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NEW HOPE BOROUGH COUNCIL  
BUCKS COUNTY, PENNSYLVANIA  
- - -  
FEBRUARY COUNCIL MEETING  
- - -  
NEW HOPE BOROUGH COMMUNITY ROOM  
123 NEW STREET  
NEW HOPE, PENNSYLVANIA 18938  
- - -  
TUESDAY, FEBRUARY 21, 2023  
COMMENCING AT 6:30 P.M.  
- - -

BOARD MEMBERS PRESENT:

CONNIE GERING - PRESIDENT  
LAURIE MCHUGH  
TINA RETTIG  
LOUISE FEDER  
KENNETH MAISEL  
DANIEL DOUGHERTY  
- - -

ALSO PRESENT:

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

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PRESIDENT GERING: I would like to call  
the meeting to order. Please stand for the Pledge of  
Allegiance.  
Pete, if you can take roll, please.  
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. Dougherty?  
MR. DOUGHERTY: Here.  
MR. GRAY: Mr. Meyer? Mayor Keller?  
Ms. Gering?  
PRESIDENT GERING: Here. Thank you.  
Since the Mayor is not here, we will skip  
the Mayor's report for tonight. We are going to go to the  
first item on the agenda. Can I have --  
MR. GRAY: Public comment.  
PRESIDENT GERING: We will pass it for  
right now.

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MS. MCHUGH: We will do public comment as  
stated on the agenda.  
PRESIDENT GERING: Can I have a motion to  
approve the resolution for the Devil's Tea Table Alliance?  
MS. FEDER: I will make that motion.  
MS. MCHUGH: Second.  
PRESIDENT GERING: Louise, would you like  
to give a little summary on that one since you chaired it?  
MS. FEDER: Sure. At the last workshop  
meeting we had representatives from the Devil's Tea Table  
Alliance present information about potential work by the  
New Jersey Department of Transportation that may help deal  
with rockfall mitigation. But neighboring municipalities  
have found that we are not getting enough information  
about what that mitigation effort might look like.  
The information that has been garnered  
looks as though it could be an extremely severe impact to  
the scenic qualities of the river as well as potential  
environmental factors as well.  
Is any one from the Devil's Tea Table  
Alliance here and would like to say a quick --  
PRESIDENT GERING: Yes. The gentleman  
here. If you can identify yourself, please.  
MR. COLLINS: My name is William Collins.

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1 I live in Solebury.  
 2 And I believe Mr. Freeman gave a  
 3 presentation to you and I haven't read the resolution but  
 4 he asked me to be here because he couldn't be here. I am  
 5 a founding member of the Tea Table Alliance and it  
 6 includes members from New Jersey and Pennsylvania.  
 7 I think it is just important to go over a  
 8 couple things. The New Jersey project at the Devil's Tea  
 9 Table is one of several that the New Jersey DOT has  
 10 identified as "safety improvements". The problem is that  
 11 they haven't followed standard procedure for public  
 12 involvement or for technical analysis and so they have  
 13 really created a series of let's call them potential  
 14 projects that are solutions, predetermined solutions in  
 15 search of a problem.  
 16 The issues with the Devil's Tea Table or  
 17 what is proposed for the Route 29 segment from south of  
 18 Lambertville, south on 29, are basically excavation of the  
 19 mount side environment. I would be happy to answer any  
 20 other questions, what the impacts are ecologically as well  
 21 as visually.  
 22 MS. FEDER: Thank you.  
 23 MR. COLLINS: Thank you.  
 24 MS. McHUGH: Thank you.  
 25

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1 All in favor to pass the resolution?  
 2 MS. FEDER: Aye.  
 3 MS. McHUGH: Aye.  
 4 MS. RETTIG: Aye.  
 5 MR. DOUGHERTY: Aye.  
 6 MR. MAISEL: Aye.  
 7 PRESIDENT GERING: Aye. Good luck, guys.  
 8 Can I have a motion to approve the escrow  
 9 release for Gateway to New Hope?  
 10 MS. FEDER: I will make that motion.  
 11 PRESIDENT GERING: Second?  
 12 MR. MAISEL: I will second it.  
 13 PRESIDENT GERING: Any discussion from  
 14 Council?  
 15 MR. MAISEL: The only question I have and  
 16 maybe it is self-explanatory, when looking at this the  
 17 release for the 584, the 584,000 from a proportionate  
 18 standpoint seems like it is extremely high in relationship  
 19 to what other amounts were utilized and then were  
 20 ultimately released.  
 21 In this case we were -- the security was  
 22 836 and we are releasing 584 so there seems to be a little  
 23 -- like maybe the disconnect in terms of what was spent  
 24 and what was allocated initially.  
 25

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1 PRESIDENT GERING: Yes, please come on up.  
 2 MR. BRIAN DOUGHERTY: Good evening. I am  
 3 Brian Dougherty, D-O-U-G-H-E-R-T-Y.  
 4 MS. McHUGH: Speak into the microphone,  
 5 please.  
 6 MR. BRIAN DOUGHERTY: So I am here on  
 7 behalf of the Devil's Tea Table Alliance. Steve Freeman  
 8 asked me to be here tonight.  
 9 I wanted to add to Bill's comments that  
 10 over the past six to eight months we have been working  
 11 with local municipalities and government agencies to pass  
 12 resolutions like the one that New Hope is looking at.  
 13 So Kingwood Township, Solebury Township,  
 14 Tinicum Township, Delaware Township, West Amwell Township,  
 15 Stockton Borough, Plumstead Township, Frenchtown Borough,  
 16 the Lenape Nation, Hunterdon Commissioners and Delaware  
 17 Wild and Scenic have all passed resolutions similar to the  
 18 one that is before the Board tonight. So we really  
 19 appreciate it if we can have your support too. Thank you.  
 20 PRESIDENT GERING: Thank you.  
 21 Louise has done a wonderful job putting  
 22 together a resolution inline with the other towns.  
 23 Any questions from Council? Any comments?  
 24 Anyone from the public?  
 25

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1 Pete, is that something that we can talk to  
 2 at all?  
 3 MR. GRAY: Certainly. This was the  
 4 initial amount that they posted. This is for the --  
 5 PRESIDENT GERING: Microphone, please.  
 6 MR. GRAY: This is for the River House  
 7 project itself. They initially posted \$836,000. There  
 8 was a previous release about two years ago and this is for  
 9 the remainder of the release for the entire project and --  
 10 Michele, correct me if I'm wrong, the project is  
 11 substantially complete and at this time they are  
 12 requesting release of all of the remaining funds.  
 13 MR. MAISEL: It seemed like it was a lot in  
 14 holdback that we had for something this size. I mean,  
 15 disproportionately higher than what would typically be the  
 16 case.  
 17 MS. FOUNTAIN: I can tell you that all of  
 18 the -- most of the work has been done for quite some time  
 19 and actually getting the release to a point where we were  
 20 satisfied that enough of the work was done to come before  
 21 Council and get it approved.  
 22 So we are making this recommendation to  
 23 release the entire letter of credit conditioned upon them  
 24 posting \$15,000 to complete the minor items that were --  
 25

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2 MR. MAISEL: All right. Thank you.  
3 MR. DOUGHERTY: To clarify, there are  
4 still balances that will remain from items 3 and 5. It  
5 sounded like there is --  
6 MR. GRAY: For the other projects.  
7 MR. DOUGHERTY: For the other pieces of  
8 the same Gateway project.  
9 MR. GRAY: There is the Raven, there is  
10 306, there is 308, various projects and we are still  
11 remaining funds on our accounts to provide for the future  
12 work and all Gateway projects.  
13 MR. DOUGHERTY: There is still monies for  
14 pieces that are not complete?  
15 MR. GRAY: Correct.  
16 MS. FOUNTAIN: Except to the temporary land  
17 bridge.  
18 MR. GRAY: Except the temporary land  
19 bridge, that project is complete.  
20 MR. DOUGHERTY: Yes. Okay.  
21 MR. GRAY: Okay.  
22 PRESIDENT GERING: Thank you. Any other  
23 questions?  
24 All in favor?  
25 MS. FEDER: Aye.

10

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2 MS. McHUGH: Aye.  
3 MS. RETTIG: Aye.  
4 MR. DOUGHERTY: Aye.  
5 MR. MAISEL: Aye.  
6 PRESIDENT GERING: Aye.  
7 Next is can I have a motion to approve  
8 authorization to advertise for the 2023 road program?  
9 MS. RETTIG: I will make that motion.  
10 MR. DOUGHERTY: I will second it.  
11 PRESIDENT GERING: Thank you.  
12 Any questions or discussion from Council?  
13 MR. DOUGHERTY: The question is to  
14 advertise these -- the selection of these -- by  
15 advertising these, this -- we are therefore de facto  
16 approving that these are the roads that will be redone?  
17 PRESIDENT GERING: Correct.  
18 MR. DOUGHERTY: These are the eight -- it  
19 looks like there is --  
20 MR. GRAY: There is one roadway, the  
21 Turnberry Road and there is minor work on various  
22 locations in the Borough.  
23 MR. DOUGHERTY: Turnberry Way is a  
24 residential street?  
25 MR. GRAY: Yes.

11

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2 MR. DOUGHERTY: That is more of a -- okay.  
3 That is 50,000. The total is 118,000; correct?  
4 MR. GRAY: Estimated, yes.  
5 MR. DOUGHERTY: A good portion of it is to  
6 resurface the -- the Borough's road back there off --  
7 MR. GRAY: That would be mill and take off  
8 the top portion and --  
9 MR. DOUGHERTY: It is a full --  
10 MR. GRAY: They take -- they do a mill,  
11 they take off the top layer and they will put a new layer  
12 on top of that.  
13 MR. DOUGHERTY: The selection of some of  
14 these are 3700, 6800, et cetera. That one is 50,000.  
15 MR. GRAY: Yes.  
16 MS. FOUNTAIN: Correct.  
17 MR. MAISEL: This happened to be one of the  
18 ones -- is this one of the four up in River --  
19 MR. GRAY: Kingswood.  
20 MR. MAISEL: That was under siege at past  
21 Council meetings that hasn't been touched in 20 years or  
22 something?  
23 MR. GRAY: Yes. This has not been  
24 addressed for many years.  
25 MR. DOUGHERTY: The 118, does that come

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2 from the fuel taxes and that kind of thing? Is this  
3 roadway money? I know it is in the budget but is the  
4 source of it the fuel tax?  
5 MR. GRAY: Liquid fuels money from the  
6 State.  
7 MR. DOUGHERTY: Liquid fuels money. That  
8 money can only be spent on this type of project?  
9 MR. GRAY: Yes, it is restricted to what  
10 the uses can be.  
11 MR. DOUGHERTY: Or this type of project?  
12 MR. GRAY: Correct. Yes.  
13 MR. DOUGHERTY: Okay. So it is not  
14 actually coming from constituents' pockets?  
15 MR. GRAY: Not this money.  
16 MR. DOUGHERTY: Unless they buy gas or  
17 something. Okay. Thank you.  
18 PRESIDENT GERING: Any other comments or  
19 discussion from Council?  
20 Any from the public? Yes, Mr. Clapper.  
21 MR. CLAPPER: Bill Clapper, North Main  
22 Street. Would you care to identify quickly the list of  
23 the roads so that we may --  
24 MS. McHUGH: Can we put them up on the  
25 screen?

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2 PRESIDENT GERING: I'm reading them in  
3 case you can't see the distance. It is 2474 South River  
4 -- sorry, got the wrong one.  
5 MS. RETTIG: I have it. West Ferry  
6 Street. West Ferry Street between West Ferry Street to  
7 Stockton Avenue and then West Ferry Street -- it says West  
8 Ferry Street to Old Mill. West Mechanic Street, New  
9 Street to Stockton Avenue. Stoney Hill Road, West  
10 Mechanic Street to 221 Stoney Hill Road. Stoney Hill  
11 Road, 600 feet up from West Mechanic Street.  
12 Sugan Road, 200 feet west of Stoney Hill  
13 Road a half lane. And then Sugan Road, 214 Sugan Road a  
14 half lane. And then Turnberry Way.  
15 Those are the roads that have been  
16 identified as needing the most repair at this time.  
17 MR. DOUGHERTY: To clarify, a couple of  
18 them are not redoing the road, it is repairing the metal  
19 grates and grades and vertical inlets to the brick curb  
20 lines on those locations, those types of things.  
21 Certainly for \$118,000 we are not getting eight roads  
22 resurfaced. So most of it is the repairing.  
23 MS. RETTIG: Repairing.  
24 MR. DOUGHERTY: Repairing.  
25 PRESIDENT GERING: Thank you.

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1  
2 from Council? Any comments from the public?  
3 All in favor?  
4 MS. FEDER: Aye.  
5 MS. McHUGH: Aye.  
6 MS. RETTIG: Aye.  
7 MR. DOUGHERTY: Aye.  
8 MR. MAISEL: Aye.  
9 PRESIDENT GERING: Aye.  
10 Next can I have a motion to approve the  
11 Certificate of Appropriateness for 129 South Main Street  
12 for an installation of a sign?  
13 MS. McHUGH: I will make that motion.  
14 MS. FEDER: I will second.  
15 PRESIDENT GERING: Thank you.  
16 Any questions or discussion from Council?  
17 Anything from the public?  
18 All in favor?  
19 MS. FEDER: Aye.  
20 MS. McHUGH: Aye.  
21 MS. RETTIG: Aye.  
22 MR. DOUGHERTY: Aye.  
23 MR. MAISEL: Aye.  
24 PRESIDENT GERING: Aye.  
25 Next can I have a motion for Certificate of

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1  
2 All in favor?  
3 MS. FEDER: Aye.  
4 MS. McHUGH: Aye.  
5 MS. RETTIG: Aye.  
6 MR. DOUGHERTY: Aye.  
7 MR. MAISEL: Aye.  
8 PRESIDENT GERING: Aye.  
9 Next can I have a motion to approve the  
10 Certificate of Appropriateness for 44 South Main Street?  
11 This is the Farley's building where they are looking to  
12 put shielding for their utilities and trash area.  
13 MS. McHUGH: I will make that motion.  
14 MS. FEDER: I will second.  
15 PRESIDENT GERING: Any discussion from  
16 Council? Any comments from the public?  
17 MS. McHUGH: I want to see all of the  
18 pictures.  
19 MR. DOUGHERTY: A question I had, this is  
20 for trash?  
21 MS. McHUGH: Correct.  
22 PRESIDENT GERING: Shielding.  
23 MR. DOUGHERTY: When they presented to us  
24 before like where all of the trash is going to be.  
25 PRESIDENT GERING: Any other questions

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2 Appropriateness for 182 South Main Street?  
3 MR. MAISEL: I will make that motion.  
4 PRESIDENT GERING: Second?  
5 MS. FEDER: I will second.  
6 PRESIDENT GERING: Thank you.  
7 Mr. Cohen, where are you?  
8 MR. COHEN: I am am right here.  
9 PRESIDENT GERING: Paul, shall I start or  
10 do you want to start?  
11 MR. COHEN: You can start.  
12 PRESIDENT GERING: So it looks like the  
13 property owners took the liberty and did changes to the  
14 property design from what was originally approved and it  
15 looks like there are eleven items that you had to go back  
16 to HARB to get approval.  
17 So one is a hot tub on the roof. Second is  
18 a window on the south side of the building. It wasn't  
19 supposed to be there. A fireplace chimney cap. Posts in  
20 the driveway. Increase the size of the window on the  
21 south side of the building. My understanding it was  
22 supposed to be a single and it was made a double.  
23 Location of a roof deck railing. Fireplace on the roof  
24 deck. Exterior lighting. Elimination of a sash window on  
25 the front of the house. The elimination of trellis over

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1  
2 garage. Safety wall surrounding the driveway.  
3 Did I cover everything?  
4 MR. COHEN: Yes.  
5 PRESIDENT GERING: Okay.  
6 MR. COHEN: So just to clarify, among that  
7 list, one of the items that -- since HARB my client has  
8 had a chance to look into with regards to the grids in the  
9 sash window on the front of the house. They have  
10 identified an option that will allow them to install those  
11 grids so that is -- those will be addressed and we are  
12 removing that request.  
13 MR. DOUGHERTY: Which one?  
14 PRESIDENT GERING: Which one are you  
15 removing from here? Which number is it on the list?  
16 MR. COHEN: On the application itself  
17 would be item --  
18 PRESIDENT GERING: On the letter that you  
19 sent, I have it right in front of me. There is one  
20 through eleven.  
21 MR. COHEN: I have the application form, it  
22 is letter I. There are actually 12 items. Elimination of  
23 sash gridded window on front of house.  
24 PRESIDENT GERING: So which one are we  
25 eliminating, the sash window?

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1  
2 that everybody thought it was okay and it turned out that  
3 we weren't getting told the whole story so that is my  
4 problem.  
5 MR. LABRUM: In the original presentation  
6 to the HARB they had proposed receiving an approval to  
7 exclude the installation of sash windows on the front of  
8 the house, correct?  
9 MR. COHEN: Correct.  
10 MR. LABRUM: They are now proposing to --  
11 MR. DOUGHERTY: They being who?  
12 MR. LABRUM: The applicant is now  
13 proposing to have those sash windows installed --  
14 MR. COHEN: Correct.  
15 MR. LABRUM: -- on the home.  
16 MR. DOUGHERTY: Those sash windows -- were  
17 those sash windows on the original plans?  
18 MR. LABRUM: They were on the original  
19 plans, correct?  
20 MR. COHEN: They were depicted on the  
21 concept plans. There were no specifics. I mean the plans  
22 that were originally --  
23 MS. McHUGH: Just like everything else --  
24 PRESIDENT GERING: Here we go again.  
25 MR. COHEN: I mean the reason I am saying

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2 MR. COHEN: We are eliminating the request  
3 -- they will install those grids on the window that are  
4 currently existing.  
5 MR. DOUGHERTY: Can I please -- basically  
6 this is the type of thing that stuff is moving around  
7 while we are -- so the stuff we have here doesn't reflect  
8 what you just said so your client I guess has agreed to  
9 install grids?  
10 MR. COHEN: Yes, that is correct.  
11 MR. DOUGHERTY: Therefore it is a question  
12 for legal I guess. Does that mean that -- so often when  
13 this happens, Paul, is we get a verbal like that, that is  
14 not really what we meant when we said that. It is not  
15 really number 11, it is number 11C that we were talking  
16 about.  
17 So I get a little nervous when people  
18 change stuff on the fly with verbals. Just the historical  
19 aspect of things. How do we do that if HARB -- HARB  
20 didn't rule on the grids, they said there needed to be  
21 grids. Now are the grids that they are going to say they  
22 will put in, are they going to be okay because we don't  
23 know. Will they be two over two when HARB thinks they  
24 should be six over six?  
25 That is on the fly stuff. It turns out

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1  
2 that is you asked me whether they will be two by four. We  
3 have no problem, we will discuss with the zoning officer  
4 to be in compliance with that. I believe that is the  
5 zoning officer's purview to determine whether we are in  
6 compliance.  
7 MR. DOUGHERTY: The zoning officer does  
8 approve the HARB window pane layouts or anything --  
9 MR. COHEN: No. But what I am trying to  
10 say with regard to that piece, we are proposing to comply  
11 with the original Certificate of Appropriateness and I do  
12 believe that it is the --  
13 MR. DOUGHERTY: The original Certificate of  
14 Appropriateness said it had to be divided pane.  
15 Did it say true divided pane, Paul?  
16 MR. COHEN: There were no specifics at  
17 all.  
18 MR. DOUGHERTY: Were there divided panes  
19 on the plan at that meeting, not the initial concept  
20 plans, which were a long time ago that the HARB people may  
21 never have even seen for all I know.  
22 Were there divided panes on what the HARB  
23 Board had before it when they said its got to be divided  
24 panes?  
25 MR. COHEN: Well there was no -- I am not

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1  
 2 trying to play games here. There was no specific  
 3 requirement. There were submitted plans that had a  
 4 concept drawing that was approved.  
 5 MR. DOUGHERTY: HARB didn't have those,  
 6 right? HARB doesn't get concept plans to go off of  
 7 because they get the plans.  
 8 MR. COHEN: No. The plans that were  
 9 submitted to HARB were not final architectural plans,  
 10 final building plans, so it wasn't specified if they were  
 11 divided panes or if there was a grid. All that was  
 12 depicted was a grid on the window and that is what we are  
 13 proposing we will comply with at this point in time.  
 14 There were no specifics.  
 15 It wasn't -- the COA that was circulated  
 16 prior to this meeting as a proposal lists the eleven or  
 17 twelve specific items, that is not the case with the COA  
 18 that was approved originally. That is part of the  
 19 problem. It did not call out specific items, it simply  
 20 said that a Certificate of Appropriateness is granted in  
 21 connection with the plans as presented and again at the  
 22 time that all that was presented were concept plans.  
 23 PRESIDENT GERING: Shame on us. So from  
 24 now on I guess the question is going to be -- have to be  
 25 asked by us as Council -- it is a real learning curve. So

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1  
 2 what they might look like. I didn't believe that Council  
 3 would want to see that this evening since it wasn't  
 4 presented to HARB.  
 5 MR. DOUGHERTY: That is where I was going.  
 6 It is good because I think that has to go back to HARB.  
 7 The design of those windows has to go back to HARB on what  
 8 they look like.  
 9 MR. COHEN: We have no problem with that.  
 10 My point --  
 11 MR. DOUGHERTY: Good. So you will go back  
 12 to HARB with the window design.  
 13 MR. COHEN: I don't believe that we need  
 14 to only because HARB already approved it and we are -- our  
 15 intent is to comply with the COA with regards to that  
 16 item, comply with the COA that was issued.  
 17 MS. McHUGH: That is the only part of the  
 18 COA that you're complying to then?  
 19 MR. COHEN: No, of the items we requested  
 20 today that we requested an amendment to. That is one of  
 21 the items that we are basically withdrawing from this  
 22 application so we are saying we will comply with the  
 23 original proposal.  
 24 MR. DOUGHERTY: Okay. And what I am  
 25 looking at here is that there have been two or three

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1  
 2 I guess the questions will be are these concept or is this  
 3 what we are going to get.  
 4 So HARB approved concept plans, is that  
 5 what I am hearing?  
 6 MR. COHEN: HARB and Borough Council  
 7 because ultimately the COA was approved by Council.  
 8 PRESIDENT GERING: We were never told they  
 9 were concept plans. Shame on us. We assumed they would  
 10 be the plans you were going to build.  
 11 MR. COHEN: They were rough renderings of  
 12 the project. I mean I think that the plans speak --  
 13 PRESIDENT GERING: There is no rough  
 14 renderings, either that is what you are building or not  
 15 what you are building. That is fine. Okay. So let's go  
 16 down the list here.  
 17 MR. DOUGHERTY: So my question -- my  
 18 thrust of that is if you're willing then -- if your client  
 19 is then willing to do divided panes and we are supposed to  
 20 then approve the -- approve that, do we have a picture of  
 21 what that looks like?  
 22 MR. COHEN: Not at this point.  
 23 MR. DOUGHERTY: Do you know what they look  
 24 like? Does your client have a picture?  
 25 MR. COHEN: We have a rough drawing of

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1  
 2 notices of violations given to this property where  
 3 admonitions between what was approved and what was  
 4 actually done on that property where we had to use our  
 5 staff, a lot of time to go out, debate, then go back and  
 6 actually file notices of violations to this particular  
 7 project.  
 8 And so I have a hard time -- you saying --  
 9 trusting that it will -- that you won't you know be -- we  
 10 get a lot of lawyerly talk when we say no, that is not  
 11 what we perceived to be what the pane design should be and  
 12 this and that.  
 13 We have past precedence here that we are  
 14 dealing with a situation where even when things are agreed  
 15 to they are not followed and they are in writing and they  
 16 are not followed. And then our staff has to spend -- and  
 17 our legal counsel and our zoning people have to go out and  
 18 cite the applicant when its been written that they are not  
 19 supposed to do that. So that is where I am coming from.  
 20 - - -  
 21 (Mayor Keller arrived at the meeting).  
 22 - - -  
 23 PRESIDENT GERING: I will start with the  
 24 first item on the list, the letter you sent.  
 25 Would you like to finish?

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1  
2 MR. COHEN: If I may. I do want to  
3 mention one thing going into this, just sort of an  
4 introduction. It is important to understand that all of  
5 the work that has been done on this project was done  
6 pursuant to permits that were issued by the Borough. All  
7 of the work that is being completed is consistent with  
8 plans that were submitted, permits that were approved and  
9 final inspections that were conducted.

10 So I do understand that there is  
11 disagreements as to whether these plans are consistent  
12 with and comply with the original Certificate of  
13 Appropriateness. But the idea that my client has tried to  
14 get away with something, they tried to sneak work in is  
15 simply not true. Everything that they have done is  
16 consistent with plans approved by the Borough.

17 MR. DOUGHERTY: They wanted to put a hot  
18 tub on the deck.

19 MR. COHEN: They received a permit of  
20 the --

21 PRESIDENT GERING: I will stop you right  
22 there. Okay. And I will have Rick address this.

23 The plans that were originally submitted,  
24 the designs -- and you will have to correct me, the way I  
25 understood the hot tub was never on there. That is what

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1  
2 MR. COHEN: No. There is a cutout in one  
3 of the images. There is a cutout in the chimney on the  
4 roof deck.

5 PRESIDENT GERING: When you submitted the  
6 application did it specify that there will be a fireplace  
7 there or just a chimney?

8 MR. COHEN: There were no -- to my  
9 knowledge, I was not involved with the original HARB  
10 application submission but to my knowledge there were not  
11 narratives about the fireplace that were included, that it  
12 was in the renderings that were submitted.

13 MS. McHUGH: You don't think that is not  
14 sneaky? You don't think that is misrepresentation?

15 MR. COHEN: I don't believe --

16 MS. McHUGH: That is exactly what that is.

17 MR. COHEN: I don't believe that the  
18 fireplace is actually visible from the right of way. It  
19 certainly wasn't an effort to try to sneak anything in.  
20 It was presented and approved.

21 PRESIDENT GERING: Well I drove to  
22 Lambertville the other day because you supplied beautiful  
23 pictures and I wanted to see what can be seen from the  
24 Lambertville side. I am not sure what this covered in the  
25 green cover over there but you can see what is on that

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1  
2 we approved but then the owners took the liberty of  
3 putting the hot tub and the fireplace and so forth and  
4 this is when this became an issue.

5 So Rick, I will send it over to you.

6 MR. LUPINETTI: Regarding the permits, the  
7 hot tub was never indicated anywhere on the plans. The  
8 only thing indicated for a hot tub was structurals saying  
9 it can support a hot tub up to 7,000 pounds. Nothing was  
10 indicated about a hot tub going on at that time, no

11 manufacturer's specs were provided to me to verify the hot  
12 tub. So that was never part of the permit.

13 Regarding the chimney or the fireplace on  
14 the roof deck, that was on the permit application for the  
15 rooftop for the chimney. That could be verified.

16 MR. COHEN: And that fireplace that was on  
17 the roof deck, also looking back at the original plans  
18 that were provided to HARB, it was there.

19 Again, it was never a point of focus. It  
20 was never discussed at the meeting but in one depiction  
21 where you see that chimney on that plan, you can see the  
22 fireplace shown there.

23 PRESIDENT GERING: So if you see a chimney  
24 they have to assume there will be a fireplace, is that my  
25 understanding?

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1  
2 deck.

3 So if you're going to have a hot tub and --  
4 have a hot tub, I will guess you will have to put some  
5 tables and umbrellas. It gets really hot up there and all  
6 of that will be viewed.

7 MR. MAISEL: Are we attempting to go  
8 through this list like methodically or are we going to  
9 bounce around?

10 PRESIDENT GERING: Well yeah -- I like  
11 Laurie's suggestion, we deny the thing and you can come  
12 back. Just because HARB gave a recommendation does not --  
13 they are an advisory board, Council would have to approve  
14 it.

15 I will speak for myself as one voice, I am  
16 totally against a hot tub on the roof in a historic  
17 district downtown. This is not the Jersey shore. The  
18 house is beautiful. I drive past it all of the time but  
19 this is a Jersey shore house, it is not the heart of the  
20 downtown business district on the river. So I don't know  
21 how every one else on Council feels.

22 MS. McHUGH: I feel the same and you have  
23 taken advantage of this Council and I feel you have taken  
24 advantage of your neighbors. And you have been very  
25 sneaky and it is going to cause us to put everybody else

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1  
2 that comes before us through the ringer because everything  
3 we look at we will have to say well it is on the plans,  
4 there is a picture of it, maybe they are going to put a  
5 fireplace.

6 MR. DOUGHERTY: I agree with Connie and  
7 Laurie.

8 MS. McHUGH: We deny everything.

9 MR. MAISEL: I think that we should  
10 address each one of these items so that they go away with  
11 some clarity as to what is acceptable and not. There is  
12 eleven items here that were approved by HARB. I mean are  
13 they -- is HARB wrong on every one of these items and we  
14 shouldn't address them or are they -- there are certain  
15 ones that we have a problem with.

16 PRESIDENT GERING: I think the question is  
17 do we allow developers to build the property and not  
18 follow the guidelines that we approve and HARB and then  
19 ask for forgiveness and say gee whiz, we did it anyway.

20 This is the other question, do we want to  
21 continue on that path as a Borough? We have a lot of  
22 developments and it is very easy for them to come back  
23 with and say gee whiz, we just put a double window instead  
24 of a single. We will let you guys -- just let us slide  
25 and that is what this case is.

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1 This isn't just one thing, I have eleven  
2 but Paul said there are 12 items that they did that they  
3 did not follow the plans. And I'm sorry if HARB approved  
4 them but this Council has the final say.

5 MR. COHEN: Some of these -- I understand  
6 the concerns we have discussed and a couple of these items  
7 -- some of these items are purely safety issues. So I  
8 would ask that they not be considered and lumped together.

9 For example the safety wall around the  
10 driveway. We have got a nine foot drop on either of the  
11 --

12 MR. DOUGHERTY: It was designed that way,  
13 Paul. We didn't design that, your architect designed it  
14 with a nine foot drop around the --

15 MR. COHEN: That was the design of the  
16 property. It is a street level driveway and what was  
17 provided is there to prevent anybody from falling over or  
18 any vehicles from going over the side. I don't believe  
19 that the wall that was designed creates any issues for the  
20 historic district or is in any way inconsistent with the  
21 historic district. It blends in with the driveway as it  
22 is.

23 Same thing for over -- for example there is  
24 a stairway coming down off of the parking deck, that had  
25

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1 to be repositioned due to sewer easement. I don't believe  
2 that that coming straight down as opposed to having a turn  
3 on the bottom is a substantial deviation from the plans  
4 that were approved. And in fact, that item was not part  
5 of any sort of violation notice. We have raised that  
6 looking at the plans so that we assured when we came here  
7 that everything was covered.

8 Lighting was never addressed by HARB. That  
9 never came in. My clients have complied with zoning, they  
10 provided a full photometry study, something that I have  
11 never seen required for a residential project such as  
12 this.

13 They have shown that they are in compliance  
14 with zoning and they are presenting that and presented it  
15 to HARB for approval. That is not something that had come  
16 up before.

17 So I would ask that Borough Council not  
18 view these all in one lump sum but rather look through  
19 each of these because again going forward -- I assume we  
20 are going to disagree about intent. My clients relied on  
21 their designers and their contractors in going forward  
22 with this project and they relied on permits that were  
23 issued by the Borough to allow the construction but  
24 believing that what they were proposing was substantially  
25

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1 consistent with the plans as presented originally to HARB  
2 and approved by Council.

3 Those plans did not provide any specifics.  
4 There was nothing spelled out or written out with regard  
5 to what was approved. What had been approved were  
6 property concept plans that were presented at the time.  
7 And again, my client moving forward -- and his team  
8 presented plans to the Borough that they believed to be  
9 compliant and permits were issued.

10 MR. DOUGHERTY: For a hot tub?

11 MR. COHEN: There is clearly disagreement  
12 on whether that was approved. We do believe that the  
13 plans as approved did provide for the structural basis for  
14 that hot tub to be installed.

15 MR. DOUGHERTY: I think as a general  
16 concept across the whole span of the project and much of  
17 what Council gets and HARB gets are images that are  
18 ghosted, images that are taken from angles so they cannot  
19 -- things that you know will be lightning rods can't be  
20 really seen. Things are put in the 8 point fonts that  
21 someone needs a magnifying glass to read. Look it said  
22 this on here. Well, it is impossible to read.

23 This has been going on for a long time. I  
24 agree with Connie, at this point I think it deserves to be  
25



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1  
 2 looked at and -- on mass and not go through and say well  
 3 this one, that one.  
 4 PRESIDENT GERING: We have a resident that  
 5 lives next door and I think -- would you like to speak  
 6 before we -- or your attorney?  
 7 Identify yourself for the court reporter.  
 8 MR. MacNAIR: Scott MacNair from Clemons  
 9 Richter & Reiss representing Michelle Becchi and Jay  
 10 Freeo.  
 11 As was just stated, they live at 186 South  
 12 Main Street. The property that is located immediately  
 13 adjacent to the 182 South Main Street property that is on  
 14 your agenda tonight.  
 15 Based on what I am hearing from the Board  
 16 and the sentiment that has been expressed, I will not  
 17 stand here and take your time with making any type of  
 18 legal argument concerning the issues but my clients each  
 19 do have statements that they would like to present. They  
 20 have photos that have been supplied.  
 21 And I think it is important for Council to  
 22 appreciate and understand that what was presented with  
 23 respect to that first Certificate of Appropriateness is  
 24 not what has been installed. I mean it is completely  
 25 different in 11 or 12 respects and Michelle has a list,

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1  
 2 what, make that a picket fence out of structured steel and  
 3 paint it a color that matches. That is one option.  
 4 In the front there is a flower bed widening  
 5 it with a reinforced concrete wall. That is the most  
 6 visible area to Main Street. That could easily be a  
 7 picket fence. There is no concern about people driving  
 8 off in a flower bed.  
 9 This is one item I have addressed that was  
 10 brought up and I won't go into the others until they are  
 11 brought up accordingly.  
 12 MR. DOUGHERTY: Would you be willing to  
 13 provide our Manager with a synthesis of these eleven  
 14 things or whatever it is so he can distribute those to  
 15 Council and the Mayor so we can review them in a calm  
 16 fashion and line them up because that is part of the  
 17 problem here of course.  
 18 These developers and their attorneys rely  
 19 on there being so much dust in the air and so many  
 20 different things moving around that no one can actually  
 21 get their arms around this stuff and they say that was  
 22 discussed over here and --  
 23 MS. BECCHI: We are happy to provide  
 24 copies. I would like to make some comments because there  
 25 is some history in 2019 that I think is very relevant.

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1  
 2 photos and a statement to provide to point each of those  
 3 out.  
 4 MR. FREEO: Introduce ourselves first.  
 5 Jay Freeo, 186 South Main Street.  
 6 MS. BECCHI: Michelle Becchi, 186 South  
 7 Main Street.  
 8 MR. FREEO: I think it -- we had statements  
 9 prepared that would address each of these eleven or so  
 10 items but I think it is pointless to go into detail on  
 11 each of those items if in fact we are not going to address  
 12 all of them tonight.  
 13 Okay. So we can make a brief statement  
 14 just to give you a flavor of our perspective and I will  
 15 speak to just one thing only because there is one item  
 16 that just came up and it had to do with the reinforced  
 17 concrete retaining wall around that parking deck.  
 18 That was originally intended per the HARB  
 19 approval and the Certificate of Appropriateness, that was  
 20 a white picket fence that went around that parking deck.  
 21 In the photo packet we gave to HARB, it is photo number  
 22 one.  
 23 Now I can see the rationale as to why you  
 24 have to have some sort of additional structure support to  
 25 be put on the side with a nine foot drop-off. You know

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1  
 2 The structure was originally approved by  
 3 HARB on April 2nd of 2019 and subsequently by Council on  
 4 June 18th, 2019 with conditions. And that photo one that  
 5 we provided, which is in the Certificate of  
 6 Appropriateness, is the depiction of the front elevation  
 7 used to obtain HARB approval and that COA back in 2019.  
 8 During the May and June Council meetings in  
 9 2019 there were significant, 66 pages and lengthy  
 10 discussion over the considerable fears raised by most of  
 11 you who were on the Council at the time and are still  
 12 here, about the potential for this structure to  
 13 subordinate the streetscape, fears that the structure  
 14 would be too modern and not fit with the character of the  
 15 historic district and fears that the structure would  
 16 subordinate the adjacent historic properties.  
 17 That rendering was the result of 60 pages  
 18 of discussion on June 3rd and the pictured structure that  
 19 is compatible with the neighboring homes and clearly  
 20 subordinate in scale to the adjacent properties.  
 21 That rendering along with the conditions,  
 22 which were shown in the Certificate of Appropriateness and  
 23 in our photo three, were used as the basis for the  
 24 approval of that COA on June 18th in 2019.  
 25 Agreed upon conditions which were discussed

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1  
 2 at length in the 60 pages for the front elevation  
 3 including a trellis and an arbor over and around the  
 4 garage to soften the roofline. The divided light windows  
 5 to minimize the amount of glazing. A white picket fence  
 6 and green leafy street trees, all intended to soften its  
 7 modern appearance amongst the historic homes.  
 8 The description by the architect during  
 9 that meeting on June 3rd said and I quote from page 65,  
 10 "think about how this building will look in a hundred  
 11 years next to the other buildings with its weathered wood,  
 12 its stone surrounds, the plant materials starting to grow  
 13 up, the arbor wrapping around and over it and dripping  
 14 down over the door. They will say that building  
 15 represents a building of 300 years ago and is nestled  
 16 nicely in between these other historic buildings".  
 17 Based on that, the COA was approved.  
 18 However today there is no trellis, there is no arbor.  
 19 There is no divided light windows. There is no picket  
 20 fence. There are no street trees. The property was clear  
 21 cut.  
 22 The applicant and every professional  
 23 associated with this project was well aware of the  
 24 significant fears and concerns by Council as evidenced by  
 25 those over 60 plus pages of discussion on June 3rd.

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1  
 2 And today we are left with this front  
 3 elevation that is commercial in appearance with lighted  
 4 handrails across the property and in direct conflict with  
 5 our historic district.  
 6 And one last point and most importantly to  
 7 us, we trusted that the renderings provided by that  
 8 well-known architect and the applicants were true to  
 9 scale. I am not an architect.  
 10 In an attempt to understand if we had  
 11 possibly missed an important discussion or decision, we  
 12 reviewed all of the meeting minutes from 2019 and under  
 13 Right to Know requests reviewed those renderings and plans  
 14 presented. We didn't miss a thing. All of the renderings  
 15 showed a structure clearly subordinate to our home and the  
 16 adjacent homes and based on all of that we raised no  
 17 objections in 2019.  
 18 However it turns out that all of our  
 19 collective fears were realized. The as-built structure  
 20 turned out to be extremely larger than we were led to  
 21 believe and we feel that the structure was grossly  
 22 misrepresented in those meetings.  
 23 In photo four, which we have distributed,  
 24 you will note our backyard in the summer of 2019 prior to  
 25 the demolition of the pre-existing dwelling. Photos five

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1  
 2 and six give you a clear indication of the current impact  
 3 this structure now has on our property and our privacy. A  
 4 mere five feet off our property line. Our privacy has  
 5 been completely destroyed.  
 6 And this destruction with expansive store  
 7 front glazing on the south elevations and the rooftop deck  
 8 has a clear view into every inch of our backyard as well  
 9 as into every eastern facing window of our home. We are  
 10 clearly in a fish bowl from every angle.  
 11 We recognize we cannot undo prior  
 12 approvals. However these numerous modifications and  
 13 additions that were made were made without any public  
 14 review and an opportunity for us to comment and only add  
 15 insult to injury.  
 16 Bear in mind that in spite of any  
 17 assurances by the existing homeowners, the decision  
 18 delivered at this Council meeting will carry with this  
 19 property in perpetuity, well beyond these owners.  
 20 And lastly, our requests are simply in an  
 21 attempt to salvage what we can of our privacy and our  
 22 quality of life and the impact on our historic district.  
 23 Most notably to us there is an existing one  
 24 thousand foot rooftop deck with an unapproved fireplace  
 25 and hot tub with railings overlooking every aspect of our

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1  
 2 property in an eastern exposure of our home and has the  
 3 potential to support 150 people.  
 4 This deck can be seen from every major  
 5 right of way and is located a mere five feet off our  
 6 property line creating a possibility for a party deck that  
 7 is quite honestly terrifying to us and in direct conflict  
 8 to what New Hope represents.  
 9 In closing, as per our Borough HARB  
 10 ordinance, new construction should enhance and not detract  
 11 from the historic character of our district. This  
 12 structure and the rooftop deck were not approved to be an  
 13 entertainment venue and this is not the Jersey shore.  
 14 This is historic New Hope. Thank you.  
 15 PRESIDENT GERING: Thank you.  
 16 MR. FREEO: I will just provide one little  
 17 tidbit of what I had prepared only because it is relevant  
 18 and just gives us a flavor.  
 19 You folks made reference to it and it is  
 20 more or less in support of that. And that is having been  
 21 in construction for over 40 years I deal with architects,  
 22 contractors and approving authorities all of the time.  
 23 Based on the thorough review of all of the documentation  
 24 associated with this project from its inception to final  
 25 construction and even know with the applicants' numerous

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1 requests for forgiveness in this revised Certificate of  
 2 Appropriateness, there were clearly efforts to circumvent  
 3 the approval process.  
 4 It is a standard industry practice and a  
 5 professional protocol that you do not deviate from the  
 6 design intent nor the approved for construction documents  
 7 without formal approval or you run the risk of rejection,  
 8 removal, corrective work and even fines being levied. I  
 9 will leave it at that.  
 10 PRESIDENT GERING: Thank you.  
 11 Yes, Mr. Cohen. In closing?  
 12 MR. COHEN: In response to the comments, I  
 13 simply -- I understand the concerns with the project but  
 14 the property was built mostly in conformity. The building  
 15 itself was designed and permitted in conformity with what  
 16 was presented.  
 17 I understand that the neighbors have  
 18 concern about the size. That is not an issue about the  
 19 location of the placement of the building. None of that  
 20 is at issue here.  
 21 The building itself was constructed in  
 22 conformity with plans that were submitted and I understand  
 23 there are concerns but that is not what is at issue today.  
 24 Their personal view, their private view from their  
 25

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1 property is not what is at issue.  
 2 MR. DOUGHERTY: I have a picture of a --  
 3 it is a blue sky picture here and it has a picture of a  
 4 much smaller looking home than actually what was built. I  
 5 guess it is some sort of optical illusion but this is what  
 6 Council approved. It is the top picture because that is  
 7 -- I think it is rendering submitted. It is this one. It  
 8 is blue.  
 9 The reason I bring this up is I want to  
 10 make sure that you are aware of what I am about to show  
 11 you, you said they built what was -- it is page one of the  
 12 packet that was provided I believe.  
 13 MS. FEDER: It is page 101.  
 14 MR. DOUGHERTY: I think it would be worth  
 15 the time to see this, Paul. It might be interesting.  
 16 Here we go. So the blue thing -- it says  
 17 right here in the COA -- I think that might be the  
 18 neighbors' perception of what that is. That I believe is  
 19 what I recall us approving, the blue one.  
 20 I look at that picture and I look at the  
 21 one below this one is -- some one took a picture of the  
 22 one that was constructed, I do not see a chimney on the  
 23 top picture. Isn't that interesting?  
 24 Do you see one, Paul, because I don't see  
 25

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1 one. I don't see an eight-foot chimney sitting up there  
 2 that is seven feet wide with a fireplace in the one that  
 3 was approved. So you say what was approved was built,  
 4 where did the chimney come from?  
 5 MR. COHEN: There were other angles  
 6 presented with the plans when the COA was approved that  
 7 did depict the chimney. That was never an issue. That  
 8 has never come up. The only issue with regard to the  
 9 chimney other than the fireplace, which is already  
 10 discussed, is the need for a chimney cap which is a code  
 11 requirement. That is --  
 12 MR. DOUGHERTY: We certainly didn't talk  
 13 about chimney caps. Somebody else must have. So that is  
 14 the deflection.  
 15 MR. COHEN: That is one --  
 16 MR. DOUGHERTY: The house that you built  
 17 looks like that in the blue picture versus what you built,  
 18 that clearly is --  
 19 MR. COHEN: It is perspective and angle.  
 20 If I can show you this picture to --  
 21 MR. DOUGHERTY: This is the house today.  
 22 MR. COHEN: That is a picture from Google  
 23 maps.  
 24 MR. DOUGHERTY: Because Google maps is  
 25

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1 taken -- the right of way is also on the other side of the  
 2 street there.  
 3 MR. COHEN: Which is that.  
 4 MR. DOUGHERTY: Google maps is taken from  
 5 about four and a half feet off the ground because it is a  
 6 circular camera on the top of a roof of a car that rolls  
 7 through the streets, that is what Google -- you look at  
 8 pictures at Google maps, that is the source of.  
 9 The reason why you can't see the chimney is  
 10 because the Google camera is -- can't see it because it is  
 11 like they are sitting on the ground.  
 12 MR. COHEN: I am not --  
 13 MR. DOUGHERTY: On the other side of the  
 14 street, Paul, which is South Main, I can look across the  
 15 street and see that chimney.  
 16 MR. COHEN: I am not referring to the  
 17 chimney. I am not sure -- that is not an issue, the  
 18 chimney was included.  
 19 MR. DOUGHERTY: I am pointing out -- but  
 20 you said -- we can read it back. You said that this thing  
 21 was built in compliance with everything that -- there was  
 22 nothing --  
 23 MR. COHEN: I did not say that.  
 24 MR. DOUGHERTY: We didn't approve something  
 25

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1  
 2 like that. You basically built stuff that we can see from  
 3 the right of way that is eight feet tall that is a chimney  
 4 with a fireplace in it.  
 5 That is not one of the eleven things that  
 6 we are presently agitated at you about. I am just  
 7 bringing into question your statement, it is not accurate.  
 8 MR. COHEN: The chimney was approved as  
 9 part of the original COA. It may not be visible --  
 10 MR. DOUGHERTY: It is not our picture, we  
 11 were given --  
 12 MR. COHEN: I have packets that were  
 13 reviewed that your zoning officer provided to me as the  
 14 packets that were reviewed with the original COA and all  
 15 of those renderings that show that part of the property  
 16 show the chimney.  
 17 MR. DOUGHERTY: From the right of way on  
 18 South Main Street?  
 19 MR. COHEN: It was part --  
 20 PRESIDENT GERING: I will move you guys  
 21 along. You have a dozen items, that is not the only hot  
 22 ticket item. So we are going to go down and vote  
 23 individually.  
 24 MR. COHEN: If I can just make one final  
 25 comment, simply that my clients are here today requesting

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1  
 2 consistent with each other.  
 3 What I said a few minutes ago about the  
 4 building, I was referring to the comments made suggesting  
 5 that this -- that the building is larger than what was  
 6 originally proposed and that is simply not true.  
 7 That picture that I just presented to you  
 8 was intended to show the perspective that the building is  
 9 the same size as what is presented in that picture.  
 10 MS. FEDER: But Mr. Cohen -- and I  
 11 understand about the perspective and the issues that may  
 12 come up on Google maps but on the paper you just handed us  
 13 with the rendering on the other side, I think if we take a  
 14 look at the garage bay, it is just the reverse on the  
 15 paper they handed us, there are four panes of glass there  
 16 and then on your shot from Google maps there are six. So  
 17 you can see why for us it is not just a question of  
 18 perspective.  
 19 And I was not on Council when these  
 20 original issues came up so for me trying to go through  
 21 past pieces of information and the renderings that you  
 22 have supplied to us of what was approved, it does look  
 23 like the scale of the garage in particular is a different  
 24 size. It has to be wider to accommodate a larger garage  
 25 door.

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1  
 2 relief for a Certificate of Appropriateness for  
 3 improvements, granted they have been completed, but they  
 4 are requesting these improvements because they do believe  
 5 that they are consistent and they are not against the  
 6 historic nature of this district and do not negatively  
 7 impact the historic district.  
 8 MR. DOUGHERTY: The retaining wall is not  
 9 a picket fence. How did it go from a picket fence to a  
 10 wall, Paul? You said it was approved.  
 11 MR. COHEN: I can have our contractor --  
 12 MR. DOUGHERTY: You believe it was  
 13 approved?  
 14 MR. COHEN: Dan, you're misstating my  
 15 comments. I acknowledge that there are differences, that  
 16 is why we are here.  
 17 MR. DOUGHERTY: A picket fence --  
 18 MR. COHEN: There are differences from  
 19 what was originally presented and what was drawn on the  
 20 drawings and what was originally -- and what was  
 21 eventually approved by the Borough when they issued the  
 22 permits. There are differences, I will not deny that.  
 23 What I am saying, and this reflects  
 24 statements made during the HARB meeting, that what was  
 25 presented and what has been built are substantially

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1  
 2 MR. COHEN: I don't think that is the  
 3 case.  
 4 MS. FEDER: But look, you just handed it to  
 5 us, on one side there is four panes and then on the other  
 6 --  
 7 PRESIDENT GERING: I will stop you. We  
 8 have got a lot on the agenda --  
 9 MR. COHEN: Just in response to --  
 10 PRESIDENT GERING: You want to finish up,  
 11 Paul?  
 12 MR. COHEN: Just in response to that  
 13 comment. Simply because there are different panes, that  
 14 is not specific to the size of the building. There were  
 15 other submissions, other renderings and drawings that show  
 16 what the size was.  
 17 MS. FEDER: Sure. But I think per your  
 18 notes on the piece of paper that you just handed us, I  
 19 think you can see why the question of the size and scale  
 20 of the building come up because your note here is that  
 21 this is the rendering for the project on June 18th with  
 22 the changes requested that have nothing to do with the  
 23 garage door.  
 24 And I think it is the same question of what  
 25 this garage door looks like, it goes back to our initial

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1  
2 point of conversation with Dan with the amount of panes on  
3 the window. If we don't know what exactly we are  
4 approving here, I don't feel confident that we know the  
5 change is going on.

6 PRESIDENT GERING: I will move you guys  
7 on, Paul.

8 Rick, you want to --

9 MR. LUPINETTI: I just have one more  
10 comment for us, you said regarding the final inspection  
11 that was conducted. I had no access to the rooftop  
12 whatsoever. The railings were not installed. There were  
13 no steps. I never had an opportunity to inspect that  
14 entire rooftop deck. Everything was backordered at that  
15 time.

16 So I just wanted to clarify that I have not  
17 seen the chimney cap. I have not seen the chimney  
18 termination. I have not seen the deck or the rails, even  
19 those stairs leading up to the rooftop deck at the time of  
20 my final inspection. So I can't talk about working  
21 knowledge of what I have seen because I have not inspected  
22 it.

23 MR. COHEN: You can confirm that the  
24 chimney cap would be required?

25 MR. LUPINETTI: I cannot confirm -- and

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1  
2 And I am not sure -- Mark, I will ask for  
3 your guidance here, you know where this is going right  
4 now. Would they go back and work with the Borough to  
5 correct some of these things? You know, we can start from  
6 the hot tub to the fireplace and the windows that were  
7 supposed to be single and you put double windows.

8 So what would your recommendation be?

9 MR. LABRUM: By the statement of the HARB  
10 Ordinance, in order for Council to deny a recommendation  
11 of approval as submitted by HARB, Council is required to  
12 give the applicant a list of conditions that if the  
13 applicant met those conditions, would allow the Council to  
14 approve the application as submitted.

15 In circumstances like this it is somewhat  
16 difficult because we are, for lack of a better term, using  
17 a revisionist history to understand what happened with a  
18 building that has been constructed.

19 So the difficulty in part lays with if  
20 you're to deny the application, what happens to the home  
21 then with regard to some of these improvements. I would  
22 propose -- and this would be subject to discussing it with  
23 Mr. Cohen, that we table this for a reasonable period to  
24 possibly the next meeting to discuss with Mr. Cohen the  
25 items that they would propose to either agree to change or

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1  
2 without looking at the manufacturer's specs, seeing the  
3 termination and seeing what is up there, I physically  
4 cannot see it so I can't say yes or no.

5 MR. COHEN: Obviously my preference is to  
6 address each design. I understand Council's preference.

7 PRESIDENT GERING: Council, we have a  
8 motion on the table to approve or reject the application.

9 Who is in favor of approving?

10 MR. MAISEL: Before can I just -- I would  
11 like to make a comment. Typically with a Certificate of  
12 Appropriateness we speak to what we have a problem with.  
13 You know, in this particular case there is eleven or  
14 twelve items here.

15 I mean, I don't want to spend all night  
16 doing this either but I think we have a responsibility to  
17 say what we -- what is -- what HARB has identified as  
18 being acceptable and what is, you know according to  
19 Council is not acceptable. I mean isn't that our  
20 obligation?

21 PRESIDENT GERING: HARB is an advisory  
22 board and unfortunately we as Council do not have to  
23 follow all of their direction. And in this case there is  
24 so many errors in this that it really needs to go back and  
25 be reassessed.

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1  
2 eliminate or come back to Council with a proposal for  
3 recommendation.

4 One of the significant issues here, as  
5 Mr. Lupinetti pointed out, is that nothing on the third  
6 floor deck has been inspected. So while they -- the home  
7 was granted a permit so that the owners can occupy it  
8 currently. That permit essentially does not extend to  
9 that third floor deck including the use of the hot tub,  
10 which currently cannot be used because it has not been  
11 inspected.

12 I know in speaking with Mr. Lupinetti,  
13 there are concerns about the fireplace and the chimney and  
14 the cap which again have not been inspected.

15 At the very least I believe that it would  
16 be incumbent upon Council to recommend -- I should say for  
17 Council to allow those inspections to take place to give  
18 Council better information about what the status is of  
19 those items that are on that deck.

20 There is also an issue if Council were to  
21 recommend a denial of the approval of the hot tub, could  
22 it be moved or is that a condition that can be considered.  
23 We don't know all of the answers to those questions here  
24 tonight.

25 But I believe given the long history that

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1  
2 this has undertaken, a lot of information not being clear,  
3 that I would ask the applicant to consider allowing  
4 Council 30 days for a meeting to confer to discuss the  
5 items in further detail as set forth on the list.  
6 One of the things I will note historically  
7 is that -- and I can be corrected by the zoning officer,  
8 but with regard to the change of the wall, that went  
9 through zoning hearing board approval but the approval by  
10 the zoning hearing board doesn't mean an approval by HARB  
11 nor an approval by Council.  
12 MS. STOVER: There wasn't a zoning hearing  
13 board approval.  
14 MR. LABRUM: There was a zoning hearing  
15 board decision that I have issued April 26th of 2019.  
16 MR. COHEN: That didn't relate to the wall  
17 around the driveway.  
18 MR. LABRUM: That wasn't addressed via the  
19 maximum allowable impervious coverage requirements?  
20 MS. STOVER: That would be different.  
21 MR. COHEN: The part of the entire project  
22 but the wall is not specifically addressed there.  
23 MR. LABRUM: So that is an open question  
24 of how did the change go from a picket fence to the white  
25 wall. That unfortunately again because of the record this

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1  
2 MS. McHUGH: Aye.  
3 MS. RETTIG: Aye.  
4 MR. DOUGHERTY: Aye.  
5 MR. MAISEL: Aye.  
6 PRESIDENT GERING: Aye. Opposed?  
7 You're tabled for 30 days.  
8 MR. COHEN: Is this an opportunity then  
9 for us to engage with township officials as to get to a  
10 better understanding of the concerns?  
11 PRESIDENT GERING: Absolutely.  
12 MR. COHEN: Okay. Thank you.  
13 PRESIDENT GERING: Is it a question?  
14 MR. BALDERSTON: It is in reference to  
15 this.  
16 PRESIDENT GERING: Go ahead.  
17 MR. BALDERSTON: Sitting here listening to  
18 this discussion, it makes me believe how did this get this  
19 far? I have heard about plans. I have not heard anything  
20 about specifications.  
21 I would like to suggest that through this  
22 process in the next 30 days that the specifications for  
23 this project be brought out, thoroughly read, thoroughly  
24 understood and see if they match up with the working  
25 architectural drawings.

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1  
2 evening, is not entirely clear. That is the best  
3 recommendation I can make this evening.  
4 MR. DOUGHERTY: I would support tabling  
5 it. Also would give Council an opportunity to review the  
6 comments from the neighbors who have very detailed  
7 comments about that thing put together and so sort of lay  
8 them out and go through them.  
9 MR. MAISEL: By putting it off for  
10 30 days, what is that doing for this Council? What are we  
11 getting out of that?  
12 PRESIDENT GERING: We are not getting  
13 anything. What we will do is table it for 30 days, give  
14 zoning a chance to go do inspections and so forth. Take a  
15 look at everything that the neighbors are complaining  
16 about and would it be better if we put this on the  
17 workshop and go down the list or does it have to come back  
18 to a Council meeting?  
19 What would be the procedure, guys?  
20 MR. GRAY: I would suggest bring it before  
21 Council at a Council meeting.  
22 PRESIDENT GERING: Okay. So motion to  
23 table it for 30 days.  
24 All in favor?  
25 MS. FEDER: Aye.

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1  
2 PRESIDENT GERING: That is what they were  
3 addressing, they don't.  
4 MR. BALDERSTON: You said nothing about  
5 specifications, you mentioned drawings. Nothing about  
6 specifications. They are two different things. A set of  
7 specifications for a construction project is a book that  
8 states exactly everything that is going to happen on that  
9 project.  
10 I have this knowledge from my experience in  
11 the building field. We have inspectors come out many,  
12 many times during the construction of a project, step by  
13 step as you do in this Borough. Rick does a good job I  
14 think. He does a good job.  
15 My point is, how did it get this far?  
16 MS. McHUGH: That is what we want to find  
17 out.  
18 PRESIDENT GERING: We are not going into  
19 discussion on this. We have a long agenda. Sorry, Rick.  
20 MR. LUPINETTI: One comment. Typically in  
21 residential construction you do not get the specification  
22 books as when you do school projects and super large  
23 commercial projects.  
24 It is not typical for residential  
25 construction. It is a set of plans. I have seen window

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1  
2 specifications and some of that will be on there but it is  
3 not a specification book that you are talking about is  
4 typical of a school project.  
5 MR. BALDERSTON: I will take issue with  
6 that. I have looked at specification books for houses  
7 that we have built in the past. Thank you.  
8 MR. LUPINETTI: Typical residential  
9 construction.  
10 PRESIDENT GERING: Thank you.  
11 MS. PERKINS: My name is Laurie Perkins. I  
12 am here --  
13 PRESIDENT GERING: Your address, please.  
14 MS. PERKINS: 6685 Cuttallossa Road.  
15 I am here with my husband Don and some  
16 friends back there. You guys do have yourself in a pretty  
17 complicated situation.  
18 I cannot go home tonight with the character  
19 of these two fine people being trampled on. It is not  
20 kind. It is not fair. It is not appropriate. We were  
21 next door neighbors for 25 years, they are the most  
22 genuine, giving, generous couple of people I have ever  
23 come to know.  
24 We have a deep and lasting friendship that  
25 started as neighbors. They would do anything. They are

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1  
2 out and in an open fashion. So just that.  
3 PRESIDENT GERING: Thank you. All right.  
4 Next on the agenda is 49 West Mechanic  
5 Street. That has been pulled off of the agenda until  
6 March.  
7 Thank you, everybody. Next on the agenda  
8 is can I have a motion to approve the RB-1/RB-2 ordinance  
9 amendment?  
10 MS. FEDER: I will make that motion.  
11 MS. McHUGH: Second.  
12 PRESIDENT GERING: Can I have discussion  
13 from Council?  
14 MR. DOUGHERTY: I would just like to say  
15 this came up -- I guess it was how long ago?  
16 PRESIDENT GERING: Nine months.  
17 MR. DOUGHERTY: Nine months ago and at the  
18 time there was a great deal of consternation from our  
19 constituents as well as some of the folks on Council here  
20 as to how well thought out the thing had been and how well  
21 baked it was and how much legal review it had had in its  
22 then current --  
23 MS. McHUGH: State.  
24 MR. DOUGHERTY: -- phase and it certainly  
25 was not from what I understand, offense to legal counsel.

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1  
2 not shady. They are not manipulative. They are not  
3 trying to pull anything over anyone's eyes.  
4 Just what I have heard today this is a  
5 really complicated situation. I don't know how it got  
6 this far. This is my first meeting but I am not going  
7 home tonight without saying that Bruce and Natalie Lotier  
8 are two of the finest people I have ever known. They  
9 don't know how to operate other than in good faith. They  
10 don't know how to do it. They can't.  
11 So some benefit of the doubt and some  
12 kindness will get you through this mess and that is it.  
13 PRESIDENT GERING: Thank you.  
14 Yes, Jay, then we will move on.  
15 MR. FREEO: I'm sorry, I will be brief.  
16 Because we are a direct party to what is happening and I  
17 have done exhaustive research on the documents back to  
18 2019 -- we would go bankrupt having to pay somebody to do  
19 the same thing. So I have all of the backup, we have  
20 copies of it all, et cetera. So we have the history down  
21 on all of this.  
22 If there is in fact going to be a meeting  
23 with Council to review this in advance within 30 days or  
24 something, we would like to be a party to that if we can.  
25 I think it would expedite things and it would get things

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1  
2 It has been changed, modified greatly since what was  
3 proposed that we vote on at that time.  
4 So I am just very, very happy that we took  
5 those nine months and didn't just put something in that  
6 would have -- obviously had a lot of issues going on. Now  
7 you know whether or not it is still a great idea to do it  
8 -- I am in favor of it. I still think it is probably --  
9 might be a shocker but I know what the goals of it are and  
10 I feel comfortable.  
11 I am very happy to see that a lot of work  
12 was done and revisions were made and a lot of people --  
13 our attorneys were involved to make it a better --  
14 PRESIDENT GERING: I am right there with  
15 you, I am totally in favor. It is something that we  
16 desperately needed.  
17 Any other comments from Council?  
18 Yes. If you can come up and identify  
19 yourself.  
20 MR. SALAK: Good evening. My name is  
21 Alexander Salak, S-A-L-A-K.  
22 PRESIDENT GERING: Your address?  
23 MR. SALAK: It is 135 North Main Street.  
24 My spouse, Dawn Rickert, and myself, we are members of  
25 Riverview Dental, LLC, the owner of 135 North Main Street.

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1 We object to the proposed amendment as it  
 2 relates to the new height and footprint restriction,  
 3 particularly Section 275-29.1(C)6. The amendment that is  
 4 being proposed alleges for the health, safety and welfare  
 5 of the residents of the Borough.  
 6 MS. McHUGH: Hold on. What section?  
 7 MR. SALAK: Section 275-29.1(C)6.  
 8 MS. McHUGH: Hold on.  
 9 MS. FEDER: Page 148.  
 10 MS. McHUGH: Thank you. That helped.  
 11 MS. FEDER: Sorry, it is not. Page 149.  
 12 Sorry.  
 13 PRESIDENT GERING: Go ahead.  
 14 MR. SALAK: So this amendment is proposed  
 15 allegedly for health, safety and welfare of residents of  
 16 the Borough. And it is further claimed that the amendment  
 17 is intended to help retain the character of the  
 18 neighborhood and reduce non-conformity.  
 19 This amendment in no way advances the  
 20 interest of public health or safety. It also does not  
 21 promote and is not related to the general welfare of  
 22 residents.  
 23 Firstly, the character of the neighborhood  
 24 is undefined and entirely subjective. There is no  
 25

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1 virtue of variances and permitting large modern homes and  
 2 townhomes to be built. And I am sure that if one were to  
 3 look into the basis on which each variance or permit was  
 4 granted, it would be clear that virtually every decision  
 5 does not align with any notion of character or conformity  
 6 that is hypocritically claimed to be so important.  
 7 There is also already so much disparity  
 8 among the properties that conformity is a nonsecretor  
 9 (sic). Therefore the amendment simply will not reduce  
 10 non-conformities and will not promote public health,  
 11 safety and welfare.  
 12 The net effects is that this amendment is  
 13 arbitrary, capricious and it is not substantially related  
 14 to any interest of public health, safety, morality or  
 15 welfare and it is truly subjective without any objective  
 16 standard of measurement.  
 17 There is also no logic to the proposed  
 18 amendment. How does the fact that my building is five  
 19 feet taller or shorter have any bearing on public health,  
 20 safety or welfare? And whose welfare is this intending to  
 21 benefit?  
 22 Property owners with large two story homes  
 23 presently, they don't care because the proposed amendment  
 24 doesn't affect them. Small property owners with single  
 25

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1 objective ascertainable standard by which to judge -- and  
 2 what is character? Is it historic? I don't believe that  
 3 there are any properties in the proposed RB-2 that have  
 4 been registered as a historic landmark.  
 5 It has been suggested that perhaps  
 6 character is charm. What is charm? Ask 20 people what  
 7 charm is and you get 20 different answers. Does character  
 8 mean consistent with tourist attraction?  
 9 There is no tourist attraction in this  
 10 proposed RB-2, only homes. No visitors come from miles  
 11 away to look at these residential homes. No visitors ever  
 12 go up that far unless that is where they were.  
 13 Again there is no objective ascertainable  
 14 standard to determine whether this amendment would promote  
 15 the stated purpose.  
 16 Secondly, the character of the  
 17 neighborhood, whatever that is, has been changing for  
 18 several years in the proposed RB-2 district. There has  
 19 been much development and houses of all different styles,  
 20 colors and sizes have appeared such that there is no  
 21 unifying element among the various properties in the  
 22 proposed RB-2. You can see that simply by walking up and  
 23 down the street.  
 24 And this has been allowed to happen by  
 25

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1 story buildings are negatively impacted so it does not  
 2 benefit them. And who is this for? This amendment has no  
 3 valid purpose and no benefit to Borough residents and  
 4 therefore does not advance their welfare.  
 5 Furthermore, laws and regulations must be  
 6 unambiguous. This amendment is so convoluted and  
 7 incomprehensible that a reasonable person, reasonable  
 8 resident, would not know if their property use or planned  
 9 use is compliant.  
 10 He or she would have to guess whether their  
 11 property is an outlier or excluded and may have to request  
 12 permission from neighbors to enter their property to  
 13 conduct expensive surveys and may have to resort to  
 14 looking up property records, some of which may not exist.  
 15 What the proposed amendment does do however  
 16 is in effect taking a property without compensation in  
 17 violation of the 15th and 14th amendments of the United  
 18 States Constitution.  
 19 Our building is only about 1400 square  
 20 feet, single story ranch style and we should be allowed to  
 21 build a second story or expand laterally. The height and  
 22 footprint restrictions to the proposed amendment would  
 23 preclude that.  
 24 The confusing approach expressed in Section  
 25



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1  
2 275-29.1(C)6 is an arbitrary limitation serving no purpose  
3 and unsupported by the health, safety or welfare  
4 considerations. This proposed amendment creates a  
5 significant detriment and interferes with our right to the  
6 quiet use and enjoyment of the property. It deprives our  
7 property rights without just compensation.  
8 We were also assured by the Township when  
9 we purchased the property that we would have the ability  
10 to expand the building and we relied on those assurances  
11 in deciding to seek the purchase. To the extent that  
12 these proposed amendments conflict with those assurances,  
13 we object.  
14 Lastly, to the extent it may apply, we also  
15 submit that the amendments would violate the U.S. and  
16 Pennsylvania Equal Protections statute. The application  
17 and enforcement of the amendment would negatively impact  
18 on any property owner who is in the unfortunate position  
19 of having a one story building or living next to a one  
20 story building. This ambiguous proposed amendment will  
21 result in unequal, uneven application of the ordinance  
22 which is fundamentally unfair and creates a dangerous  
23 precedence.  
24 So for the foregoing reasons, we believe  
25 that the proposed amendment is unnecessary,

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1  
2 unconstitutional and an arbitrary exercise of legislative  
3 power. And go on record, Dr. Dawn Rickert and Riverview  
4 Dental request party status in this matter.  
5 PRESIDENT GERING: Thank you. I will make  
6 a comment to you. You're located in the heart of the  
7 historic district of New Hope. Okay? So what we have  
8 been trying to preserve so we don't have these little  
9 houses that are torn down and you have got massive  
10 buildings just like the one we were just addressing. This  
11 is not to hinder your business.  
12 There is a height limit. Is it 35 feet in  
13 New Hope that you can build a property?  
14 MR. SALAK: Why change that?  
15 PRESIDENT GERING: It is not being changed.  
16 MR. SALAK: It is.  
17 PRESIDENT GERING: No, it is not being  
18 changed. It is telling -- Mark, can you address this? I  
19 don't want to get into an argument here.  
20 MR. DOUGHERTY: I would like a  
21 clarification from this attorney that I guess represents  
22 the dental --  
23 PRESIDENT GERING: Are you an attorney?  
24 MR. SALAK: I am an attorney but no, I am  
25 part owner of --

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1  
2 MR. DOUGHERTY: I am sorry, so you own part  
3 of that building up there. That is actually not in the  
4 historic district. That is my understanding.  
5 MAYOR KELLER: It is outside.  
6 MR. DOUGHERTY: I just wanted to make that  
7 clear. That office is not in the historic district, you  
8 wouldn't have to come before HARB.  
9 MR. SALAK: We don't have a problem with  
10 the division of RB-1 and RB-2, I think it is great that  
11 some of the things are expanding, you know allowing  
12 properties to develop down in the what will be RB-1 or is  
13 RB-1 but this -- it is unnecessary.  
14 What is wrong with 35 feet height? I mean  
15 it does actually affect that because it expressly removes  
16 that clause from the old ordinance and it imposes some  
17 sort of calculation where you take the average of your  
18 property, the one right next to the right and the one to  
19 the left. If this one doesn't count, you go to this one  
20 and then it goes to another one. How many times before  
21 you go and look across the street? It doesn't make sense.  
22 And quite frankly if you start with a  
23 rancher, even if you have a two story property next to  
24 you, it is the average already prevented so some day you  
25 will have your property can be able to be built up five

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1  
2 feet which will not be a full two story property.  
3 As I said, the property is 1400 square  
4 feet. There is only place to go up or maybe lateral and  
5 so that is why we object to this, the way that this is  
6 crafted. Remove the height restriction and the footprint,  
7 I am totally fine with everything.  
8 PRESIDENT GERING: That is the biggest  
9 problem we have is the height restrictions in this town.  
10 I can only speak for myself, one voice, that I would  
11 totally oppose taking that off of there. That is how we  
12 ended up with these massive oversized buildings. That is  
13 why there is a height restriction. Go to zoning and  
14 request a variance.  
15 MR. SALAK: That has been allowed to  
16 happen.  
17 PRESIDENT GERING: We are trying to  
18 change it.  
19 MR. SALAK: At the expense of -- I mean --  
20 PRESIDENT GERING: Thank you for your  
21 comment.  
22 Any other comments from the public?  
23 MR. LABRUM: Madame President, if I may.  
24 Given the importance of Mr. Salak's statements that he  
25 presented to Council this evening, I believe he read it

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1  
 2 from script and nor can be assured that the record  
 3 accurately reflects what he stated this evening, would Mr.  
 4 Salak be kind enough to provide a copy of that statement  
 5 to Council and to our reporter?  
 6 PRESIDENT GERING: Thank you.  
 7 MR. SALAK: I have one copy with me.  
 8 PRESIDENT GERING: Thank you. You can  
 9 e-mail it to Pete Gray if you don't mind.  
 10 MR. LABRUM: Thank you.  
 11 PRESIDENT GERING: You can identify  
 12 yourself.  
 13 MR. BOYD: Keith Boyd, 135 Old York Road.  
 14 So I am a builder in town and I realize  
 15 what this is about but I think the problem, you know I  
 16 have with it is a property that I have right now at 135  
 17 Old York Road. We have been working one year to try to  
 18 get it approved from a single house to a twin.  
 19 It is in the historic overlay district so  
 20 we have been there, we were told we can't put parking in  
 21 the front but there is parking all along the front. On  
 22 that whole entire road there is 34/35 houses have parking  
 23 in the front or on the side but I can't.  
 24 The current zoning -- so we went back,  
 25 redesigned it and got rid of the garages because we were

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1  
 2 feet. Currently right now I am allowed 5,000 square feet  
 3 so this took my property and reduced it fifty percent.  
 4 If I say hey I don't want to build it, I  
 5 want to give it to my kids or selling it to somebody else,  
 6 you can only build 2150 square feet. And the other  
 7 complication is the outlier, the 1.5 percent. So is the  
 8 math and is the definition to be defined as 2451 times  
 9 1.5? That equals 3676. So now 3600 square foot house  
 10 does count or doesn't count?  
 11 Then we get to how are garages handled? On  
 12 two of these houses of the five there is front detached  
 13 garages. Am I allowed to put a garage in the front now or  
 14 is that not allowed? The parking again is the issue. Am  
 15 I allowed to have parking out front? It is safe to pave,  
 16 better stormwater management, better for the environment.  
 17 We cannot have parking out front. Then so what overrides  
 18 what? Does HARB -- over 5,000 square feet is that the  
 19 overrider or is it this new ordinance the overrider?  
 20 And then the overlying thing here is how  
 21 the hell do we find out exactly what the square footage of  
 22 these properties are. Is it a square foot number or is it  
 23 length times width times height number that we are  
 24 calculating? What if somebody has a --  
 25 MS. MCHUGH: You have thirty seconds left.

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1  
 2 over the 5,000 square foot restriction for total square  
 3 footage. I guess what I am getting at is some of the  
 4 definitions just don't -- you can't understand what you're  
 5 allowed to do with the property because the definitions  
 6 aren't clear.  
 7 So we have had to literally go to the  
 8 zoning officer, to Council to find out if the square  
 9 foot -- floor space they call it in the zoning, if 5,000  
 10 square feet includes the garage or doesn't include the  
 11 garage. That should be a simple is it included or not  
 12 included. It is a definition included.  
 13 And what this does now is this adds another  
 14 complex layer for people like me that do this for a  
 15 living. So I took my sample property, 135 Old York Road  
 16 and I took the one to the left, which is 143 that is 2102  
 17 square feet. My current property is 1466. And the house  
 18 on the corner, 121 Old York Road is 3600.  
 19 Now that is all on that block. So now do I  
 20 jump the street? Do I jump Sungan for the next property?  
 21 That is what I did. That one is 2892 and then I go to 101  
 22 which is 2196. Now 101 is a flag lot, another conflict.  
 23 What am I allowed to do?  
 24 Then I average all of that, 12,256 square  
 25 feet. If I divide that by five I am allowed 2451 square

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1  
 2 It is a three minute limit.  
 3 MR. BOYD: Thank you.  
 4 Okay. Okay. So yeah. What is -- is it  
 5 length times width times height? It is a definition. How  
 6 do we understand how to calculate this? Public records  
 7 aren't always right. Things are done illegally. I don't  
 8 know.  
 9 And getting back to the historical  
 10 district, we are allowed -- the historical district in my  
 11 mind is history, it is George Washington, it is not the  
 12 Jetson's. So if you want to fix some of the problems, you  
 13 don't allow a spaceship to be going in the middle of town.  
 14 PRESIDENT GERING: Your three minutes are  
 15 up.  
 16 MR. BOYD: Thank you for your time.  
 17 PRESIDENT GERING: Thank you.  
 18 Any other public comment?  
 19 MR. CORSINI: Good evening. My name is  
 20 Arthur Corsini. I am partners with John -- Dr. John  
 21 Marcus. Most of you know --  
 22 PRESIDENT GERING: Your address, please.  
 23 MR. CORSINI: We own 8 and 10 Waterloo  
 24 Street. We are in the RB-1 zoning district.  
 25 I have been a builder for 40 years and I

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1  
2 can't make heads or tails of this ordinance. My concern  
3 is how does this actually work? Maybe somebody here can  
4 explain it to me.  
5 So in your Section C which is labeled area  
6 and dimension requirements you have Section 1 through 5,  
7 then you have the Section 6. So Section 1 through 5 is  
8 small letter c, small letter e and small letter h. They  
9 have -- respectfully that is maximum building coverage  
10 requirements which are in most zoning ordinances, maximum  
11 building height requirement which is in most zoning  
12 ordinances and maximum building footprint which is in most  
13 zoning ordinances.  
14 Then you have Section C or -- I am sorry,  
15 Section 6 which describes what this fellow just described  
16 to you. So what do we use to figure out? Do I use 1  
17 through 5 if I want to build a two family house in a two  
18 family zone with specific requirements or do I have to go  
19 to Section 6? Does anybody know?  
20 PRESIDENT GERING: Mary, can you answer  
21 that?  
22 MS. STOVER: Section 1 one through 5 that  
23 are being referenced, it tells you for height, front yard  
24 and building footprint to go to Section C-6. So it tells  
25 you to go to Section C-6 for those three items.

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1  
2 MS. STOVER: For those three items, yes.  
3 MR. CORSINI: So we are in RB-1 zone which  
4 is in the floodplain.  
5 PRESIDENT GERING: Your three minutes are  
6 up.  
7 MR. CORSINI: I wanted to make -- we are in  
8 the floodplain.  
9 DR. MARCUS: I have my three minutes to --  
10 Dr. John Marcus, New Hope.  
11 MR. CORSINI: We are in the floodplain, we  
12 have to build -- to get two feet up above the floodplain  
13 we have to be eight feet above the ground level. If we do  
14 our calculations, the house -- maybe it doesn't apply to  
15 us but it could apply to somebody else in RB-1.  
16 Do you have to build two feet above which  
17 is about eight feet above the ground level? If you have a  
18 ranch house on the either side of you, you may not be able  
19 to build any house depending on what the final  
20 calculations are. This is a flawed ordinance.  
21 PRESIDENT GERING: Can I --  
22 MR. CORSINI: I agree with Mr. Salak, I  
23 agree with everything he said. It is unconstitutional.  
24 It doesn't work. You will get overruled. It will cost  
25 the town a lot of money. I am done.

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1  
2 MR. CORSINI: So you have specific  
3 requirements in 1 through 5.  
4 MS. STOVER: It doesn't give you a height  
5 or a build to line or a footprint, it tells you to go to  
6 that other section.  
7 MR. CORSINI: It tells you -- excuse me,  
8 but it tells you -- I am looking -- I will look at Section  
9 2. It says maximum building coverage 30 percent. It says  
10 in E, maximum building height go to your ordinance.  
11 MS. STOVER: Right.  
12 MR. CORSINI: It says maximum -- then you  
13 have H, maximum building footprint, another ordinance. So  
14 is -- does 1 and 5 apply or do you have to automatically  
15 go to 6?  
16 MS. STOVER: One through five apply. That  
17 gives you lot area, impervious coverage, building  
18 coverage, lot width and side yard setback, rear yard  
19 setbacks are all in the earlier sections. For three  
20 items; building height, the build to line, the front yard  
21 setback and the maximum building footprint all refers you  
22 to go to Section C-6 in 1 through 5.  
23 MR. CORSINI: Which has building footprint  
24 and building height dimensions so really you have to --  
25 what applies here is number six .

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1  
2 PRESIDENT GERING: Thank you.  
3 Anyone else before we move forward?  
4 Council, any other other questions or discussion?  
5 Yes, go ahead.  
6 MR. BALDERSTON: It seems to me that if  
7 each and every Council member does not thoroughly  
8 understand this, you will vote nay.  
9 PRESIDENT GERING: Thank you, Joe.  
10 MR. BALDERSTON: You're welcome.  
11 PRESIDENT GERING: I needed that.  
12 MR. BALDERSTON: I know you did.  
13 PRESIDENT GERING: Yes.  
14 MR. DeLUCA: Frank DeLuca, 120 Old York  
15 Road. I went through that and it was very confusing to  
16 me. I bought my property in 1996. I got about a quarter  
17 -- an acre and a quarter. The gentleman next door, we had  
18 talked about buying his property, combining them.  
19 This is my investment for my life. These  
20 rules changing like this, that sets everything back. I  
21 mean if I want to sell that house, would I not be able to  
22 put four other properties, four other homes on that with  
23 -- including with the house next door to me or is this  
24 just cut it out all together?  
25 Am I not allowed to do anything with it?

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1  
2 It was a home that was a carriage house. The place next  
3 door was a garage. Its got a huge property in the back.  
4 Will I be limited to what I can do with that with that new  
5 ordinance?  
6 I was very confused about the whole thing.  
7 I think you ought to reconsider this. Thank you.  
8 MS. ENDRESS: Stacey Endress,  
9 E-N-D-R-E-S-S, 259 Chestnut Street.  
10 I just wanted to come up here and say that  
11 I fully support the ordinance as a resident of the HARB  
12 district in the Borough. The town is becoming way  
13 overbuilt. I am sure there are parts of it that I am not  
14 even seeing. Something needs to be done and I appreciate  
15 your consideration of this. Thank you.  
16 PRESIDENT GERING: The young lady in the  
17 front.  
18 MS. HOBLER: I am not young but thank you.  
19 Linnard, L-I-N-N-A-R-D, Hobler, H-O-B-L-E-R.  
20 PRESIDENT GERING: Your address?  
21 MS. HOBLER: Sorry.  
22 PRESIDENT GERING: Address?  
23 MS. HOBLER: I was about to give it. 150  
24 Old York Road. You will notice we are sort of inching  
25 along.

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1  
2 develop a plan that would characterize and protect the  
3 village appearance of New Hope.  
4 That is how they started. How do we  
5 maintain the character of New Hope? Certainly a  
6 worthwhile objective. So I think that needs to be  
7 considered as a part of your consideration here.  
8 Let me add just two other things, if I may.  
9 Is that you know we haven't had a comprehensive plan since  
10 2010 so that would have expired in 2020. And I do know  
11 that you have allocated \$50,000 in the budget this year to  
12 start another one.  
13 But I think this is a good opportunity to  
14 characterize this town once and for all from the  
15 perspective of the people that live here, the residents,  
16 the businesses that operate here and the historical  
17 significance of New Hope. I don't see any place where  
18 that is all brought together.  
19 And if we had something of that nature in  
20 the next comprehensive plan, perhaps we would have a path  
21 to run on but everybody could buy into. Thank you.  
22 PRESIDENT GERING: All right.  
23 Mr. Edwardson. And you're the last one for comment.  
24 MR. EDWARDSON: Peter Edwardson. I think  
25 that this is being rushed and I just want to weigh in. I

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1  
2 I started to read through this when it  
3 arrived and tonight's the night of the meeting. What I do  
4 not understand about this particular document is from  
5 whence did it come? What was the thinking behind its  
6 creation and who wrote it?  
7 Madame, are you the author?  
8 MS. STOVER: No.  
9 PRESIDENT GERING: Do you want to answer it  
10 and explain how this transpired?  
11 MR. GRAY: This has been going on since  
12 last year. This has been reviewed by our solicitor's  
13 office in conjunction with our planning commission and it  
14 has been reviewed by our Bucks County Planning Commission  
15 and has been vetted and its been presented to Council at  
16 this time.  
17 MS. HOBLER: I see. Thank you.  
18 PRESIDENT GERING: Thank you.  
19 One more. Go ahead, Mr. Clapper. We will  
20 let two of you. You will get your chance.  
21 MR. CLAPPER: Bill Clapper. I had the  
22 opportunity to attend many planning commission meetings  
23 and was at the initial meeting when this proposal started.  
24 The definition that I heard from the members of the  
25 planning commission of the overall objective was to

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1  
2 think that the Borough deserves the time to get things  
3 right and I don't think you have taken enough time.  
4 I don't have a clear understanding of every  
5 nuance of this document that is going to change  
6 development and people's ability to enhance their own  
7 properties. It takes it away. It really -- you're really  
8 screwing the taxpayer and that is the thing that -- it is  
9 not self-serving. I am a builder/developer in town.  
10 I look at it as what can one neighbor say  
11 to the other neighbor if somebody want to builds a bigger  
12 house and they follow all of the rules and the approvals  
13 and it is permitted by the Borough. And the Certificate  
14 of Appropriateness and everything is followed to the  
15 letter of the law and going back and -- it just seems like  
16 the thing to do is to be fair to those people and let them  
17 do what they want.  
18 Nobody wants to ruin New Hope. New Hope is  
19 an attitude. It is a place to live. It is a place to be  
20 happy. It is not about who can build a bigger house.  
21 That is not the idea of New Hope. There are a few big  
22 houses, probably two percent of the housing that is going  
23 on in this town.  
24 I try to keep a really keen eye on trying  
25 to keep what I do look aesthetically pleasing and part of

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1 the community. I just think that you are rushing a  
 2 decision. It will be overturned in Bucks County  
 3 courthouse by the first jury that gets its hands on it and  
 4 I think it is a big mistake. Have a good night.  
 5 PRESIDENT GERING: Thank you.  
 6 Any other questions from Council? Do we  
 7 have a motion on the table?  
 8 MS. RETTIG: I personally -- I think we  
 9 need to table this again.  
 10 MR. DOUGHERTY: I agree with Tina. I think  
 11 it is wonderful that we have people -- we have two types  
 12 of constituents, constituents who own land and say this  
 13 would impinge upon my ability to perhaps build a larger  
 14 home for myself. I think those are noble I think. Then  
 15 we have constituents who want a small village feel and  
 16 don't want more big houses.  
 17 The third camp which is one we will come up  
 18 against are the developers, and the developers -- they  
 19 don't live here. They want to build something. They go  
 20 out and sell it. That is the only goal they have pretty  
 21 much and I think that they will fight hard.  
 22 If we pass this, we are going to spend --  
 23 we have a current zoning notice that says you can't be  
 24 more than 35 feet. You have 12 foot setbacks on either  
 25

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1 explanation? I am not buying that it is illegal and so  
 2 forth. Other towns have these same kinds of stipulations  
 3 so telling me it is illegal, I am not buying that  
 4 personally.  
 5 MS. McHUGH: Didn't it go to Bucks County  
 6 Planning? They wouldn't give us --  
 7 PRESIDENT GERING: Two legal opinions --  
 8 MR. DOUGHERTY: That it is defensible in  
 9 court and winnable, is that true? In other words, the  
 10 Bucks County Planning Commission has attorneys who have  
 11 looked at this and said this -- these parameters are  
 12 defensible?  
 13 My problem is what Mr. Clapper said, we  
 14 have to have a foundational reason to do this and to  
 15 protect the health and welfare and all of those things. I  
 16 don't see a direct line connection between the  
 17 comprehensive which is 13 years old and why we are doing  
 18 this.  
 19 PRESIDENT GERING: The comprehensive plan  
 20 will not control what we are trying to do.  
 21 MR. DOUGHERTY: The comprehensive plan is a  
 22 foundation document that you can show to a judge and say  
 23 this negates all of these rules.  
 24 PRESIDENT GERING: That is not the way it  
 25

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1 side. Many of the people here already -- our zoning code  
 2 is fairly restrictive, the 35-foot height but what happens  
 3 is they appeal and they get variances to all of these  
 4 things.  
 5 So I think if we enforced our zoning code  
 6 that we have and were willing to go to the mat to defend  
 7 our existing zoning code, I think we would have more  
 8 success in that route than trying to go in front of a  
 9 judge or a jury, I don't know what it is, if it is the  
 10 judge or a jury, and try to defend what appears to me to  
 11 be a fairly arbitrary delineation between RB-1 and RB-2.  
 12 I know the types of houses in these two  
 13 categories are a little different but I think the  
 14 attorneys for the developers are willing to spend two  
 15 hundred, three hundred, four hundred thousand if necessary  
 16 to build these four and five million dollar houses. They  
 17 don't care.  
 18 Are we willing to spend two or three  
 19 hundred thousand dollars in legal fees to enforce this  
 20 when it is taken in front of a court? And I don't think  
 21 we can.  
 22 PRESIDENT GERING: Mark, I have a question  
 23 for you. I am not ready to say we need to maybe table it.  
 24 Do you think that maybe we need to do a better  
 25

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1 works. I have to argue with you on that one. No. I  
 2 guess my question is we also had another law firm besides  
 3 yours that reviewed this, the Planning Commission reviewed  
 4 it.  
 5 MS. FEDER: That is my question. We tabled  
 6 it once before for legal review to take a -- both to have  
 7 Bucks County Planning Commission look at this and legal to  
 8 look at. If we were to table it again, it would be  
 9 unclear on what we are tabling it for.  
 10 MR. DOUGHERTY: I was going to vote  
 11 against it. I am going to vote against it.  
 12 MS. RETTIG: For me I have a difficult  
 13 time with turning New Hope into a town of megalopolis  
 14 structures. I really do have a problem with that but I  
 15 also have a problem with telling homeowners how they can  
 16 improve their properties if they want to.  
 17 And I am sitting on this line of I am not  
 18 sure. And I just feel for me at this point given that I  
 19 don't have a clear answer this way or this way, that I can  
 20 vote for this or against it honestly. But I can't vote  
 21 for it if I don't have a better idea of exactly what the  
 22 purpose of it is. Exactly what the purpose is, not in  
 23 theory.  
 24 MS. FEDER: I understand your thinking. I  
 25

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1 think just my question is for us to table it. I would  
 2 struggle to be on board with tabling it if we don't know  
 3 what the action item would be then to do with it. You  
 4 know, I think it makes more sense to vote on it.  
 5 MS. McHUGH: To talk it through more at a  
 6 workshop.  
 7 MS. RETTIG: I don't know.  
 8 PRESIDENT GERING: Yes, Jay.  
 9 MR. FREEO: Just briefly. To be perfectly  
 10 honest, I have not read the document. We got it in the  
 11 mail and I was dealing with another matter and I didn't  
 12 have time to get to it.  
 13 But what I will tell you is this, I  
 14 attended at least three, if not four, of the planning  
 15 commission sessions which this exact issue was debated and  
 16 these guys went back and forth and back and forth and  
 17 debated it thoroughly in an effort to try to come up with  
 18 some sort of fairness to control the development so we  
 19 don't have the mc mansions (sic).  
 20 Okay. And this is their best shot putting  
 21 this together and this is what they came up with. Okay.  
 22 It was a collective effort. And I also heard that there  
 23 was -- Mr. Fenningham at one of the meetings I attended,  
 24 he said emphatically it was legally binding and it would  
 25

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1 And the bottom line is people with money  
 2 can keep fighting until you're exhausted, and therefore  
 3 they will get what they want. And the people that want to  
 4 do something simple and small, who don't have huge amounts  
 5 of money will lose. And that is what zoning has given us.  
 6 And now we are trying to keep stacking more  
 7 and more on top of zoning and I understand that people are  
 8 not happy with some things. I am not happy with a lot of  
 9 things but there is a certain amount of freedom that we  
 10 have lost long ago.  
 11 And we are just talking about making things  
 12 so complex that nobody knows what they are doing and it  
 13 just concerns me. Even though tabling something forever  
 14 makes you uncomfortable, I understand but there has to be  
 15 -- I don't care whether it is legal or not legal, the  
 16 people with money will be able to fight you. The people  
 17 without money won't and you're not solving the problem  
 18 that led to this.  
 19 PRESIDENT GERING: Thank you.  
 20 MR. SALAK: I think what Councilman  
 21 Dougherty said is exactly on point. The tools are already  
 22 in your possession, just use them. That is it. Thank  
 23 you.  
 24 PRESIDENT GERING: Thank you. All right.  
 25

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1 have standing in court is what I heard him say.  
 2 So I don't know if someone else has a  
 3 better alternative but a lot of thought went into this one  
 4 and you know, I think perhaps it should be considered but  
 5 it is certainly done with good intentions, not to control  
 6 everything but just to put some sort of control on what is  
 7 going on now which appears to be out of control. We are  
 8 trying to rein that in a bit with this is my  
 9 understanding.  
 10 PRESIDENT GERING: Yes, Pam.  
 11 MS. KERR: Pamela Kerr, North Main Street.  
 12 The town character that people are talking  
 13 about, the smaller and different houses, stopped pretty  
 14 much when zoning came in. Zoning was trying to make  
 15 things more conforming, only what we liked was the Phil  
 16 Powell could throw up something interesting and other  
 17 people can create what they create.  
 18 Now what we are trying to do is say well we  
 19 have these zoning laws, we have let people get away with  
 20 all sorts of stuff and now we have to put more laws on to  
 21 try to contain something and really what we are just  
 22 saying is we don't want big houses. We don't want to say  
 23 we don't want big houses. So we are just trying to make  
 24 up some formula that will constrain people.  
 25

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1 Real quick.  
 2 MS. HOBLER: Linnard Hobler, 150 Old York  
 3 Road.  
 4 I moved here two years ago. I have known  
 5 about New Hope my entire life and finding a home here that  
 6 I can afford to buy -- and one of my neighbors is here, we  
 7 have a very idyllic location and situation. I cannot  
 8 imagine that the mc mansions (sic) that have been built up  
 9 the street from us enhance very much about the charm of  
 10 New Hope or whatever character we are trying to establish  
 11 here.  
 12 And if that is going to be the wave of the  
 13 future, I think it is extremely shortsighted of this body  
 14 because I wonder what amount of input you have received  
 15 from residents such as myself and everyone else who came  
 16 to the meeting tonight. I don't think that people who  
 17 received this and tried to read it necessarily understood  
 18 it to the letter of the law.  
 19 If this is passed, and we very heard  
 20 from -- I don't know if it is four builders that are here  
 21 tonight, and we all have a vested interest in keeping New  
 22 Hope as viable as it can be. Okay.  
 23 PRESIDENT GERING: Thank you. All right.  
 24 Council?  
 25

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1  
2 MR. DOUGHERTY: There is a motion on the  
3 floor.  
4 PRESIDENT GERING: We have a motion on the  
5 floor.  
6 MR. MAISEL: One last thing. By rejecting  
7 this thing and/or tabling or whatever you want to call it.  
8 MR. DOUGHERTY: Those are two different  
9 things, we table or reject. Pick a lane.  
10 MR. MAISEL: If we were able to table this  
11 thing, it doesn't mean we can't go back to it at some  
12 point?  
13 PRESIDENT GERING: That is correct.  
14 MR. DOUGHERTY: And if we reject it it  
15 doesn't mean that.  
16 MR. MAISEL: That we can't either. I am  
17 certainly not intimidated by neighbors -- by their  
18 threatening us regarding the possibility of lawsuits and  
19 that isn't a concern.  
20 I think all of a sudden for the first time  
21 this has really come up in public, people's you know  
22 concerns regarding this. This is a first and this has  
23 been published for two months. It is out there. People  
24 showed up tonight.  
25 There is certainly issues that need to be

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1  
2 MR. LABRUM: With the agreement of Council  
3 you can make a motion to withdraw that motion and restate  
4 or state a new motion.  
5 PRESIDENT GERING: Can I have a motion to  
6 withdraw the motion?  
7 MS. RETTIG: I will make that motion.  
8 MR. MAISEL: Second.  
9 PRESIDENT GERING: All in favor?  
10 MS. FEDER: Aye.  
11 MS. McHUGH: Aye.  
12 MS. RETTIG: Aye.  
13 MR. DOUGHERTY: Aye.  
14 MR. MAISEL: Aye.  
15 PRESIDENT GERING: Aye.  
16 Can I have a motion to table this?  
17 MR. DOUGHERTY: I will make that motion.  
18 MS. RETTIG: I will second it.  
19 PRESIDENT GERING: All in favor?  
20 MS. FEDER: Aye.  
21 MS. McHUGH: Aye.  
22 MS. RETTIG: Aye.  
23 MR. DOUGHERTY: Aye.  
24 MR. MAISEL: Aye.  
25 PRESIDENT GERING: Aye. All right. You

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1  
2 addressed within the context of this, maybe even  
3 simplifying it perhaps. I read it and I am not a builder  
4 and I tried to get through it as studiously as I could and  
5 it is confusing to me. But I chalked that up to a certain  
6 degree that guys who know how to do this are going to  
7 figure it out.  
8 I don't feel comfortable with that. I  
9 think a little simplification and acknowledgement from my  
10 Council associates here that it is digestible and we want  
11 to get behind it would be an appropriate thing so I am --  
12 I don't know, are we voting stage now?  
13 PRESIDENT GERING: We have a motion. We  
14 can vote or we can vote to table it. We can table it to a  
15 later date and have it tweaked again.  
16 MR. MAISEL: That would be my --  
17 PRESIDENT GERING: Table it?  
18 MR. DOUGHERTY: We have a vote on the floor  
19 of --  
20 PRESIDENT GERING: We have a motion on the  
21 table. We can amend the motion to table it.  
22 MR. LABRUM: Did you receive a second on  
23 the motion?  
24 PRESIDENT GERING: We have a motion on the  
25 table.

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1  
2 will hear about it again in the future. Thank you for all  
3 of your comments.  
4 - - -  
5 (Louise Feder left the meeting.)  
6 - - -  
7 PRESIDENT GERING: All right. Guys, so we  
8 can get along here, can I have a motion to approve the  
9 police pension ordinance amendment?  
10 MS. McHUGH: I will make that motion.  
11 MR. MAISEL: Second.  
12 PRESIDENT GERING: Any discussion from  
13 Council? Any from the public?  
14 All in favor?  
15 MS. McHUGH: Aye.  
16 MS. RETTIG: Aye.  
17 MR. DOUGHERTY: Aye.  
18 MR. MAISEL: Aye.  
19 PRESIDENT GERING: Aye. Thank you.  
20 Can I have a motion --  
21 MS. McHUGH: Take it outside, we still have  
22 a Council meeting going on.  
23 PRESIDENT GERING: Can I have a motion to  
24 advertise an amendment for the formula retail ordinance?  
25 And this is to advertise it.

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**2** MS. RETTIG: I will make that motion.  
**3** MR. MAISEL: Second.  
**4** PRESIDENT GERING: All in favor?  
**5** MS. McHUGH: Aye.  
**6** MS. RETTIG: Aye.  
**7** MR. DOUGHERTY: Aye.  
**8** MR. MAISEL: Aye.  
**9** PRESIDENT GERING: Aye. Thank you.  
**10** Can I have a motion to advertise an  
**11** amendment for the formula restaurant ordinance?  
**12** MS. McHUGH: I will make that motion.  
**13** PRESIDENT GERING: Can I have a second on  
**14** that?  
**15** MS. RETTIG: I will second it.  
**16** PRESIDENT GERING: Yes, that is to  
**17** advertise.  
**18** MR. BALDERSTON: Fine. But could you  
**19** explain that to us?  
**20** PRESIDENT GERING: Right now we have an  
**21** ordinance that we do not allow formula, which is  
**22** restaurants -- which is big chains.  
**23** MR. BALDERSTON: What is the definition of  
**24** a formula restaurant?  
**25** PRESIDENT GERING: Well Starbucks is a

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**2** MR. MAISEL: Aye.  
**3** PRESIDENT GERING: Aye. Thank you.  
**4** Can I have a motion to appoint Diane  
**5** Williams to the Park and Rec Board?  
**6** MS. RETTIG: I will make that motion.  
**7** MS. McHUGH: I will second.  
**8** PRESIDENT GERING: All in favor?  
**9** MS. McHUGH: Aye.  
**10** MS. RETTIG: Aye.  
**11** MR. DOUGHERTY: Aye.  
**12** MR. MAISEL: Aye.  
**13** PRESIDENT GERING: Aye. Thank you.  
**14** Can I have a motion to approve the minutes  
**15** for the December 20th Council meeting, January 3rd  
**16** workshop and January 17th Council meeting?  
**17** MS. McHUGH: I will make that motion.  
**18** PRESIDENT GERING: Second?  
**19** MR. MAISEL: I will second it.  
**20** PRESIDENT GERING: Thank you.  
**21** All in favor?  
**22** MS. McHUGH: Aye.  
**23** MS. RETTIG: Aye.  
**24** MR. DOUGHERTY: Aye.  
**25** MR. MAISEL: Aye.

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**2** formula restaurant. Dunkin Donuts, Chick-fil-A, they are  
**3** all formula restaurants. Franchises.  
**4** MR. BALDERSTON: Okay.  
**5** PRESIDENT GERING: All right. Can I have  
**6** a motion to advertise for the formula restaurant  
**7** ordinance?  
**8** MS. RETTIG: I will make the motion.  
**9** MR. DOUGHERTY: I will second it.  
**10** PRESIDENT GERING: All in favor?  
**11** MS. McHUGH: Aye.  
**12** MS. RETTIG: Aye.  
**13** MR. DOUGHERTY: Aye.  
**14** MR. MAISEL: Aye.  
**15** PRESIDENT GERING: Aye. Thank you.  
**16** Can I have a motion to approve the  
**17** resolution for the fire company block grant? This is  
**18** something we do every year.  
**19** MR. MAISEL: I will make that motion.  
**20** MS. McHUGH: Second.  
**21** PRESIDENT GERING: Any questions?  
**22** All in favor?  
**23** MS. McHUGH: Aye.  
**24** MS. RETTIG: Aye.  
**25** MR. DOUGHERTY: Aye.

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**2** PRESIDENT GERING: Aye. Thank you.  
**3** Can I have a motion to approve the accounts  
**4** payable for January in the amount of \$190,490.50.  
**5** Payrolls for January 27th and February 10th in the amounts  
**6** of \$75,819.36 and \$73,844.47.  
**7** MS. McHUGH: I will make that motion.  
**8** MS. RETTIG: I will second it.  
**9** PRESIDENT GERING: Thank you.  
**10** All in favor?  
**11** MS. McHUGH: Aye.  
**12** MS. RETTIG: Aye.  
**13** MR. DOUGHERTY: Aye.  
**14** MR. MAISEL: Aye.  
**15** PRESIDENT GERING: Aye. Thank you.  
**16** Parks and Rec. Louise had to leave.  
**17** Shade Tree.  
**18** MS. McHUGH: Nothing to report.  
**19** PRESIDENT GERING: Parking Committee has no  
**20** report at this time.  
**21** Finance Committee, Ken?  
**22** MR. MAISEL: Excuse me. We will have a  
**23** quarterly report in March or at the April meeting for the  
**24** first quarter, a snapshot of what the first quarter looks  
**25** like. And Pete, we thought April?



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1 MR. GRAY: Probably April, yes.  
 2 MR. MAISEL: So it will be April. So not  
 3 the next meeting but the following meeting and that is it.  
 4 We had a finance meeting about a week ago.  
 5 PRESIDENT GERING: Thank you.  
 6 The -- I am the liaison to Zoning, their  
 7 meeting was postponed until next month.  
 8 Peter Meyer is not here so there is no  
 9 report.  
 10 So do we have a Manager's report?  
 11 MR. GRAY: I do have three items for public  
 12 comment.  
 13 First is from Alice Ludovici.  
 14 In July of 2022 I asked when the full  
 15 business case including financials, costs, break-even,  
 16 source of funding, et cetera for the proposed parking  
 17 garage would be shared.  
 18 I was told that there would be a public  
 19 meeting that will be more comprehensive. When will that  
 20 meeting be occurring?  
 21 We do anticipate it being held sometime  
 22 later this year.  
 23 The second e-mail is from Al Herst.  
 24 I would appreciate an update on the status  
 25

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1 I would have one opinion. Were such not to be the case,  
 2 taxpayers are at serious risk.  
 3 I worked for state agencies in New Jersey  
 4 for well over 25 years and would urge circumspection and  
 5 careful diligence to avoid taint of nonfeasance or  
 6 misfeasance charges.  
 7 Again that is from Hal Handel. That is all  
 8 I have.  
 9 PRESIDENT GERING: Thank you.  
 10 Do we have a Solicitor's report?  
 11 MR. LABRUM: No further report at this  
 12 time.  
 13 PRESIDENT GERING: Thank you. Any  
 14 announcements from Council? There is no announcements.  
 15 How many people are online tonight?  
 16 MR. DECKER: Fourteen.  
 17 PRESIDENT GERING: All right. Thank you so  
 18 much.  
 19 Can I have a motion to adjourn?  
 20 MR. DUFFY: You didn't have public comment.  
 21 You cut it off in the beginning.  
 22 PRESIDENT GERING: All right. Let's go.  
 23 Who would like to be first?  
 24 MS. MILLER: Good evening. Amy Miller,  
 25

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1 of the litigation regarding the garage. How much money  
 2 has been spent to date on attorneys fees? When the suit  
 3 is resolved, will it be presented to the community for  
 4 input and approval of the plans and costs involved and  
 5 will the cost of operation continue, as indicated  
 6 previously by Council, to be covered by leases and local  
 7 restaurant operators and/or other local entities?  
 8 With regard to the question about the  
 9 update, the matter is still pending in the courts and is  
 10 currently under review by the assigned judge.  
 11 In terms of attorney fees from 2021 to  
 12 present, our legal fees are \$160,234.  
 13 And thirdly, additional information on the  
 14 project moving forward is anticipated later this year.  
 15 The final comment is from Hal Handel.  
 16 I am a decade long resident of New Hope and  
 17 wish to express my grave reservations about the unfolding  
 18 garage saga. I do not believe a project of this fiscal  
 19 magnitude should proceed beyond the full stop stage absent  
 20 definitive legal analysis of who is on the hook for any  
 21 shortfalls to cover construction costs?  
 22 Reckless and irresponsible leap to mind as  
 23 to how this is being pursued. If in fact local merchants  
 24 are so desirous of project to guarantee revenue shortfalls  
 25

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1 Riverstone Circle, 12 Riverstone.  
 2 What I wanted to ask you all this evening  
 3 is to think about a collaboration with the New  
 4 Hope-Solebury School District Booster Clubs. So I know  
 5 there is a lot of discussion about the parking garage and  
 6 a lot of money has been spent and there is legal fees and  
 7 drawn out and a lot of wasted money that really is not  
 8 going to be a benefit to any resident of the town.  
 9 What I am asking you to consider, and you  
 10 are all probably very well aware that the booster clubs  
 11 utilize the high school parking lot and they raise a lot  
 12 of money and they are very organized.  
 13 And I was just wondering if there is a  
 14 collaboration where we can provide some signage in town,  
 15 temporary just for that day, to say overflow parking  
 16 supports our schools and it supports athletic programs,  
 17 the music department, they go on trips, they provide food  
 18 for the athletes when they are coming home from a long  
 19 game or a tournament. And this is something where our  
 20 communities can come together with our schools. What a  
 21 nice idea.  
 22 So instead of wasting all of this money on  
 23 this parking garage, you can actually be putting money in  
 24 the pockets of your community school booster  
 25

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1 organizations. What a wonderful thing.  
 2  
 3 The other thing I would like to ask you to  
 4 think about today, we talk about safety of the pedestrians  
 5 and also our community and our visitors. So I don't know  
 6 if any of you lately have taken a good walk. I am always  
 7 out walking around town with my dog and that kind of  
 8 thing.

9 I am very concerned about pedestrians  
 10 crossing on Bridge Street. If you go to Old York Road,  
 11 you will see the lines are very faded for the crosswalk  
 12 and I do see students in the mornings trying to cross  
 13 Bridge Street to go to school. It is very dangerous and  
 14 there is no lighting.

15 There is no -- the crosswalk as I said is  
 16 very faded. It is very difficult for motorists to see the  
 17 students and I am always frightened when I see them trying  
 18 to cross. So at Old York Road, Kiltie on both sides of  
 19 that road, again the crosswalks are very faded.

20 And then even if you come down like at the  
 21 library to cross over Bridge Street there and then also on  
 22 Stockton Street.

23 I think again instead of wasting all of  
 24 this money on this parking garage, it doesn't benefit the  
 25 residents and the visitors. Lets promote safety. Lets

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1 were supposed to meet at the Court of Common Pleas in the  
 2  
 3 judge's chamber, the two parties. What happened?

4 PRESIDENT GERING: Thank you.

5 MR. DUFFY: Maybe they didn't do it.

6 PRESIDENT GERING: Thank you.

7 The young lady back there.

8 MS. SORIERO: Thank you. My name is Julie  
 9 Soriero, S-O-R-I-E-R-O. I currently reside in Cambridge,  
 10 Massachusetts but I own a home at 68 West Mechanic Street  
 11 and we have owned that home since 2016. The home is under  
 12 renovation and certainly we cannot occupy it at this  
 13 point.

14 For a number of years we had parked across  
 15 -- or our tenant has parked across the street in the lot  
 16 Torino (sic) lot, Fran's Pub lot, a lot of different  
 17 nicknames. That opportunity has now gone and I am trying  
 18 to find an answer why it is gone and what I hear is  
 19 Borough Council is taking this over and turning it into a  
 20 paid lot. That is my first question.

21 PRESIDENT GERING: We know nothing about  
 22 it.

23 MS. SORIERO: Let me tell you about it.

24 MAYOR KELLER: That is good.

25 MS. SORIERO: That answers my first

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1 have lighted crosswalks for those who cross Bridge Street.  
 2  
 3 And also you know because -- again even even like by the  
 4 toy store on Stockton it is very difficult.

5 MS. McHUGH: You have 15 seconds.

6 MS. MILLER: Thank you. And I -- just my  
 7 last comment. It struck me when you said it was confusing  
 8 to you, all of these terms for the building and  
 9 restrictions and all of that. What I am asking is if you  
 10 can make it -- clarify it so that everybody understands on  
 11 basic terms of what they can build and can't build, that  
 12 would be a good place to start. And what does it mean the  
 13 look of New Hope? Thank you.

14 PRESIDENT GERING: All right. Yes,  
 15 Mr. Duffy.

16 MR. DUFFY: Excuse my voice. Ed Duffy,  
 17 Village II, New Hope.

18 I was over -- I thought I was going to hear  
 19 a comment today about the meeting that was supposed to  
 20 take place in Doylestown about the Borough and the Union  
 21 Square about the parking garage issue.

22 Did that take place and what was the  
 23 outcome of that? I think the residents should have some  
 24 feedback on where that is, if it happened and where it is  
 25 going to go, if there are other actions. Because they

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1 question because they have now started construction and  
 2  
 3 anybody that is parking in that has been asked to move by  
 4 March 31st.

5 So the question I have is really -- sitting  
 6 here and hear talk about viability and the village charm  
 7 and character. Well I don't know where the residents are  
 8 supposed to park who support that in this community.

9 I have tried to -- I know we will be moving  
 10 here in a few months, I have tried to get a parking pass.  
 11 There is a two year waiting period. Where am I supposed  
 12 to park?

13 So if you do own the Torino (sic) lot, you  
 14 say you don't but just in case you do, I am encouraging  
 15 you to at least provide resident's opportunities with  
 16 additional permits in that lot or find a way for the  
 17 residents who make up the tax base in this community to  
 18 find a place to be able to park their cars without a two  
 19 year waiting period.

20 That is so important for this community if  
 21 you want to keep the viability, the charm and character.  
 22 Thank you.

23 PRESIDENT GERING: Thank you.

24 Yes, Mr. Balderston.

25 MR. BALDERSTON: Thank you. I was going to

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1  
 2 ask the same thing that Mr. Duffy spoke about. I was  
 3 under the impression that there was a hearing today in  
 4 Doylestown with the judge and two attorneys.  
 5 Could we have a report on that?  
 6 PRESIDENT GERING: This is a comment  
 7 section so I am just listening to your comments. This is  
 8 not a discussion here.  
 9 MR. DUFFY: It could be a sharing --  
 10 MR. BALDERSTON: I think we should take it  
 11 back to the way it was years ago where it was public  
 12 participation between the residents and the shopkeepers  
 13 and taxpayers and our elected officials where you would  
 14 make comments to us and we can have feedback going back  
 15 and forth with the community.  
 16 PRESIDENT GERING: You need to do your  
 17 comments but I will go back to why we do this. You're  
 18 asking questions of Council where we do not always have  
 19 that information so you're trying to get us into a  
 20 dialogue that we are not prepared for.  
 21 So when we know what happened, we will be  
 22 more than happy to report. Seems like you know more than  
 23 we do.  
 24 MR. DUFFY: I hope not.  
 25 MR. BALDERSTON: That is very disturbing.

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1  
 2 dangerous intersection.  
 3 Mrs. Cleary, those of us who have been here  
 4 more than 15 years will know of her, Angie Cleary. She  
 5 was walking across that road across from -- Old York Road  
 6 across Sugan Road and she was hit by a car. She was taken  
 7 to hospital and she never properly recovered. A couple  
 8 months later she died.  
 9 Larry, you will know about that; right?  
 10 You knew Mrs. Cleary.  
 11 MAYOR KELLER: I did.  
 12 MR. TAYLOR: And so we have -- in my  
 13 accounting, coming from industry, that is a fatality that  
 14 we associate with an incident and --  
 15 MAYOR KELLER: If I may say, I think the  
 16 accident when she was hit was around '07, '08 and she died  
 17 in '12 as I recall, '12 or '13. It was four years  
 18 disparity there but Angie lived behind The Raven. Sure.  
 19 MR. TAYLOR: Well anyway she got hit and  
 20 she was badly hurt. You're spoiling a good story.  
 21 PRESIDENT GERING: You have 30 seconds.  
 22 MR. TAYLOR: What we are doing is we are  
 23 getting -- Peter and Matt have -- they are involved, we  
 24 have had communication with the Senator Santarserio about  
 25 getting -- making sure that PennDOT will be able to get

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1  
 2 Thank you.  
 3 PRESIDENT GERING: Okay. Who hasn't  
 4 spoken?  
 5 Yes, the gentleman in the back.  
 6 MR. TAYLOR: Thank you. Dena Taylor, you  
 7 have had me before. D-E-N-A. My name is Dena Taylor. I  
 8 live on Old York Road. And I heard conversation or  
 9 discussion earlier about road safety.  
 10 So Mr. Mayor, Chairman, Council and the  
 11 members of the people that work for the Borough, we have  
 12 all -- and our attorney too. We have got -- all got a  
 13 vested interest in road safety. I live very close to the  
 14 intersection of Sugan Road and Old York Road.  
 15 That road does not meet code. That  
 16 intersection does not meet code. I have started an  
 17 initiative --  
 18 MS. MCHUGH: Old York Road and where?  
 19 MR. TAYLOR: Sugan Road.  
 20 It is the connection between Bridge where  
 21 you come off Bridge Street by the Wawa, you drive past my  
 22 house, you cross Old York Road, you actually will go  
 23 slowly over that because if you go fast you will miss the  
 24 turn and collide. You will be one of the large number of  
 25 people who have run into the power pole. It is a very

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1  
 2 the funds to correct that properly. I have communicated  
 3 with our reps so he knows a number of people here are  
 4 behind it and what we are looking to do is have that  
 5 intersection brought up to code.  
 6 It is damaged at the moment, the PennDOT  
 7 are not willing to try to repair because anything they do  
 8 actually will -- to repair the -- to repair it they will  
 9 make the road narrower and if it is any narrower we will  
 10 have more incidents there.  
 11 So I am asking the Council to support --  
 12 you know I am asking for your support, when you have the  
 13 opportunity to talk to any one with any power in all of  
 14 this and you will please be positive about it. And also  
 15 any initiatives that are happening or people are asked to  
 16 spend a little bit of time on it you will support it.  
 17 This again is a place of substantial --  
 18 there are serious safety issues there and we have had a  
 19 couple of -- we have had a couple of them just recently.  
 20 And the Chief has collected a list of the incidents.  
 21 MS. MCHUGH: You're a minute over now.  
 22 MR. TAYLOR: Am I really? Well anyway you  
 23 will support it and we appreciate it.  
 24 PRESIDENT GERING: Thank you. All right.  
 25 One more. We are done. Pam. Go ahead.

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1  
2 MS. KERR: I have an announcement.  
3 MS. McHUGH: We love announcements.  
4 MS. KERR: Pam Kerr.  
5 New Hope Arts is going to have another  
6 outdoor sculpture. We are calling it public sculpture  
7 program now.  
8 And if anybody wants to see it go up, I  
9 can't promise that it will happen on Sunday, weather,  
10 life, whatever. And First National Bank of Newtown is  
11 hosting.  
12 PRESIDENT GERING: Thank you. All right.  
13 Can I have a motion to adjourn?  
14 MR. DOUGHERTY: I will make that motion.  
15 MS. McHUGH: I will second.  
16 PRESIDENT GERING: Save travels.  
17 - - -  
18 (The proceedings were concluded.)  
19 - - -  
20  
21  
22  
23  
24  
25

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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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