's report,
 25

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1 The reason again why I am pausing here is
 2 that we have already started this process with this
 3 property where you came to us with a design for a whole
 4 other plan for the site. So I know that there are
 5 multiple paths that we can go down here, we have already
 6 started with another one, I am inclined to disagree that
 7 we are starting with demolition first before knowing.
 8 I understand your rationale and I
 9 understand that the right plan that -- or the sketch plan
 10 that we saw previously will not be considered. Right now,
 11 again just back to the same point that I have said a
 12 couple of times, I don't want to green light demolition
 13 when it is not a structural necessity and we don't
 14 understand what is coming on the other side.
 15 MR. VanLUVANEE: First of all,
 16 respectfully our offer of proof includes the testimony of
 17 Mr. Primavera, Mr. Ross, who are both experts, both of who
 18 say the same thing. If anything, this building is an
 19 eyesore and detracts from the historic district. There is
 20 no reason to preserve this building at all.
 21 MS. FEDER: That is a personal opinion.
 22 MR. VanLUVANEE: No, it is not a personal
 23 opinion, it is an opinion based on regulations. They both
 24 testified --
 25

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1 he has concluded that something has to happen to the
 2 building very, very shortly or there will be significant
 3 danger of continuing to occupy it, and I am paraphrasing
 4 it. Have I said that correctly?
 5 PRESIDENT GERING: That happens when you
 6 don't do proper repairs. I have managed properties for
 7 30 years. I will not get into that with you.
 8 Your time is up.
 9 MR. VanLUVANEE: My time is not up. I will
 10 make one more comment to you.
 11 PRESIDENT GERING: Go ahead.
 12 MR. VanLUVANEE: You know that substantial
 13 repairs cannot be made to that building unless the
 14 building is elevated. You know that. The repairs that
 15 are described in Mr. Daw's report about which he would
 16 testify are not minor repairs, they are significant
 17 repairs. They would meet the threshold and the property
 18 would have to be raised above the flood elevation before
 19 those repairs can be made.
 20 You can't do this in a vacuum and you can't
 21 say my client is willing to let it sit. He has got to be
 22 considerate of the safety of his tenants too. We are
 23 starting the project so the property can be elevated so it
 24 doesn't flood again as it has done many, many times in
 25

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2 history.
3 The floors are sloping, the walls are
4 sloping. Everything is starting to slide into the river.
5 PRESIDENT GERING: Times up.
6 John, you have a comment.
7 MR. FENNINGHAM: I do have a comment in
8 response to Louise's points, which is the HARB Board
9 itself would mandate Council to detail its reasons for
10 denying or refusing to accept HARB's recommendation that
11 is a totally conditional recommendation.
12 Here is my point; if you deny -- this is
13 section 10-10(B)9, Council's denial would require stating
14 what changes in the plans and specifications would meet
15 the Council's conditions.
16 So in a sense I agree with the process
17 coming forward to seek HARB review and a recommendation
18 for demolition because that ushers in the plans and
19 specifications that will dictate why portions of the
20 building have to be demolished and how they will be
21 replicated or replaced.
22 During that process of reviewing of the
23 plans and specifications for the change to the -- to
24 replicate the building, this paragraph states in HARB's
25 recommendation -- give you the space to drive an 18 wheel

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2 a very similar issue where they were in the floodplain and
3 they wanted to demolish the back part of that property so
4 that they can elevate but we didn't sign off on that until
5 we saw detailed plans.
6 And I understand that the back stop
7 looking for us to then sign off at a later date, what I am
8 very concerned about is setting up this procedure that if
9 you want to demolish something in the historic district,
10 come we will -- identify one small part of the property
11 that is the most historic, which is not consistent with
12 the way our design guidelines are written and then come
13 back later with some type of plan.
14 That is where I am saying I disagree with
15 the --
16 MR. FENNINGHAM: If the plans and
17 submissions on the -- pursuant to paragraph six of this
18 recommendation are not satisfactory, you can stop the
19 process at that point and there would be no demolition.
20 MS. FEDER: I think you are putting
21 demolition before everything else.
22 MR. MEYER: We are also counting on who is
23 going to be sitting here and on various other committees
24 at some point in the future versus our exercising our best
25 judgment now, which are two very, very, different things.

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2 truck through it because if you don't approve those
3 applications whether it is building code, zoning, land
4 development, stormwater management, demolition won't
5 happen.
6 So you're not giving a green light to
7 demolition under this recommendation. You're giving the
8 applicant the process to proceed to provide you those
9 plans and specifications to review consistent with
10 paragraph six. You're not granting demolition approval
11 tonight.
12 MS. FEDER: No, I am aware of that. But
13 Mr. Fenningham, part of the reason again why I am pausing,
14 this is not the first application we have had in the
15 historic district that is looking to demolish some part of
16 their building, and this is the first time I have seen
17 that we are coming for demolition before any other plans
18 being presented alongside it.
19 And thinking of the Farley's building, I
20 know we are not here to compare any application that has
21 come before us.
22 MR. VanLUVANEE: Cintra is one for
23 example.
24 MS. FEDER: Thank you. I am not discussing
25 that. I am discussing the Farley's building where it is

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2 MR. FENNINGHAM: Well the answer would be
3 under the statute that I cited. If you do not accept the
4 recommendation and you denied demolition, then you have to
5 issue the detailed reasons and suggest the changes in the
6 proposed plans and specifications that would justify your
7 denial.
8 That is what the ordinance stated. I am
9 not arguing with anyone. That is what the ordinance
10 states.
11 MR. MEYER: What proposed plan
12 specifications are we referring to here, John?
13 MR. FENNINGHAM: It would be those that are
14 recommended by HARB under the HARB ordinance. So it would
15 be whatever plans are in your package to the extent that
16 they show demolition and what would the area -- the
17 partial demolition and what would be the change, what
18 would be added to the structures in place of the
19 demolition portions.
20 If you're not satisfied and you can point
21 to what was -- the package presented to you as being
22 deficient, that would be the backup under this Section
23 10-10(B)9 that you would be required to issue to the
24 applicant.
25 So it may require you to -- based on this

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2 dialogue tonight, it may require you to take this under
3 advisement to review that presentation in the context of
4 Louise's question, are you satisfied with what is
5 presented to give you a clear sense of where this is going
6 and the necessary aspect of partial demolition.
7 PRESIDENT GERING: So I have a question.
8 So they did apply in here for 8-10 Waterloo.
9 MR. MEYER: No, that is --
10 MS. McHUGH: I don't have that.
11 PRESIDENT GERING: This? Is that an old
12 one?
13 MR. MAISEL: That is --
14 MR. VanLUVANEE: It may be in the package
15 you got. I don't know. The newer concept is near the end
16 of your package.
17 MR. MAISEL: We are not even looking at
18 that prior to this --
19 MR. VanLUVANEE: Mr. Ross made a good
20 comment and I would like Barton to make it but if you're
21 concerned about preserving the look of the old building,
22 raising it is going to help.
23 Could you explain that part?
24 MR. ROSS: If you look at page 0.04 -- this
25 is the point I want to make.

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2 This is all in an effort so that the ground
3 floor including the historic building, the ground floor
4 would no longer be occupied with space that enables us to
5 at least keep the historic appearance of the streetscape
6 the way it is with the two historic portions.
7 Otherwise if we will keep the whole house,
8 the owners really have to raise the entire thing up I
9 believe eight to nine feet which is a significant -- it
10 would really detract from the historic district is really
11 the core tenant of the design here we are trying to
12 mitigate.
13 MR. MEYER: One of the elements of the 1890
14 structures "shall remain at their current location and not
15 be raised nor disturbed during demolition". You just said
16 that. What is now going to happen to the staircase, it is
17 going to be down to some sort of ground level below the
18 occupied space?
19 MR. ROSS: No. That is the beauty of this
20 application, nothing is moving. It can stay there because
21 it is not occupiable space at the ground level so we can
22 leave all of the historic features exactly where they are.
23 If we start raising up the building eight and nine feet,
24 we will lose all of that historic material. It is just
25 inevitable.

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2 MR. MEYER: Get closer to the mic, please.
3 MR. ROSS: Yes, sir. On 0.04 shows some
4 photos of the property flooded. Now right now as everyone
5 knows, both 8 and 10 Waterloo are occupied including on
6 the first floor.
7 So when I came onto this project the
8 options were let's say you don't want to keep the 1980
9 non-contributing portions of the structure you want to
10 save. No demolition.
11 In order for the owners to be able to raise
12 this building, they have to raise the 1890s portion as
13 well and that would unfortunately in speaking to the
14 engineer, would mean demolition of the historic stonework
15 that is under the foundation and at the foundation level
16 in order to make that happen.
17 So by -- the way we proposed developing the
18 property with the new structures that are towards the end
19 of your packet, we are actually able to keep the 1890s
20 portions exactly where they are.
21 So when you are looking down the street,
22 down Waterloo, you would still be seeing the massing, the
23 same form of the historic structure and that was very
24 important to us. And then obviously the larger structures
25 would be raised up higher.

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2 MS. RETTIG: You're proposing to make the
3 bottom space garage and et cetera and all of the habitable
4 space would be raised up above?
5 MR. ROSS: Exactly. And on the left side,
6 on 8 Waterloo we can do most of the addition on the back
7 so you won't notice it from the streetscape when you are
8 walking down Waterloo Street.
9 PRESIDENT GERING: I have a question. What
10 is the height of that property you're proposing since we
11 are approving this whole thing? This is a massive --
12 MS. RETTIG: Can I just ask a question?
13 There is a rendering here -- there is a rendering here in
14 our packets. If we are approving this Certificate of
15 Appropriateness for this partial demolition, are we now
16 also approving this rendering that is in our current
17 packets? I don't believe we are.
18 MR. VanLUVANEE: No, you're not.
19 MR. FENNINGHAM: You're not under paragraph
20 six.
21 MS. RETTIG: So basically this rendering
22 here is a pretty drawing for maybe a frame of reference
23 but we are not approving anything on this rendering?
24 MR. FENNINGHAM: Here is the reason for the
25 rendering. Again this paragraph of the HARB ordinance

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 2 states if Council denies the request for a COA, a written
 3 decision specifying the reasons therefore shall be given
 4 within five days, which shall state what changes in the
 5 plans and specifications would meet the Council's
 6 conditions.
 7 So in other words, you have five days to
 8 say what you would want the applicant to change in the
 9 submission, but paragraph six gives you the open door to
 10 -- if you choose to accept this recommendation, and then
 11 require the applicant to submit the detailed not just
 12 renderings, detailed plans and specifications that you
 13 then would still be able to review, chew up, digest,
 14 approve or not approve.
 15 If you approve, then the demolition would
 16 occur. If you don't approve it, the demolition won't
 17 occur.
 18 MS. FEDER: I understand that. It is just
 19 a process thing where I am uncomfortable considering -- I
 20 am uncomfortable -- I think it is just a process thing
 21 where just like every other application we have had in the
 22 historic district that demolishes some part of their
 23 property, I am uncomfortable considering -- I understand
 24 it is very well written, I know that we have a caveat to
 25 come back and turn this down potentially later on based

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 2 of the work that is to the full administrative process.
 3 That is really the issue here tonight in my view.
 4 MR. VanLUVANEE: We would have to do --
 5 MS. McHUGH: I have a question. We are
 6 well over 55 minutes on this, can we continue this to the
 7 next Council meeting? I have lots of questions and I do
 8 not feel comfortable taking any vote right now.
 9 MR. FENNINGHAM: If -- under those
 10 circumstances, yes. If you're not prepared to make a
 11 decision tonight and you don't want to deny, which would
 12 require the five days, you can table this until the next
 13 meeting.
 14 PRESIDENT GERING: All right. We will
 15 table it.
 16 MS. RETTIG: I don't think we need to table
 17 it.
 18 PRESIDENT GERING: They are okay to vote.
 19 MR. FENNINGHAM: I would suggest to you
 20 that you want to get the consent of the applicant to table
 21 this.
 22 MR. MEYER: Can I clarify -- can I ask a
 23 question of clarification for Council?
 24 If in fact we were to vote to reject, which
 25 I am not sure I am prepared to do. If we are going to

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 2 on the design.
 3 But every other application in the historic
 4 district that demolishes some part of their structure we
 5 consider that demolition alongside design at the same time
 6 and I don't like the staggered waiting that we are
 7 approving demolition, then at some point in the future
 8 maybe we will come back to this and maybe we will consider
 9 it. It is the same thing over and over again.
 10 PRESIDENT GERING: I have a question for
 11 you. Can we send this back and have them submit the
 12 design that they are going to do and then we approve the
 13 whole thing and come back to Council?
 14 MR. FENNINGHAM: You could. What I was
 15 going to say is that you could reverse the process that
 16 Louise is addressing. You could take a position that you
 17 want the construction plans, the replication plans to be
 18 submitted to you for your full review and approval and
 19 those plans could require to implement those plans partial
 20 demolition. So it would be putting the demolition behind
 21 the process of reviewing the proposed construction.
 22 What the applicant -- what Mr. VanLuvanee
 23 is saying is we want to test the waters to see if you
 24 absolutely will never allow any partial demolition for
 25 whatever reason before we go to the expense of doing all

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 2 vote to reject, what is our next obligation to the
 3 applicant?
 4 MR. FENNINGHAM: Within five days you must
 5 state the reasons for your rejection and what they can
 6 change in the plans and specifications to meet the
 7 conditions that would allow you to grant -- accept the
 8 recommendation from HARB.
 9 MS. McHUGH: Are you ready to do that?
 10 PRESIDENT GERING: John, I would like the
 11 recommendation that we approve the demolition but it is
 12 contingent upon us approving the plans for the design and
 13 so forth.
 14 MR. FENNINGHAM: That is what this
 15 recommendation states.
 16 PRESIDENT GERING: Okay. So that would be
 17 the recommendation.
 18 Do we have to put that in a motion or is
 19 that just direct --
 20 MR. FENNINGHAM: I mean you can underscore
 21 paragraph six to be critical to your decision tonight.
 22 MR. MAISEL: I would like to underline the
 23 whole thing. I mean it was brilliantly written to speak
 24 to I think what needs to be spoken to.
 25 PRESIDENT GERING: So let's -- we are going

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2 to have --
3 MS. McHUGH: Are we going to have public
4 comment?
5 PRESIDENT GERING: Go ahead, Pam.
6 MS. KERR: Pam Kerr, K-E-R-R.
7 I think the problem is you have got a
8 process in place that you are not comfortable with and you
9 may need to revisit that so this can't happen again this
10 way.
11 It does feel uncomfortable to say I am
12 approving something without knowing what it means so that
13 seems to be your process so you may have to investigate
14 how to change that so you don't come up against this
15 again. I agree it sounds weird. You're kind of defeating
16 yourself and yet that is what you have to do.
17 MR. MAISEL: I just want to make something
18 very clear, everybody had the document that was concerning
19 the public that we are reaching here and with all due
20 respect to Louise, you know of the process because this is
21 a deviation from what is typically -- we would be doing.
22 But if you read the conditions by which
23 they are being granted, they are -- they are pretty
24 immobilized without the approval of Council and HARB to
25 start with and then Council.

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2 approved -- yeah, partial.
3 Can I have a motion?
4 MS. RETTIG: I will make the motion.
5 MR. MAISEL: I will second.
6 PRESIDENT GERING: Any questions from
7 Council?
8 All in favor?
9 MR. FENNINGHAM: Let me interrupt you. Mr.
10 VanLuvanee, is there any additional information you want
11 to provide?
12 MR. VanLUVANEE: No additional
13 information. I did want to clarify the issue Mr. Maisel
14 had commented on which is the 18-month certificates. I
15 talked earlier to your partner Mr. Labrum about that issue
16 and he suggested something that I was going to suggest but
17 he beat me to it, and that is that in this case since it
18 is a Certificate for Demolition, that the 18 months would
19 run from the time we satisfy the conditions perceived to
20 demolition.
21 So once we obtain all permits, plans,
22 permits, plans and approvals, subdivision, stormwater, all
23 of those permits, we would then have 18 months to demolish
24 the building.
25 PRESIDENT GERING: We have a vote here.

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2 PRESIDENT GERING: All right. So going
3 back. John, repeat that again. So the demolition is also
4 contingent upon us approving their designs?
5 MR. FENNINGHAM: Yes.
6 PRESIDENT GERING: So that is the motion on
7 the table.
8 MR. FENNINGHAM: Those plans have to -- I
9 will call them the construction plans. They have to go to
10 HARB.
11 MR. VanLUVANEE: And back to you.
12 PRESIDENT GERING: So we have a motion that
13 is for 8 Waterloo.
14 All in favor?
15 MS. RETTIG: Aye.
16 MR. MAISEL: Aye.
17 MR. MEYER: Aye.
18 PRESIDENT GERING: Aye.
19 Opposed?
20 MS. FEDER: Opposed.
21 MS. McHUGH: Opposed.
22 PRESIDENT GERING: Motion passed.
23 The Certificate of Appropriateness for 10
24 Waterloo Street, demolition of building. We will have the
25 same stipulations that all of the plans have to be

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2 Are you opposing it?
3 MS. FEDER: Oppose.
4 MS. McHUGH: I am opposed.
5 PRESIDENT GERING: Thank you.
6 MR. MAISEL: I would like to -- that
7 doesn't feel comfortable what you are bringing up. I
8 think it would be 18 months if you were granted
9 permission, they would be starting today.
10 MR. VanLUVANEE: Based on experience, I am
11 not going to get -- if I do my best job that I have ever
12 done, I can't get the Zoning Hearing Board approvals and
13 land development approvals in 18 months. It is just
14 impossible.
15 MR. FENNINGHAM: I agree with that.
16 MR. VanLUVANEE: It just can't happen. So
17 the conditions that they imposed, which we negotiated with
18 them and we are happy with them. I agree with you, we
19 tied our hands as many times as my client can tie their
20 hands but 18 months is not enough time to satisfy the
21 conditions that you are imposing.
22 MR. MAISEL: I didn't realize that.
23 MR. VanLUVANEE: I think your counsel will
24 tell you that I am right about that.
25 MR. FENNINGHAM: In addition to that, aside

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 2 from the mechanics of the presentation, presenting and
 3 preparing the plans, that could go back to HARB.
 4 We have experience of recommendations that
 5 are turned back to HARB so that 18-month period could be a
 6 problem administrating that timeframe so I concur with
 7 both my partner and Mr. VanLuvanee that his proposal that
 8 the 18-month period beginning for the demolition when the
 9 plans are approved because also you may not approve those
 10 plans so demolition may never happen.
 11 PRESIDENT GERING: That is fair. Okay.
 12 All right. Guys, if you can --
 13 MR. VanLUVANEE: Is that now a part of the
 14 --
 15 MR. FENNINGHAM: I would recommend that you
 16 amend the original motion that just was carried to allow
 17 for the 18-month period for demolition to start when the
 18 construction plans as I have called them, have been
 19 approved.
 20 PRESIDENT GERING: Can I have motion for
 21 that?
 22 MR. MAISEL: Construction plans is the
 23 trigger.
 24 MR. FENNINGHAM: Paragraph six is
 25 satisfied.

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 2 record before Council is seconded.
 3 MR. MAISEL: It is seconded.
 4 MR. FENNINGHAM: Call it to vote.
 5 PRESIDENT GERING: We have two opposed.
 6 MR. FENNINGHAM: Okay. Motion for the
 7 second property.
 8 MR. VanLUVANEE: Again thank you for your
 9 extra time.
 10 PRESIDENT GERING: Good luck.
 11 All right. Can I have a motion to
 12 advertise for DROP ordinance amendment. That is the
 13 deferred retirement program for the police.
 14 MS. FEDER: I will make that motion.
 15 MR. MAISEL: Second.
 16 PRESIDENT GERING: Any discussion?
 17 All in favor?
 18 MS. FEDER: Aye.
 19 MR. MEYER: Aye.
 20 MS. McHUGH: Aye.
 21 MS. RETTIG: Aye.
 22 MR. MAISEL: Aye.
 23 PRESIDENT GERING: Aye.
 24 Can I have a motion to authorize
 25 advertisement for landscape services?

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 2 MS. RETTIG: When everything gets approved
 3 by Council.
 4 MR. FENNINGHAM: Everything mentioned in
 5 paragraph six of this certificate recommendation is
 6 approved by Council.
 7 MS. RETTIG: I will make that motion.
 8 PRESIDENT GERING: Can I have a second?
 9 MR. MEYER: Second.
 10 PRESIDENT GERING: All in favor?
 11 MR. MEYER: Aye.
 12 MS. RETTIG: Aye.
 13 MR. MAISEL: Aye.
 14 PRESIDENT GERING: Aye.
 15 Opposed?
 16 MS. FEDER: Opposed.
 17 MS. McHUGH: Opposed.
 18 PRESIDENT GERING: All right. Good luck.
 19 MR. VanLUVANEE: Thank you for giving me
 20 your time.
 21 MR. FENNINGHAM: Do we have the same motion
 22 for the second property?
 23 MS. RETTIG: Yes, same.
 24 MR. MEYER: Second.
 25 MR. FENNINGHAM: So the motion on the

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1
 2 MS. FEDER: I will make that motion.
 3 MR. MEYER: Second.
 4 PRESIDENT GERING: All in favor?
 5 MS. FEDER: Aye.
 6 MR. MEYER: Aye.
 7 MS. McHUGH: Aye.
 8 MS. RETTIG: Aye.
 9 MR. MAISEL: Aye.
 10 PRESIDENT GERING: Aye.
 11 MS. McHUGH: Excuse me, quiet please in the
 12 back. There is still a meeting going on.
 13 PRESIDENT GERING: Can I have a motion to
 14 approve the fees for Borough professionals for 2023.
 15 MS. McHUGH: I will make that motion.
 16 PRESIDENT GERING: Second?
 17 MR. MEYER: Second.
 18 PRESIDENT GERING: Any discussion?
 19 MR. MEYER: Yeah, John is charging us too
 20 much.
 21 MS. McHUGH: I second that.
 22 MR. FENNINGHAM: I didn't hear that.
 23 PRESIDENT GERING: Any further questions?
 24 All in favor?
 25 MS. FEDER: Aye.

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2 MR. MEYER: Aye.

3 MS. McHUGH: Aye.

4 MS. RETTIG: Aye.

5 MR. MAISEL: Aye.

6 PRESIDENT GERING: Aye.

7 Can I have a motion to approve the

8 resolution -- can I have a motion for an approval of

9 boards?

10 MS. McHUGH: I will make that motion. I

11 like our boards.

12 MS. FEDER: Second.

13 PRESIDENT GERING: Any discussion?

14 All in favor?

15 MS. FEDER: Aye.

16 MR. MEYER: Aye.

17 MS. McHUGH: Aye.

18 MS. RETTIG: Aye.

19 MR. MAISEL: Aye.

20 PRESIDENT GERING: Aye.

21 MR. GRAY: We have the resolution to adopt

22 the fee schedule.

23 PRESIDENT GERING: We just approved that.

24 I did the professional fees, I am so sorry.

25 Can I have a motion to approve the

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2 resolution to adopt the 2023 fee schedule?

3 MS. RETTIG: I will make that motion.

4 MR. MAISEL: Second.

5 PRESIDENT GERING: Any discussion?

6 All in favor?

7 MS. FEDER: Aye.

8 MR. MEYER: Aye.

9 MS. McHUGH: Aye.

10 MS. RETTIG: Aye.

11 MR. MAISEL: Aye.

12 PRESIDENT GERING: Aye.

13 Can I have a motion to approve escrow

14 release #4 for 18-20 West Mechanic Street? That is in the

15 amount of -- Pete has the amount for that.

16 MR. GRAY: The amount of the escrow

17 release is for twenty-four thousand -- \$34,680.

18 PRESIDENT GERING: All right. Any

19 questions?

20 Can we have a motion?

21 MS. FEDER: I will make that motion.

22 MR. MEYER: Second.

23 PRESIDENT GERING: Any questions from

24 Council? Discussion?

25 All in favor?

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2 MS. FEDER: Aye.

3 MR. MEYER: Aye.

4 MS. McHUGH: Aye.

5 MS. RETTIG: Aye.

6 MR. MAISEL: Aye.

7 PRESIDENT GERING: Aye.

8 Can I have a motion to approve the

9 December 5th, 2022 workshop minutes?

10 MS. RETTIG: I will make that motion.

11 MS. McHUGH: Second.

12 PRESIDENT GERING: All in favor?

13 MR. MEYER: I abstain, I wasn't here.

14 MS. FEDER: Aye.

15 MS. McHUGH: Aye.

16 MS. RETTIG: Aye.

17 MR. MAISEL: Aye.

18 PRESIDENT GERING: Aye.

19 Can I have a motion to approve the January

20 accounts payable in the amount of \$256,133.48 and the

21 December 30th and January 13th payrolls in the amounts of

22 \$78,855.56 and \$70,664.03?

23 MS. McHUGH: I will make that motion.

24 MR. MEYER: Second.

25 PRESIDENT GERING: Any discussion?

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2 All in favor?

3 MS. FEDER: Aye.

4 MR. MEYER: Aye.

5 MS. McHUGH: Aye.

6 MS. RETTIG: Aye.

7 MR. MAISEL: Aye.

8 PRESIDENT GERING: Aye.

9 Louise, you're first. Parks and Rec.

10 MS. FEDER: I have no reports. We didn't

11 meet in December but our January meeting is next week.

12 PRESIDENT GERING: Shade Tree?

13 MS. McHUGH: I don't have a report. We are

14 meeting tomorrow and on our agenda for the meeting

15 tomorrow is to talk about corroborating with Parks and

16 Rec. So we hope to have some exciting things coming for

17 Spring.

18 PRESIDENT GERING: Finance Committee.

19 MR. MAISEL: No report.

20 PRESIDENT GERING: Historic Preservation.

21 MR. MAISEL: We have two new additions to

22 the HARB Board and two capable men -- two capable men have

23 added to the HARB Board so it is a really solid board and

24 hopefully have a lot of activity this year.

25 PRESIDENT GERING: Great job. Thank you.

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2 I am the liaison to Zoning. We had a
3 meeting last week and the Playhouse got their approval.
4 Planning Commission.
5 MR. MEYER: Planning Commission meets on
6 Thursday this week so I don't have a report on what we are
7 doing in January. But the one thing that will be added to
8 the agenda when we start talking on Thursday is the fact
9 we want to move forward with a provision of our
10 comprehensive plan. And that is definitely on the agenda.
11 PRESIDENT GERING: Manager's report.
12 MR. GRAY: Just a few items tonight. I
13 have two e-mails that we received.
14 This weekend there was once again a serious
15 accident at the corner of Old York Road and Sugan Road. I
16 expect Chief Cummings can provide the frequency of
17 incidents where his department is contacted.
18 Casual observation suggests that there are
19 about five times as many very near misses and minor
20 incidents combined. Most multi-vehicle events are slow
21 speed and we have seen little injury.
22 However Mrs. Cleary was struck and badly
23 injured walking across Sugan Road while being escorted by
24 family members.
25 The greatest danger for ordinary traffic is

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2 Thank you for your courtesy to hear this.
3 That is from Dene Taylor.
4 We are looking into this at this time with
5 our Public Works Department.
6 The second item is from Liz Rosencrans.
7 Good afternoon, New Hope Borough Council.
8 On behalf of the Delaware & Lehigh National Heritage
9 Corridor I would like to submit a request to discuss the
10 status of the D&L Trail Wayfinding Signage project near
11 the intersection of State Route 32 and New Street.
12 The goal of this project is to install
13 small six inch wayfinding signs along the sidewalks of
14 Main Street to Route 32 between the relocated Odette's
15 building and Waterloo Street to improve safety for trail
16 users as they attempt to cross Main Street and continue
17 north/south along the D&L Trail.
18 Currently trail users tend to cross the
19 road where the trail merges onto Main Street, an unmarked
20 crossing on a blind curve in the road, instead of
21 traveling to a safe crossing at the crosswalk on Waterloo
22 Street.
23 This project aims to install three sign
24 posts along Borough sidewalks with small directional
25 signage and one sign post on state park property to ensure

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2 that the combination of the curve to the right driving
3 north plus the low level of the road in front of the
4 Pigeon Coop mean drivers in either direction may not see
5 opposing traffic.
6 The most obvious issue to a casual
7 inspection is that the south side safety/guard/warning
8 rails have totally decayed or fallen down. The PennDOT
9 safety inspector told me these are not able to be replaced
10 with the current configuration to meet the State
11 standards.
12 The proper and only safe solution is to
13 realign the roadway and eliminate the dip and so on.
14 As you are aware, PennDOT has the
15 responsibility from the center line of Old York Road
16 south, the Borough having the north. Thus we know the
17 damage from Sunday's crash will be properly and promptly
18 repaired and the offender will pay. But PennDOT has
19 ignored this intersection for decades.
20 Will the Borough take the lead in
21 approaching the State to have this intersection rebuilt so
22 that it meets expected standards for its classification?
23 Our State Senator has demonstrated he cares
24 about the state roads and highways. Concerned residents
25 will certainly help.

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1
2 the public can safely navigate to a marked crossing in
3 order to continue along the D&L Trail.
4 Over the past few years we have seen a
5 significant increase in trail users on the D&L Trail, a
6 trend that is anticipated to continue especially with
7 recent national recognition and signage additions along
8 the D&L Trail/Delaware Canal Towpath surrounding New Hope
9 to include the 911 National Memorial Trail.
10 More trail users have amplified the need
11 for these safety/wayfinding improvements and signage is a
12 small non-invasive step that will greatly help to reduce
13 pedestrian/bicycle/vehicle conflicts at this location.
14 Conversations began for this project in
15 September of '21 with a site visit including DLNHC staff,
16 Delaware Canal State Park staff and Borough staff. Since
17 this point a signage plan with locations and sign material
18 types has been prepared with and agreed upon by State Park
19 and Borough staff and was submitted to and approved by
20 PennDOT with a minor revision requested at the Waterloo
21 Street adjacent crosswalk.
22 We would like to request the opportunity to
23 join a Council workshop meeting or the February Council
24 agenda to discuss the status and next steps for the
25 project.

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1
2 Thank you for your consideration, Liz
3 Rosencrans.
4 We will consider this at a future workshop
5 for Council consideration.
6 MS. McHUGH: That is important. Make sure
7 that is on the next workshop, will you? Somebody needs to
8 take the lead on that. It is very dangerous.
9 MS. FEDER: Thank you for bringing that up.
10 That is a longtime issue.
11 MR. MEYER: Very, very helpful.
12 PRESIDENT GERING: We will see you at the
13 workshop meeting.
14 Solicitor's report?
15 MR. GRAY: I have one last item.
16 I would like to bring attention to the 2022
17 accomplishments for New Hope Borough.
18 During this year we have done several
19 different projects. I would just like to highlight some
20 of the items that were done last year.
21 Borough Council enacted three new
22 ordinances in 2022; an amendment to our stormwater
23 management ordinance keeps us up to date with
24 environmental mandates from the Commonwealth and continues
25 our commitment to protect the natural environment.

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2 Regulations for swimming pools were updated
3 to include all kinds of pools and hot tubs.
4 The Borough added regulations to the fast
5 growing short-term rentals that have been popping up
6 throughout our region.
7 Our work to improve the Visitor's Center
8 continued through the year and more improvements and
9 upgrades are in store for 2023. All of us in New Hope
10 recognize the importance of this facility in welcoming
11 newcomers and long-term visitors to our community.
12 Further along Mechanic Street we secured
13 FEMA funding to repair the bridge and have also applied
14 for grant funding to install better stormwater
15 infrastructure near the canal.
16 We have purchased new AEDs in several of
17 our public locations and have brought in a new IT provider
18 to handle our computer systems and better serve our
19 residents.
20 After three years of hard work, our police
21 department won its first certification from the
22 Pennsylvania Law Enforcement Accreditation Commission last
23 year.
24 Chief Cummings and his officers have
25 undertaken a thorough review of our procedures and updated

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1
2 equipment and facilities to meet the high standards. Of
3 the 1100 police departments in Pennsylvania, only 145 of
4 them are accredited and 17 are boroughs.
5 Also in 2022 the police department was
6 awarded grant funding for body cameras and new computer
7 hardware. Taken together, the accreditation and updated
8 equipment represents an ongoing commitment by the
9 department to monitor professional standards of policing.
10 We were able to accomplish all of these
11 things while holding the line on taxes and spending. We
12 searched out and secured grant funding. Borough staff
13 identified areas where we could cut costs and increase
14 sufficiency.
15 At the end of the year we offered and
16 Council adopted a 2023 budget with no taxes. Additionally
17 we anticipate when we close the books on 2022, we expect
18 to have a bit over a million dollars in surplus funds on
19 hand to help deal with future emergencies. And that is
20 all I have. Thank you.
21 PRESIDENT GERING: Thank you.
22 MR. MAISEL: Hoping that report will end up
23 on the webpage.
24 MR. GRAY: And we will submit this to a
25 local Herald.

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2 MR. MEYER: Outstanding.
3 PRESIDENT GERING: Thank you. You guys did
4 a great job.
5 Solicitor's report?
6 MR. FENNINGHAM: Thank you. I have two
7 items to address to Council. The first is to recommend a
8 motion be adopted tonight to rescind the December Council
9 vote to authorize the Borough to enter into a parking
10 lease with the Oldestone Church of New Hope LLC because
11 the decision and the negotiations with Oldestone Church
12 was to lease a parking lot with 25 spaces but the physical
13 examination of the lot in question revealed there is only
14 19 spaces so the parties are unable to reach an agreement.
15 So the parking lot lease that was drafted
16 and was presented and reviewed will not be signed.
17 Therefore I recommend that you rescind your authorization
18 for the Borough to enter into a lease tonight.
19 PRESIDENT GERING: Can I have a motion to
20 rescind?
21 MR. MAISEL: I will make that motion.
22 MR. MEYER: Second.
23 PRESIDENT GERING: All in favor?
24 MS. FEDER: Aye.
25 MR. MEYER: Aye.

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1
 2 MS. McHUGH: I recuse myself.
 3 MS. RETTIG: Aye.
 4 MR. MAISEL: Aye.
 5 PRESIDENT GERING: Aye. Thank you.
 6 MR. FENNINGHAM: The second matter is in
 7 connection with the River House project and Raven parking
 8 lot projects dealing with Gateway to New Hope LLC.
 9 I am raising this because one of the
 10 original letters of credit issued by the Bank of America
 11 will expire and terminate Monday, January 23. Your
 12 Borough Engineer, your Borough Staff, Mr. Gray and I have
 13 been working to determine the appropriate level of
 14 escrows, et cetera under the land development security
 15 agreements.
 16 I would recommend a motion that the
 17 developer, that is Gateway to New Hope LLC, be required to
 18 maintain the full letter of credit that would otherwise
 19 expire on Monday on a day by day basis going forward until
 20 the developer provides the Borough sign-off letters and
 21 written confirmation of escrows held by the Pennsylvania
 22 Department of Transportation and the Bucks County Water
 23 and Sewer Authority to assure completion of all public
 24 improvements required by them, those agencies, as
 25 recognized within your Borough Engineer's final punch list

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1 which was issued today.
 2 Then I will make a second recommendation on
 3 a second motion.
 4 PRESIDENT GERING: Can I have a motion?
 5 MS. RETTIG: I will make that motion.
 6 MR. MEYER: Second.
 7 PRESIDENT GERING: All in favor?
 8 MS. FEDER: Aye.
 9 MR. MEYER: Aye.
 10 MS. McHUGH: Aye.
 11 MS. RETTIG: Aye.
 12 MR. MAISEL: Aye.
 13 PRESIDENT GERING: Aye. Thank you.
 14 MR. FENNINGHAM: The second motion is to
 15 authorize a drawdown on the Bank of America letter of
 16 credit in the amount of \$21,400 unless other existing cash
 17 escrows can be substituted to provide security for the
 18 submission of as-built plans for both projects related to
 19 River House and Raven parking lot as items on the Borough
 20 Engineer's final punch list issued again today.
 21 PRESIDENT GERING: Can I have a motion?
 22 MR. MAISEL: I will make that motion.
 23 MR. MEYER: Second.
 24 PRESIDENT GERING: All in favor?
 25

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1 MS. FEDER: Aye.
 2 MR. MEYER: Aye.
 3 MS. MCHUGH: Aye.
 4 MS. RETTIG: Aye.
 5 MR. MAISEL: Aye.
 6 PRESIDENT GERING: Aye.
 7 MR. FENNINGHAM: Let me explain for the
 8 record that the amount of \$21,400 is twice the amount that
 9 is listed for those two completion items on a 2018 Gilmore
 10 Engineering escrow report. So I recommend it because of
 11 the time difference that we have taken that \$10,700 for
 12 both as-built plans and light fixtures that need to be
 13 installed to complete the Raven project, we multiply it by
 14 two to come up with the \$21,400. That is the explanation
 15 for the amount.
 16 PRESIDENT GERING: Thank you, John.
 17 Do we have any announcements? All right.
 18 Can I have a motion to adjourn?
 19 MS. McHUGH: I will make that motion.
 20 MS. RETTIG: Second.
 21 PRESIDENT GERING: How many people were
 22 online tonight?
 23 MR. DECKER: Fifteen.
 24 - - -
 25

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1 (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

- - -

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