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2 NEW HOPE BOROUGH COUNCIL
3 BUCKS COUNTY, PENNSYLVANIA
4 - - -
5 SEPTEMBER COUNCIL MEETING
6 - - -
7 NEW HOPE BOROUGH COMMUNITY ROOM
8 123 NEW STREET
9 NEW HOPE, PENNSYLVANIA 18938
10 - - -
11 TUESDAY, SEPTEMBER 20, 2022
12 COMMENCING AT 7:00 P.M.
13 - - -
14 BOARD MEMBERS PRESENT:
15 CONNIE GERING - PRESIDENT
16 LAURIE McHUGH
17 TINA RETTIG
18 DANIEL DOUGHERTY
19 PETER MEYER
20 LOUISE FEDER
21 KENNETH MAISEL
22 - - -
23 ALSO PRESENT:
24 LAURENCE KELLER - BOROUGH MAYOR
25 PETER GRAY - BOROUGH MANAGER
JOHN FENNINGHAM, ESQ. - BOROUGH COUNCIL SOLICITOR
MARY STOVER - ZONING OFFICER
MICHAEL CUMMINGS - CHIEF OF POLICE
RICHARD LUPINETTI - BUILDING INSPECTOR
MATTHEW DECKER - AUDIO/VIDEO TECHNICIAN

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2 PRESIDENT GERING: I would like to call the
3 meeting to order. If we could stand for the pledge of
4 Allegiance.
5 Pete, if you can take roll call, please.
6 MR. GRAY: Certainly.
7 Ms. McHugh?
8 MS. McHUGH: Here.
9 MR. GRAY: Ms. Rettig?
10 MS. RETTIG: Here.
11 MR. GRAY: Ms. Feder?
12 MS. FEDER: Here.
13 MR. GRAY: Mr. Maisel?
14 MR. MAISEL: Here.
15 MR. GRAY: Mr. Meyer?
16 MR. MEYER: Here.
17 MR. GRAY: Mr. Dougherty?
18 MR. DOUGHERTY: Present.
19 MR. GRAY: Mayor Keller?
20 MAYOR KELLER: Here.
21 MR. GRAY: Ms. Gering?
22 PRESIDENT GERING: Here. Thank you.
23 Mayor, if you could do your report.
24 MAYOR KELLER: More of a comment this
25 month than a report.

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2 Just want to talk about this Saturday night
3 and the event that the Playhouse had for their annual
4 fundraiser. It was absolutely wonderful. They had the
5 original lead singer from the Four Seasons that played
6 Frankie Valli so the Jersey Boys.
7 It was just a fantastic night. But besides
8 that, got representation here; we had some ex-council
9 members there, we had three council members there, myself
10 and it was just a successful event.
11 And those of you that made this --
12 business-wise everything revolves around the Playhouse and
13 it is important that that is a vital part of our existence
14 in town and it was just nice to see everybody having a
15 great time. That is it.
16 PRESIDENT GERING: Thank you. First on
17 the agenda is a Zoning Hearing Board application for 3,5,7
18 West Bridge Street.
19 If you can identify yourself for the court
20 stenographer, please.
21 MR. GRIFFIN: Absolutely. Andrew Griffin,
22 I am the attorney from Curtin & Heefner here on behalf of
23 the Applicant.
24 PRESIDENT GERING: Thank you.
25 MR. GRIFFIN: I also have with me Ralph

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2 regards to the front yard setback it requires ten feet,
3 this is only about .2, and then also it is non-compliant
4 with the side yard setback.
5 So essentially we will have to ask for a
6 special exception from you after we get zoning relief.
7 That special exception is to expand the existing
8 non-conformity and then we will also have to ask for seven
9 or eight variances. We just received the zoning review
10 letter from Mary Stover, looks like we might have to add
11 one or two.
12 It looks like a lot of relief but it really
13 isn't because it is really reiterations in the ordinance
14 of sort of the same requirements about expanding the
15 existing non-conformities. So it is really expanding a
16 non-conforming structure on a non-conforming lot allowing
17 uses, activities and structures within the side yard where
18 it is already non-conforming. And really the only
19 additional space to the building is going to be -- it is
20 right now at 53.55, it is over the 50 percent building
21 coverage limit. We are only expanding that to 58.37 and
22 really that is just some of the ADA accessibility, a small
23 expansion in the rear, but again it will meet the rear
24 setback.
25 Then also there is an area on the building

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2 Fey, who I know you know well, who is the architect on the
3 project.
4 So essentially what we are here for is 3,
5 5, 7 West Bridge Street. The existing use of the property
6 currently is the first floor has two retail uses; one is
7 427 square feet, the other is 557 square feet. And then
8 to the rear of the property there is an 804 square feet
9 apartment. Then on the second floor of the property there
10 is an additional apartment that is about 1297 square feet.
11 So the proposal for this zoning application
12 is to expand the existing retail space by eliminating the
13 apartment to the rear of the first floor and expanding
14 both retail spaces through the elimination of that
15 apartment and an addition to 799 square feet will then
16 relocate that apartment on the first floor to the second
17 floor. That will result in two apartments on the second
18 floor of 865 square feet and 856 square feet.
19 I will have Ralph kind of walk through the
20 plans and the historic features of the building, the ADA
21 and some of the benefits of this renovation.
22 But what you should know is that the lot is
23 not conforming, it is a small lot. The requirement is
24 4,000 square feet, these are only about 3,400 square feet.
25 The existing structure is also non-conforming. With

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2 that we will fill in through the expansion but it will
3 maintain basically the same plane on the side yard. So I
4 will have Ralph walk through the plans.
5 MR. FEY: Before I bore you with my --
6 Ralph Fey -- with going through all of the plans --
7 PRESIDENT GERING: Speak into the
8 microphone.
9 MR. FEY: Is there anything specific you
10 would like me to address or go through every page?
11 PRESIDENT GERING: Why don't you talk
12 about what the design is going to look like and the impact
13 it will have on the street.
14 MR. FEY: That is a great slide to stop at.
15 The renovation is intended to restore the building to the
16 part of the building that we believe to be more original.
17 So the green part there with the bay window
18 is not of the historic look of the Victorian design to the
19 right of that. Our research indicates that that is newer,
20 is newer window, newer doors and our proposal is to remove
21 that green porch area and just restore that to an area
22 where you can walk on.
23 It will benefit not only the aesthetics of
24 the building but will also benefit that stair that comes
25 down onto Bridge Street that cuts significantly into the

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1 sidewalk because our proposal is to push that or relocate
 2 that stair to the side off the street so that there isn't
 3 this intrusion into the street from the public way.
 4 I think the next image shows that the
 5 building is very -- reverse image, the other direction.
 6 Yeah. You can see the building is very close to the
 7 building on the left side and from here that green part is
 8 the part that would be removed, everything else will be
 9 renovated and restored. So what you see in this image
 10 will be what you see when it is restored.
 11 If you go again in the reverse direction
 12 you will see the building in its context to its right-hand
 13 neighbor. Again, it is rather tight to that side. Where
 14 the gap is between the existing building and the right
 15 side neighbor, the pinkish building, that is where we will
 16 add a handicapped accessible ramp.
 17 The other addition -- the other building is
 18 pretty close to the property line on the left side and not
 19 enough room to put in a handicapped ramp that needs to be
 20 -- needs to go three feet high. So we are starting a ramp
 21 there and wrapping around the back and coming in the back
 22 of the building to provide an accessible building where it
 23 currently is not.
 24 And it is that wrapping around starting
 25

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1 look like from the street when it is completed.
 2 This has been a request that this Council
 3 has made many, many times before to all of those that come
 4 in before us and I want to mention it again because that
 5 is something that we are missing. Although I understand
 6 what you are doing --
 7 MR. FEY: That is what the image is. That
 8 is our drawing --
 9 MR. MEYER: The better one --
 10 MR. FEY: That is our drawing dropped in,
 11 exactly as it is proposed.
 12 MR. MEYER: Okay. I missed that.
 13 MR. FEY: Existing building on the top, our
 14 drawing overlaid on that and that is what we will present.
 15 MR. MEYER: So those two windows and what
 16 looks like kind of a picture window below it, that is
 17 where you removed the porch?
 18 MR. FEY: Yes.
 19 MR. MEYER: Fine. Okay. I will shut up.
 20 I got it. Thank you.
 21 MR. FEY: Stairs have been removed as well.
 22 MR. MEYER: Got it. Thank you. I didn't
 23 spot it in the collection.
 24 MR. FEY: We heard you.
 25

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1 from the left side -- the right side, this gap that is
 2 causing us to need some variances because that ramp is
 3 considered a structure and it is considered a structure on
 4 the side yard. So we are not proposing making the
 5 building wider to the side or closer to the street. It is
 6 modestly increasing it in the rear but it is more building
 7 a second floor space above the existing first floor space,
 8 then wrapping around the building, which you can see in
 9 the plan with the handicapped accessible ramp.
 10 The photo in the middle, what it looks like
 11 now, the photo, plus our drawing dropped into it is what
 12 it will be -- it is intended to be exactly as it is now
 13 without the green one story addition in the front.
 14 PRESIDENT GERING: So if I understand
 15 correctly, that wherever renovations you're doing to the
 16 standard, will all be done primarily to the rear of the
 17 building?
 18 MR. FEY: Yes.
 19 PRESIDENT GERING: Thank you.
 20 Any questions or comments from Council?
 21 MR. MEYER: If I may, I think I understand
 22 what you are trying to do but I am simply -- to reiterate
 23 something that we asked for before and I ask that we would
 24 be able to have an image that would show us what it will
 25

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1 MR. MEYER: Thank you very much. I
 2 appreciate that.
 3 PRESIDENT GERING: Go ahead.
 4 MR. DOUGHERTY: I generally -- I am pleased
 5 with the look and also pleased with the fact that -- the
 6 before and after from the same visual and all of that
 7 stuff. I really do appreciate that.
 8 The only question is I studied this on my
 9 computer and I could go from the before and after by
 10 hitting back and forth and it would go like this and I
 11 thought that was very helpful, by the way, having it from
 12 exactly the same spot and being able to page back and
 13 forth and have it. You know you can stare and what I
 14 notice -- it might be just something in the CAD or
 15 whatever that is called, is the windows on the left-hand
 16 side of the structure seem to be right justified -- the
 17 windows seemed to be centered on the existing structure or
 18 not centered; third, third, third. And on the new
 19 structure they seem to be docked to the right a little
 20 bit.
 21 Is that a correct interpretation?
 22 MR. FEY: So to address your question, that
 23 is a CAD trying to become a photograph problem. So they
 24 have -- they had to take the CAD drawing and scrunch it
 25

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 2 into the perspective.
 3 We will not be moving any windows on the
 4 front of the building. The opposite will be there, the
 5 windows will be painted and we will try to do better.
 6 MR. DOUGHERTY: Thank you.
 7 PRESIDENT GERING: I have another question
 8 for you. I noticed that there is no parking available.
 9 How do you plan on dealing with that?
 10 MR. GRIFFIN: The current parking
 11 requirements for the building is six parking spaces. This
 12 was confirmed by Mary in her review letter. We are --
 13 actually these changes will not expand the parking
 14 requirement. So it would still be six spaces that would
 15 be required.
 16 There is no spaces provided now so we would
 17 just like to continue that non-conformity.
 18 PRESIDENT GERING: Thank you.
 19 MR. DOUGHERTY: It is expected that these
 20 are retail spaces, not dining in any way; is that a true
 21 statement?
 22 MR. GRIFFIN: Under the ordinance what
 23 would be required generally would be two spaces per retail
 24 and then given the square footage -- and then one per
 25 apartment. There is no spaces provided at this property

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 2 PRESIDENT GERING: Thank you.
 3 Any questions from Council regarding this?
 4 Any comments from the public?
 5 All in favor?
 6 MS. FEDER: Aye.
 7 MR. MEYER: Aye.
 8 MS. RETTIG: Aye.
 9 MR. DOUGHERTY: Aye.
 10 MR. MAISEL: Aye.
 11 PRESIDENT GERING: Aye. Good luck.
 12 UNIDENTIFIED MALE: I didn't get to say a
 13 word. Thanks, guys.
 14 MS. McHUGH: Move along.
 15 PRESIDENT GERING: Next is a Certificate
 16 of Appropriateness for 39 West Ferry Street for exterior
 17 painting.
 18 Can I have a motion for approval?
 19 MR. MEYER: So moved.
 20 MS. McHUGH: I will second.
 21 PRESIDENT GERING: Any questions from
 22 Council? Any from the public?
 23 All in favor?
 24 MS. FEDER: Aye.
 25 MR. MEYER: Aye.

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 2 now. We are not providing any additional spaces, we are
 3 looking to go forward with that non-conformity.
 4 MR. DOUGHERTY: You mentioned 58 percent
 5 versus 53 percent existing earlier and you eluded to the
 6 ADA requirements driving some of that. Is there an ADA
 7 ramp in the back?
 8 MR. GRIFFIN: There is and that is part of
 9 the five percent bump.
 10 MR. DOUGHERTY: That is required. Okay.
 11 Thank you.
 12 MR. GRIFFIN: Correct.
 13 PRESIDENT GERING: Any other questions or
 14 comments from Council? Any from the public?
 15 Council stay neutral. All right. Good
 16 luck.
 17 MR. GRIFFIN: Thank you.
 18 PRESIDENT GERING: Next on the agenda is a
 19 Certificate of Appropriateness for 28 South Main Street
 20 for installation of a dock and a gate.
 21 Can I have a motion for approval?
 22 MS. RETTIG: I will make that motion.
 23 PRESIDENT GERING: Can I have a second?
 24 MR. MEYER: Second.
 25 MS. McHUGH: I have to recuse myself.

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 2 MS. McHUGH: Aye.
 3 MS. RETTIG: Aye.
 4 MR. DOUGHERTY: Aye.
 5 MR. MAISEL: Aye.
 6 PRESIDENT GERING: Aye. Good luck with
 7 painting your building, guys.
 8 Next on the agenda is petition -- you have
 9 something to say? I'm sorry, you're also 37.
 10 So next we have 37 Ferry Street to replace
 11 windows for Certificate of Appropriateness. Can I have a
 12 motion for approval?
 13 MR. DOUGHERTY: I will make that motion.
 14 MS. RETTIG: Second.
 15 PRESIDENT GERING: Any comments from
 16 Council? Any from the public?
 17 All in favor?
 18 MS. FEDER: Aye.
 19 MR. MEYER: Aye.
 20 MS. McHUGH: Aye.
 21 MS. RETTIG: Aye.
 22 MR. DOUGHERTY: Aye.
 23 MR. MAISEL: Aye.
 24 PRESIDENT GERING: Aye. Good luck, guys.
 25 Next is a Certificate of Appropriateness

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2 for 30 West Bridge Street for replacing existing siding.

3 Can I have a motion for approval?

4 MS. McHUGH: I can make that motion.

5 MR. MAISEL: Second.

6 PRESIDENT GERING: Any comments from
7 Council? Any from the public?

8 All in favor?

9 MS. FEDER: Aye.

10 MR. MEYER: Aye.

11 MS. McHUGH: Aye.

12 MS. RETTIG: Aye.

13 MR. DOUGHERTY: Aye.

14 MR. MAISEL: Aye.

15 PRESIDENT GERING: Aye. Good luck with your
16 siding.

17 Next is a Certificate of Appropriateness
18 for 30 West Mechanic Street. Can I have a motion for
19 approval?

20 MR. DOUGHERTY: Just a note, that is 34
21 West Mechanic.

22 PRESIDENT GERING: I'm sorry, I will
23 correct myself.

24 Certificate of Appropriateness for 34 West
25 Mechanic Street.

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2 approval. Otherwise, every house on Ferry Street and any

3 other house will be able to put a steel glass storm door

4 on the front and we may not like that.

5 PRESIDENT GERING: That is a really good

6 comment, Dan. I totally agree with you because you have

7 historic houses that are a hundred years old and we don't

8 want it --

9 MR. MAISEL: I can't -- I think the

10 approval that was provided here was provided in the

11 context of where it was and what it was, the location and

12 so forth. And an approval that is provided by or a

13 suggestion of approval from HARB isn't necessarily a

14 precedence because each one stands on its own.

15 I don't necessarily agree with the premise

16 behind this window, would therefore be --

17 MR. DOUGHERTY: Storm door.

18 MR. MAISEL: Storm door would have to be

19 approved just because it was approved in this particular

20 case. I don't recall them contemplating the -- their

21 position regarding this door once not being acceptable and

22 now being acceptable or -- but I was after the meeting --

23 I don't remember the conversation, I think it was odd at

24 the time.

25 I know about our historical approach to it

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2 Can I have a motion of approval?

3 MS. McHUGH: I will make that motion.

4 PRESIDENT GERING: Second?

5 MS. RETTIG: I will second it.

6 PRESIDENT GERING: Any comments from
7 Council?

8 MR. DOUGHERTY: Just a question. The HARB
9 decision to allow storm doors, in the past -- I just need
10 to understand it a little better. I know for a fact in
11 the past a storm door from the HARB -- there has been four
12 different HARB Boards from when I say in the past, so it
13 is much more professionally run and rigidly structured
14 approach.

15 My only question is as far as precedence
16 goes, in the past storm doors were forbidden if they were
17 not wood. We just have to understand is this being
18 approved because this house happens to be roughly 20 years
19 old or whatever it is or are we going to be -- are we
20 going to also approve this type of door on the Vansant
21 House if they want one? I think we need to decide that.

22 I am not saying -- I am not putting out my
23 decision on that but we can't say -- well if we are saying
24 it is because this house that it is going on is of a more
25 modern feel, then we have to say that during this

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2 from the Council's standpoint and it was something that we

3 were adverse to seeing have happen and be approved by

4 HARB. But it was -- in this particular case it was and --

5 but I just don't see it necessarily as a precedence going

6 forward but as has happened in the past with previous HARB

7 decisions and where they haven't followed through

8 historically so that is the only framework.

9 MR. DOUGHERTY: Can we get a legal

10 perspective on that as far as how -- my question is

11 because I think -- I agree each decision does stand on its

12 own, so I agree with you. But we also know that the

13 applicants will point -- every applicant says this house

14 has it, that house has it; three decks and two chimneys,

15 therefore I should have it.

16 I just -- I don't know how does Council

17 feel about storm doors up and down Ferry Street? If you

18 don't like the idea on Ferry Street, up and down Ferry,

19 then somehow we have to make it clear that this particular

20 location based on some rational approach, maybe the

21 building is less than 50 years old or it is in the

22 historic district, so I don't know.

23 MS. McHUGH: What was there before?

24 MR. DOUGHERTY: It is a door.

25 MS. McHUGH: So it is being replaced.

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2 PRESIDENT GERING: They are adding it.
3 So John, we are going to need some guidance
4 here so we don't fall into trouble in the future. And I
5 totally agree with Dan regarding this because you know, we
6 can have half the houses that are a hundred years old
7 putting heavy duty storm doors.
8 What would be your recommendation? Do we
9 send this back to HARB with the clarification or do we
10 approve it because the house is only -- under 20 years old
11 that we are approving? We need some guidance here.
12 MR. FENNINGHAM: Because of the age of the
13 house at issue and the considerations by HARB, you can act
14 upon that tonight.
15 The decisions on each particular structure
16 are necessarily subject to consistent guidelines in your
17 HARB Ordinance subject to the applicant pointing out
18 variations applicable to that particular site.
19 The next owner that comes before HARB
20 and/or you that says well you did it in this particular
21 case, that owner has the burden to try to demonstrate and
22 persuade you that the principles and factors apply to say
23 this case tonight are the same as those that would apply
24 to the future. If they are identical, there would be a
25 question why not consistent.

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2 So my answer is if you're satisfied with
3 the recommendation from HARB that relates to storm doors,
4 then you can vote tonight.
5 If you're not, for Dan's point of the
6 distinction, then you would need to send it back to HARB
7 for clarification.
8 MR. MAISEL: Before we decide on that I
9 would just like to add exactly -- Dan knows the exact
10 location of this proposed storm door, we all might, it is
11 not in the face right on West Ferry, you know on the front
12 of the street facing, it has some separation from the
13 street sight lines so that would be a very difficult case
14 to make for a future applicant to compare that to in this
15 particular case.
16 So I mean just keeping that in mind of what
17 we decide is what we decide, I want to have you take that
18 in context.
19 MR. FENNINGHAM: So that is a factually
20 distinguishing element.
21 MR. MAISEL: I would say so.
22 MR. FENNINGHAM: I would agree with that.
23 PRESIDENT GERING: Any other comments from
24 Council? Any comments from the public?
25 I will go straight down and -- yes, and its

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2 got to be pertaining to this door. If you can identify
3 yourself.
4 MR. BALDERSTON: Joe Balderston. Are they
5 replacing the existing door?
6 PRESIDENT GERING: No.
7 MR. DOUGHERTY: They are adding a storm
8 door.
9 MR. BALDERSTON: But there is an existing
10 door.
11 MR. DOUGHERTY: There is a door on the
12 house.
13 MR. BALDERSTON: I was going to suggest if
14 they were a replacing door, which they might want to
15 consider, we have some wonderful insulated doors today
16 with some wonderful weather stripping and it would
17 probably satisfy that and it would not need a storm door.
18 Thank you.
19 PRESIDENT GERING: Thank you. Any other
20 comments from the public? Yes. Please identify yourself.
21 MS. DELEVICH: Geri Delevich. My question
22 is at this meeting like it was wonderful that you had
23 photographs up of the different designs and stuff. Why
24 don't you have a picture of that particular door on screen
25 so we can all look at it?

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2 MR. GRAY: We can certainly put those up.
3 Many times we go through them rather quickly but we can
4 definitely have them up.
5 MS. DELEVICH: I just think it would be
6 helpful.
7 PRESIDENT GERING: Thank you. Any other
8 comments?
9 All right. We will go down the line. Ken?
10 MR. MAISEL: In favor.
11 PRESIDENT GERING: Dan?
12 MR. DOUGHERTY: I am opposed.
13 PRESIDENT GERING: Tina?
14 MS. RETTIG: I think it needs to be
15 flushed out a little bit more how we will handle it so --
16 PRESIDENT GERING: Laurie?
17 MS. McHUGH: It needs to go back to HARB.
18 PRESIDENT GERING: I am opposed. It needs
19 to go back to HARB.
20 MR. MEYER: Assuming that it is HARB and
21 not us that has to make that distinction, this is not
22 something that is precedent setting. I think that is the
23 situation that we are in and it has to go back to HARB.
24 PRESIDENT GERING: Louise?
25 MS. FEDER: I am in favor.

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 2 PRESIDENT GERING: Thank you. All right.
 3 It is going back to HARB for clarification.
 4 Next it is a --
 5 MR. MAISEL: Connie, so what is going back
 6 to them telling them what? What is their instruction?
 7 PRESIDENT GERING: To give us guidance as
 8 to why they are allowing the door. Is this going to be a
 9 standard where they will allow all of the other properties
 10 or distinguish because of the age.
 11 MR. MAISEL: What were the distinguishing
 12 factors? Where we assumed that it might be because of the
 13 age, we don't know.
 14 MR. MEYER: Right.
 15 MR. MAISEL: Okay.
 16 MR. MEYER: Clarification of the
 17 distinguishing characteristics. Thank you.
 18 PRESIDENT GERING: Thank you. All right.
 19 Thank you so much.
 20 MR. DOUGHERTY: They might not have one.
 21 They may say if we are okay with the storm door, every
 22 house in the Borough -- in HARB -- so it is not if they
 23 didn't think that when they approved it, you can't say now
 24 go back now to the -- do you know what I am trying to say?
 25 MR. MAISEL: I want to make sure that we go

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 2 All in favor?
 3 MS. FEDER: Aye.
 4 MR. MEYER: Aye.
 5 MS. McHUGH: Aye.
 6 MS. RETTIG: Aye.
 7 MR. DOUGHERTY: Aye.
 8 MR. MAISEL: Aye.
 9 PRESIDENT GERING: Aye. Good luck with your
 10 painting.
 11 Next is a Certificate of Appropriateness
 12 for 186 South Main Street for a door installation. Can I
 13 have a motion for approval?
 14 MS. McHUGH: I will make that motion.
 15 PRESIDENT GERING: Second?
 16 MR. MAISEL: Second.
 17 PRESIDENT GERING: Any comments from
 18 Council? Any from the public?
 19 All in favor?
 20 MS. FEDER: Aye.
 21 MR. MEYER: Aye.
 22 MS. McHUGH: Aye.
 23 MS. RETTIG: Aye.
 24 MR. DOUGHERTY: Aye.
 25 MR. MAISEL: Aye.

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1
 2 back to them with the proper request.
 3 PRESIDENT GERING: All right. Thank you.
 4 Next on the agenda is a Certificate of
 5 Appropriateness for 9 West Mechanic Street for a sign
 6 installation.
 7 Can I have a motion for approval?
 8 MS. RETTIG: I will make that motion.
 9 MS. McHUGH: I will second.
 10 PRESIDENT GERING: Any questions?
 11 All in favor?
 12 MS. FEDER: Aye.
 13 MR. MEYER: Aye.
 14 MS. McHUGH: Aye.
 15 MS. RETTIG: Aye.
 16 MR. DOUGHERTY: Aye.
 17 MR. MAISEL: Aye.
 18 PRESIDENT GERING: Aye.
 19 Next we have a Certificate of
 20 Appropriateness for 9 West Mechanic Street for exterior
 21 painting.
 22 Can I have a motion for approval?
 23 MR. DOUGHERTY: I will make that motion.
 24 MR. MEYER: Second.
 25 PRESIDENT GERING: Any comments?

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 2 PRESIDENT GERING: Aye.
 3 Next is Certificate of Appropriateness for
 4 110 South Main Street for sign installation.
 5 Can I have a motion for approval?
 6 MR. DOUGHERTY: I will make the motion.
 7 PRESIDENT GERING: Second?
 8 MR. MAISEL: Second.
 9 PRESIDENT GERING: Questions from Council?
 10 Questions from the public?
 11 MR. DOUGHERTY: I have a question. I'm
 12 sorry about this one. We have a sign -- do we have a sign
 13 ordinance, Mr. Gray?
 14 Mr. Gray, is there like an ordinance that
 15 specifies the size of how large a sign can be?
 16 MR. GRAY: We have a sign ordinance, it is
 17 under zoning.
 18 MR. DOUGHERTY: It is a certain maximum
 19 number of inches?
 20 MS. STOVER: It is square feet.
 21 MR. DOUGHERTY: Is it eight?
 22 MS. STOVER: It is ten or twelve.
 23 MAYOR KELLER: Twelve.
 24 MR. DOUGHERTY: It is 12 square feet and
 25 that satisfies that, this is under 12 square feet?

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2 MS. STOVER: Yes.
3 MR. DOUGHERTY: Thank you.
4 PRESIDENT GERING: Geri, did you still
5 have a comment? Come one up.
6 MS. DELEVICH: Geri Delevich, Old Mill
7 Road, New Hope.
8 I see all of this information about sign
9 installation, we come here to be informed but we know
10 nothing about what these signs say. That woman showed me
11 a picture of the sign. It was a very nice sign. Now we
12 know a Sushi Bar is coming.
13 Is it possible that we at least be told
14 what these signs say?
15 PRESIDENT GERING: This is for Smooth
16 Roots.
17 MS. DELEVICH: Thank you.
18 PRESIDENT GERING: Any other questions?
19 MS. McHUGH: Does this have to be done
20 ahead of time?
21 PRESIDENT GERING: All right. Any other
22 comments?
23 All in favor?
24 MS. FEDER: Aye.
25 MR. MEYER: Aye.

1 **SEPTEMBER COUNCIL - 2022**
2 MS. McHUGH: Aye.
3 MS. RETTIG: Aye.
4 MR. DOUGHERTY: Aye.
5 MR. MAISEL: Aye.
6 PRESIDENT GERING: Aye. Good luck.
7 Next is a Certificate of Appropriateness
8 for 19 North Main Street for a sign installation.
9 Can I have a motion for approval?
10 MS. McHUGH: I will make that motion.
11 PRESIDENT GERING: Second?
12 MS. FEDER: Second.
13 PRESIDENT GERING: 19 North Main Street is
14 what used to be the toy store that was renovated.
15 Do you have a sign for that so they can
16 see? This is 19 North Main Street.
17 Any questions from Council?
18 MR. DOUGHERTY: I would just like to make a
19 statement. I walked past this the other day and it is
20 absolutely one of the finest locations in town at this
21 point. It is absolutely stunning.
22 MS. McHUGH: I agree.
23 MR. MEYER: Here, here.
24 MR. DOUGHERTY: Absolutely stunning. If
25 every detail would be like yours, it would be wonderful.

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2 PRESIDENT GERING: Any comments from the
3 public?
4 All in favor?
5 MS. FEDER: Aye.
6 MR. MEYER: Aye.
7 MS. McHUGH: Aye.
8 MS. RETTIG: Aye.
9 MR. DOUGHERTY: Aye.
10 MR. MAISEL: Aye.
11 PRESIDENT GERING: Aye. Good luck.
12 Next is a Certificate of Appropriateness
13 for 95 South Main Street for a sign installation.
14 Can I have a motion for approval?
15 MR. MAISEL: I will make that motion.
16 PRESIDENT GERING: Second?
17 MR. MEYER: Second.
18 PRESIDENT GERING: Any questions from
19 Council? Any from the public?
20 All in favor?
21 MS. FEDER: Aye.
22 MR. MEYER: Aye.
23 MS. McHUGH: Aye.
24 MS. RETTIG: Aye.
25 MR. DOUGHERTY: Aye.

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2 MR. MAISEL: Aye.
3 PRESIDENT GERING: Aye.
4 Next we have a Certificate of
5 Appropriateness for 95 South Main Street for exterior
6 painting.
7 Can I have a motion of approval?
8 MS. McHUGH: I will make that motion.
9 MS. RETTIG: I will second it.
10 PRESIDENT GERING: Any questions from
11 Council? Any from the public?
12 All in favor?
13 MS. FEDER: Aye.
14 MR. MEYER: Aye.
15 MS. McHUGH: Aye.
16 MS. RETTIG: Aye.
17 MR. DOUGHERTY: Aye.
18 MR. MAISEL: Aye.
19 PRESIDENT GERING: Aye. Good luck.
20 Next we have a Certificate of
21 Appropriateness for 18-20 West Mechanic Street.
22 Can I have a motion for approval?
23 MS. RETTIG: I will make that motion.
24 PRESIDENT GERING: Second?
25 MS. FEDER: Second.

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 2 PRESIDENT GERING: Thank you.
 3 All right. Can you identify yourself?
 4 MR. LABOSKI: Good evening. Gavin Laboski
 5 on behalf of the owners of 18-20 West Mechanic Street.
 6 Richard Calabrese is here with me as well.
 7 We have two issues for this property; one
 8 relating to the windows on units 6 and 7 and windows and
 9 doors on units 4 and 5. So just by way of background, as
 10 Council is aware, we will start with 6 and 7. It might be
 11 easier.
 12 The development is subject to a stipulation
 13 at settlement agreement relating to the COA which was
 14 issued in 2019. This building is the historic structure.
 15 There are nine windows on the front and there is a note on
 16 that rendering which states existing windows to be
 17 restored.
 18 We submitted to Borough Council and to the
 19 Borough a report from La Woodworking. La Woodworking is
 20 one of the premiere historic woodworking contractors. By
 21 way of background, they did some windows in Independence
 22 Hall.
 23 PRESIDENT GERING: Can you try to use the
 24 microphone?
 25 MR. LABOSKI: So what we discovered when

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 2 they have pressure -- they have pressure channels, they
 3 don't usually have weights and -- chains and weights.
 4 Are you proposing chains or weights --
 5 MR. LABOSKI: Chains and weights.
 6 MR. DOUGHERTY: New sashes. Then the sash
 7 composition you're proposing all wood?
 8 MR. LABOSKI: All brand new wood but to
 9 match the historic -- the trim, the style, the profile of
 10 the wood.
 11 MR. DOUGHERTY: All wood interior and
 12 exterior as well, not clad with aluminum or vinyl anything
 13 on the exterior?
 14 MR. LABOSKI: All wood.
 15 MR. DOUGHERTY: And single pane so they are
 16 not double pane, so they are true divided --
 17 MR. LABOSKI: Yes, single-hung.
 18 MR. DOUGHERTY: Meaning they go --
 19 MR. LABOSKI: Top would not come down,
 20 bottom would go up.
 21 MR. DOUGHERTY: Fixed upper and the bottom
 22 would go up and down?
 23 MR. LABOSKI: Correct.
 24 MR. MEYER: That is part of the difference
 25 from what was there before which were probably double-hung

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 2 taking those windows apart is that the windows are in poor
 3 condition. They are of poor quality, and what La
 4 Woodworking is proposing is that the frame of the window
 5 be restored but that the sashes be reproduced to match
 6 what is out there now historically -- to appear
 7 historically correct.
 8 They would be single-hung windows. They
 9 have already started working on the weights and pulleys
 10 that are inside the walls to make sure that those work.
 11 Some work, some don't work. And if you recall, the two
 12 windows on the right-hand side, as you're looking at the
 13 structure, those were already replaced with temporary
 14 windows when the restoration was done on that side wall.
 15 Those needed to be replaced for safety reasons.
 16 So we are here asking for modification, I
 17 guess of the previously issued COA and stipulation to
 18 allow the windows to be restored and replaced in
 19 accordance with the recommendation from the restoration
 20 contractor.
 21 MR. DOUGHERTY: Can I ask a question?
 22 PRESIDENT GERING: Please.
 23 MR. DOUGHERTY: So you're -- the part that
 24 you are proposing to replace is really only the sashes,
 25 which I guess with new sashes they typically -- oftentimes

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 2 originally.
 3 MR. LABOSKI: Correct.
 4 MR. DOUGHERTY: To me that is if somebody
 5 -- if somebody had come to us and wasn't all of the
 6 history that we had here, I think it is a reasonable --
 7 personally I think that that is -- it is supposing
 8 somebody just had very old windows, 200 year old windows
 9 in their home and they proposed -- they had a company that
 10 was going to recreate the sashes, make them single-hung, I
 11 think that is something that I would support.
 12 MR. LABOSKI: Sashes are poor quality and
 13 their concern with that part is when they get frequent use
 14 that they will just fall apart. The thickness of the
 15 wood, the way that they were manufactured, the kind of
 16 wood is not of the highest quality so they want to
 17 reproduce it with much more better quality, rot resistant
 18 wood. You won't be able to tell the difference.
 19 MR. DOUGHERTY: The mullions get so weak
 20 after time that it doesn't support it.
 21 MR. LABOSKI: They were talking about
 22 trying to put a piece of stainless steel in the inside
 23 covering it up. It is not worth it.
 24 MR. MEYER: I guess my -- I am certainly in
 25 favor of doing it. I think the only thing that disturbs

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2 me is that this is a project in which there was work done
3 on having to restore that building in a prior point and it
4 is obvious that that effort in trying to establish the
5 restoration of what was needed for the restoration did not
6 pay attention to the windows.

7 One of the things that distresses me with
8 regard to this project as a whole, is the number of times
9 this had to come back to us for modifications and changes
10 of things that were not thought through or fully developed
11 during the course of the project being put together.

12 And I guess I just want to make a point
13 that that is not something that this Council particularly
14 likes having to come before us. In this case I am
15 certainly voting in favor of these windows.

16 MR. LABOSKI: Certainly. We don't want to
17 be here as much as you don't want us here and these are
18 things we discovered as the construction is going on.
19 These things happen. Certainly the condition of the
20 windows wasn't known until they were taken apart.

21 So look, we want to have a constructive
22 conversation about achieving the ultimate goal here of
23 making that building look historically sound and in
24 keeping with what we agreed to and this is I think is a
25 minor modification from what was originally agreed to so

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2 argue that they might have been reasonable requests prior
3 to you know after 2019.

4 MR. LABOSKI: What is done in the past is
5 done in the past.

6 MR. MAISEL: That is the spirit that we
7 need to move forward on. I wanted to make those comments.

8 PRESIDENT GERING: Any other comments from
9 Council? Any from the public?

10 All in favor?

11 MS. FEDER: Aye.

12 MR. MEYER: Aye.

13 MS. McHUGH: Aye.

14 MS. RETTIG: Aye.

15 MR. DOUGHERTY: Aye.

16 MR. MAISEL: Aye.

17 PRESIDENT GERING: Aye. Opposed? All
18 right. Good luck.

19 MR. LABOSKI: I am not done.

20 MR. MEYER: We know.

21 MR. LABOSKI: You won't get rid of me that
22 fast. Four and five is -- let's talk about 4 and 5.

23 So to your point about changes and seeing
24 changes, this is a perfect example. If I can begin --
25 there is another image of that rear portion -- no, it is

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2 we hope you look favorably on it.

3 PRESIDENT GERING: Ken?

4 MR. MAISEL: I think in light of -- I
5 think you're getting the drift that -- I think this is a
6 reasonable -- at least from another person's standpoint, I
7 think what you are up against here is -- and this is a
8 monumental undertaking, this whole project has really been
9 big and you are saddled with the history and the legal
10 battle that went on and you know, our disinterest in
11 wanting to topically deal with anything as it relates to
12 this other than what was agreed so you know where this is
13 all coming from.

14 MR. LABOSKI: Absolutely.

15 MR. MAISEL: There is no secrets here. I
16 just think the unfortunate path and I guess getting to the
17 finish line --

18 MR. LABOSKI: We think so.

19 MR. MAISEL: I think things are getting to
20 the finish line so this might be a moot point. Obviously
21 there is no precedent set here where -- because I think
22 the historical basis is to say forget it, this is what you
23 have bargained for and you take it or leave it.

24 I don't think it would be a prudent thing
25 on our part, this is a reasonable thing. But you can

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2 in the packet, it is the rendering -- it might be
3 easier -- leave it there. That is fine.

4 So you see the cantilevered -- this is the
5 rear units 4 and 5, you see the cantilevered gray
6 rectangle that sits along the retaining wall there and it
7 has a series of windows. To the left of that, what you
8 can't see on the piece that comes out, the renderings --
9 the other rendering of that rear of those buildings shows
10 a window.

11 The permit application -- the permit
12 drawing showed it as a wall. We were told that we needed
13 to come back to talk to you about why that is not a window
14 and a wall. And this morning we had a meeting and Rick
15 pointed out that -- and Ralph Fey who is here also pointed
16 out, because of the location of the party wall -- Rick,
17 correct me if I am wrong, I don't know the building code,
18 that that can't be a window because of the distance from
19 the party wall so it has to be a wall.

20 So when you talk about changes, this is a
21 perfect example. When we prepared the renderings and sat
22 around and talked about these things, that is something
23 that we didn't anticipate, nobody anticipated, even the
24 architect in the room.

25 So the permit plans meet code and the

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1 permit plans show a wall inside of a window on the left.
 2 Again, you can't see it in this version of the rendering,
 3 and so that is what is out there and that is what we have
 4 to do. Everyone would like to have a window but we can't.
 5 MR. DOUGHERTY: What was approved had a
 6 window, now what is being built or has been built, which
 7 is it?
 8 MR. LABOSKI: It is in the process. It
 9 could go to a window, it could go to a wall.
 10 MR. DOUGHERTY: So you're asking us to let
 11 you make it a wall, is that true?
 12 MR. LABOSKI: We are telling you that it
 13 has to be a wall because the code inspector won't let it
 14 be a window.
 15 MR. DOUGHERTY: Okay.
 16 PRESIDENT GERING: Okay. The --
 17 MR. MEYER: Hold it. The code inspector
 18 is different than Borough Council.
 19 PRESIDENT GERING: We will let Rick chime
 20 in on this.
 21 MR. LUPINETTI: There is a little more than
 22 just that one wall. It is a great example that Gavin was
 23 talking about, the renderings -- they had another one that
 24 was a little more skewed in the COA packet originally. It
 25

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1 Do we need to rule separately on not having
 2 a window down there besides the windows he is moving to so
 3 we don't muddy the waters here?
 4 MR. FENNINGHAM: No. There is a common
 5 theme that there is deviations from the COA of 2019 plans
 6 but there is rational reasons, field adjustments to the
 7 changes consistent with the 2020 plans and the code
 8 enforcement so I think you can address these in total.
 9 MR LABOSKI: I would just point out because
 10 the wall that has to be built purports with the permit
 11 plans, really nothing changes anyway. So that is the
 12 other way of looking at it.
 13 MR. FENNINGHAM: I agree with that.
 14 MR. LABOSKI: All right. So let's talk
 15 about windows then, you see the five windows across the
 16 second floor with shutters. What is currently on the
 17 permit plans and built is four windows with shutters. And
 18 the reason for the difference is, and I ran into Ralph Fey
 19 when he was here, is five windows won't fit.
 20 PRESIDENT GERING: What was Mr. Fey
 21 thinking about when he gave us the drawing?
 22 MR. LABOSKI: So that is just it, his point
 23 to me was you can't build off of a picture, you can't
 24 build off of this. We specked -- if you remember, we
 25

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1 did show an operational window.
 2 When I did my review, between townhouses
 3 there is an imaginary property line that goes through them
 4 that you cannot have any openings, it has to be a one hour
 5 fire-rated assembly. Therefore, I could not approve an
 6 opening with a window according to the code. So that was
 7 one reason there that that could not be a window on that
 8 one side.
 9 As in progress, they were willing to put
 10 the window in to meet the COA but I said they cannot do
 11 that because it has to be a fire-rated assembly. That is
 12 one part of the deviation.
 13 And when the main building on unit 5
 14 closest to the left, that rendering shows five windows up
 15 top.
 16 MR. LABOSKI: I was getting to that. That
 17 is okay. I was going to take one at a time. I was going
 18 to take that window and the cantilever
 19 MR. LUPINETTI: Perfect.
 20 MR. LABOSKI: Let's talk about the windows
 21 along the top. So as you can see along the top of that
 22 unit there is five windows with shutters.
 23 PRESIDENT GERING: Can I stop you? John,
 24 I need guidance.
 25

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1 decided on the specific type of window that would go in.
 2 Those come in certain sizes. This rendering doesn't have
 3 a measurement across the back. There was no way to figure
 4 out how many you can fit in but he put five in there.
 5 PRESIDENT GERING: You should get a refund
 6 from your architect.
 7 MR. LABOSKI: I don't pay the architect
 8 fortunately. So that is the reason, by the time you put
 9 shutters on the windows, you can only fit four across the
 10 facade of that building.
 11 MR. FENNINGHAM: There is a simpler answer.
 12 PRESIDENT GERING: Go ahead.
 13 MR. FENNINGHAM: Well the answer is -- I
 14 agree with everything Gavin said. I don't think the issue
 15 is the comparison of the 2019 plan and the 2020 plans.
 16 You have a record plan note, action 3, 12, 13 and 14 that
 17 allowed your township engineer to address field
 18 deviations. This would be a field deviation.
 19 And there is a history, as I dug into this
 20 site and this project, there is a history of the
 21 developer's professionals requesting a field deviation
 22 review by your township engineer.
 23 So the history of the litigation throws a
 24 different light on this case, in my judgment, but the
 25

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 2 nitty gritty issues are ones that can be resolved by you
 3 tonight to let the project go forward and then consistent
 4 -- I am taking Gavin's mic away, consistent with our
 5 discussions and the proposals to adjust the settlement of
 6 the appeal to the court that is all getting done.
 7 So anything that deviates or something that
 8 is not yet built and the developer recognizes the
 9 deviation, the burden is on the developer to bring that to
 10 staff's attention and then to you for review.
 11 But as in a real world situation, most of
 12 this construction is already done. So I -- Gavin and I
 13 met and spoke, I am jumping into the second category, but
 14 I think it is -- the second item, but I think it is
 15 important to see the overview.
 16 Is that we are very, very, very close to
 17 concluding the stipulation of settlement to be approved by
 18 you. It is not yet ready for tonight, but it will be,
 19 that will then be approved by the court and then this
 20 dispute will go away. Things will be consistent in a
 21 process that you have authorized me to propose to the
 22 developer and to Gavin.
 23 So I think we are there. I think that is
 24 why you can look at this in a total view tonight with
 25 regard to 6 and 7 you approved, 4 and 5 I think you -- my

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 2 I assure you that the developer is doing
 3 their best to comply with these things. There are just
 4 some things that cause us to have to make changes.
 5 MR. DOUGHERTY: I understand and I am not
 6 trying to beat you up, but -- so I think in the field --
 7 the field adjustments that -- and the building inspector
 8 adjustments where there are four-inch gutters instead they
 9 will be six inches; this needs to be because of the amount
 10 of roof space there needs to be more down spouts. There
 11 needs to be shunts and this kind of stuff.
 12 All sorts of things can happen like that,
 13 obviously the contractor -- until the building inspector
 14 sometimes has a different perspective about how many
 15 square feet that roof is, this is the number of windows.
 16 I mean to me to say well once we put them in and measured
 17 the shutters we realized they won't fit. Am I missing
 18 something?
 19 MR. LABOSKI: Yeah. Measurements weren't
 20 taken to create these.
 21 MR. MEYER: You are not showing us
 22 something that is -- your client ends up showing us
 23 something that isn't built.
 24 MR. DOUGHERTY: These places were sold with
 25 floor plans, interior floor plans that show windows.

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 2 recommendation would be to approve.
 3 PRESIDENT GERING: Thank you, John.
 4 Any other comments?
 5 MS. RETTIG: All I wanted to say was I
 6 understand what you are saying and I get it and I
 7 perfectly comprehend. Unfortunately, the only thing we
 8 have to go off of are the drawings you supplied us and
 9 given the history of this project, for you to say you
 10 can't build off the drawings, if that is what you
 11 submitted to us -- all I am saying is that from now on,
 12 anything that we get should be what we are actually
 13 looking at, what you actually think. I understand about
 14 deviations but there just has been --
 15 MR. LABOSKI: I appreciate that and that is
 16 a fair comment. What we agreed to on the the plans, on
 17 these renderings, was our expectation and maybe this was a
 18 miscommunication on our part, we couldn't build off these
 19 exactly. There were going to be field issues and things
 20 that happened in the field.
 21 The intention is to build in accordance
 22 with the historic feel and look and feel that Borough
 23 Council wants and that is what I think we are achieving.
 24 I certainly appreciate this comment and I understand your
 25 comment.

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 2 MR. LABOSKI: Not when we sat at the table
 3 and approved it. This was approved by agreement. So the
 4 responsibility to know what they look like is -- bears on
 5 both parties.
 6 MR. DOUGHERTY: Are you arguing that the
 7 number of windows in a design we are approving really
 8 doesn't matter what we approve?
 9 MR. LABOSKI: No. When we submitted the
 10 building permit plans we -- we are not hiding anything.
 11 We are not trying to surreptitiously --
 12 MR. DOUGHERTY: We are trying to say if a
 13 great more deal of care has to be taken if we are
 14 approving things based on the look and feel and how it
 15 blends into the indoor community and not have -- it turns
 16 out the span is only 32 feet. We didn't realize how wide
 17 the building was, therefore we can only do four windows.
 18 That sounds like that is the reason why there is less
 19 windows.
 20 MR. LABOSKI: No.
 21 MR. DOUGHERTY: There needs to be greater
 22 care taken on what is presented to us when we approve
 23 something. By the same token, if we said there is not
 24 enough windows there and the contractor came before us and
 25 said okay we will make it four windows and then we come

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2 back -- you come back and say it turns out we measured and
3 we have the building almost done now and we only can do
4 the three windows that we wanted to do in the first place.

5 MR. LABOSKI: I think you're misremembering
6 the history of this.

7 MR. DOUGHERTY: It was five years ago.

8 PRESIDENT GERING: I will correct you real
9 quickly. I will stop you right there. I will correct you
10 because Laurie and I sat there during all of those --

11 MR. LABOSKI: As did I.

12 PRESIDENT GERING: And we tried to get
13 answers and we were given pictures and when we asked for
14 specific things, for example the walls, we were told by
15 your architect well it could be three feet, it could be
16 six feet. We really don't know what it is going to be.

17 This was the whole game that got played
18 during that. We did the best we could and we approved you
19 according to the pictures that you gave us. That is what
20 we approved.

21 MR. LABOSKI: You approved it without
22 measurements.

23 PRESIDENT GERING: Excuse me.

24 MR. LABOSKI: You approved it without --

25 PREIDENT GERING: We as Council shouldn't

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2 Council and my client agreed that these would be the
3 drawings. If you read the stipulation that we entered
4 into in court, it doesn't say building exactly according
5 to these things. It doesn't say that a COA shall include
6 these drawings as well as other drawings that were
7 submitted in 2017. That is it.

8 MR. MEYER: The drawings that were
9 submitted in 2017 conform to what you have been waving at
10 us or not?

11 MR. LABOSKI: 2017 -- if you read the
12 stipulation and you read the decision, it says there were
13 a set of plans sent to HARB in 2017 -- there are some
14 plans that were sent to HARB in 2017 that Council did not
15 oppose, that they found acceptable. There are other plans
16 -- portions of the project that were opposed and that is
17 how we developed these renderings to supplement what was
18 submitted in 2017. So there are plans and renderings all
19 over the place.

20 PRESIDENT GERING: So I guess the ones that
21 we came to an agreement and was approved by the court --
22 right?

23 MR. LABOSKI: Right.

24 PRESIDENT GERING: So was it the one with
25 five windows or was it just a drawing that maybe we can

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2 have to come there and measure it. We took for granted
3 that you had a reputable architect and a contractor that
4 knew what they were doing and that is what they were
5 showing us.

6 MR. LABOSKI: And so exactly my point, a
7 reputable contractor and architect have told us time and
8 again you cannot submit building plans that your code
9 inspector has to review from a picture. They can't do it.

10 MR. MEYER: Give us the accurate picture.

11 MR. LABOSKI: We did, we give you building
12 permit plans with exact dimensions of every single
13 location of every single window and we got a permit and a
14 permit means we get to build it. If somebody says there
15 is four windows and not five, that should have been told
16 to us in 2020, not in 2022.

17 PRESIDENT GERING: Let me ask you a
18 question because I am a little confused. So what you are
19 telling us is what you given here to Council is really not
20 what is going to happen until it goes to Rick and he could
21 end up with a totally different -- that is what I am
22 hearing.

23 MR. LABOSKI: No.

24 PRESIDENT GERING: Different plans.

25 MR. LABOSKI: You're misunderstanding me.

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2 have four windows there?

3 MR. LABOSKI: It is a drawing with five and
4 when our architect developed permit plans and submitted to
5 you for review, for review of compliance with that
6 stipulation, the Borough issued a permit and said it is
7 okay.

8 MR. MEYER: Let me ask you a different
9 question. I understand that now. And quite frankly, I
10 think we shouldn't have accepted the permit at that point
11 but that is part of the stipulation, that is water under
12 the damn.

13 You have talked to us repeatedly about four
14 windows up the top. All right. Can we have the original
15 version up there, please.

16 I want you to look, there are five windows
17 up top. Look at the left of the balcony, there are two
18 windows. Now go down to the other one. You wanted to
19 talk to us about there is one window there instead of two
20 and what the excuse is for that.

21 MR. LABOSKI: Well because the plans are
22 different -- the actual renderings on the rear of these
23 buildings actually show different things. So the
24 renderings that we all agreed to show differences within
25 the renderings which illustrates the point that these were

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2 never meant to be exact replicas to build from.
 3 MR. MEYER: In other words we are damn
 4 fools if we ever approve any plans that are brought to us.
 5 MR. LABOSKI: No, that wasn't the purpose
 6 of it. The purpose of it was that Council didn't
 7 appreciate the mass and they didn't agree the historic
 8 view of it was in compliance with the guidelines. So we
 9 worked on these plans for that very purpose to meet the
 10 guidelines. These are not exact measurements. I don't
 11 see how this is controversial.
 12 MR. DOUGHERTY: What is the genesis of
 13 this? Can I ask -- maybe it is Rick or whatever. The
 14 genesis of this particular conversation, five versus four
 15 windows; you -- at some point I would imagine it was
 16 brought to your attention that there is four windows.
 17 Somebody brought it to somebody's attention, perhaps not
 18 yours, that one, two, three, four but this says five. Who
 19 did that? You're here to I guess get us to agree to four
 20 windows instead of five.
 21 Is that a true statement?
 22 MR. LABOSKI: No, because --
 23 MR. DOUGHERTY: You don't think you need
 24 our approval?
 25 MR. LABOSKI: Let me finish. Yes, we want

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2 need to be here.
 3 MR. LABOSKI: I do want your approval. Let
 4 me rephrase it.
 5 MR. DOUGHERTY: Do you need our approval or
 6 you would just like to have it?
 7 MR. LABOSKI: I would like your approval to
 8 modify the COA to comport with the permit plans that were
 9 -- we submitted that you approved.
 10 PRESIDENT GERING: Let Rick -- can you
 11 speak?
 12 MR. LUPINETTI: Yeah. I have done
 13 extensive research on this entire project. The four to
 14 five windows was reviewed by the preservationist on -- a
 15 couple times -- just let Council know it did go through
 16 the preservationist to have a review.
 17 As it got to this point it was me
 18 ultimately requesting -- when I reviewed the COA and the
 19 stipulated agreement and then I went to the construction
 20 plans, I am the one that saw the deviation and I said
 21 really I would like Council to approve this deviation --
 22 be brought before Council as they should be the governing
 23 body to change it and not what was deviated previously
 24 prior to the permit issuance.
 25 It did go through an extensive

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2 you to approve four windows. You have already approved
 3 four windows.
 4 MR. DOUGHERTY: If -- then why are you
 5 here?
 6 MR. LABOSKI: We were asked to come here
 7 tonight to talk about these things and we think this is a
 8 way to go forward, as John pointed out, and what we are
 9 agreeing to is to bring these issues to your attention
 10 ahead of time. If you don't want --
 11 MR. DOUGHERTY: Ahead of time? It looks
 12 like it is already built.
 13 MR. LABOSKI: That is our point, why are we
 14 coming to you for something that was approved?
 15 MR. DOUGHERTY: We get to ask the questions
 16 here. So my question to you is -- it is not a debate
 17 society. Okay.
 18 MR. LABOSKI: I can't ask a question?
 19 MR. DOUGHERTY: You can listen. We can ask
 20 you questions and you can reply to us.
 21 MR. LABOSKI: I can't ask you questions?
 22 MR. DOUGHERTY: I didn't say that so don't
 23 put words in my mouth.
 24 You're here for -- I guess because our
 25 counsel suggested you come and you really don't think you

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2 preservationist review and I -- now I want to make sure it
 3 is in compliance with the COA.
 4 Ultimately I am the one responsible for any
 5 deviation and that is why I asked Gavin and them to come
 6 here before Council to present what was issued and for
 7 your consideration.
 8 MR. MAISEL: That would have been a
 9 worthwhile --
 10 PRESIDENT GERING: Microphone, please.
 11 MR. MAISEL: That would have been a
 12 worthwhile thing to have heard in prefacing this whole
 13 thing. To some extent it sounds like there is a basis
 14 even beyond what you just described, that the building
 15 permits really take precedence over any pictures.
 16 Whether that is right or wrong, that is --
 17 we would have had to compare the building permits to our
 18 pictures.
 19 MR. LABOSKI: You did.
 20 MR. MAISEL: Council --
 21 MR. LABOSKI: Your preservationist did and
 22 your zoning officer did. We went through that process,
 23 and so you can understand my client's frustration when
 24 they received the permit, they have an expectation that
 25 they can build what they are permitted to build and they

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- 1 were permitted to build four windows instead of five. Had
 2 somebody said we want five, we demand five, that is what
 3 is required, we would have changed the plans.
 4 But here we are two years after we
 5 submitted the application and as Rick pointed out, your
 6 preservationist reviewed it for that purpose. I can't
 7 help that nobody shared that with Council. That is not
 8 our design so that is why we are here. Council wants to
 9 hear and Rick wants Council's approval of the difference
 10 in the number of windows on the second floor.
 11 MR. MAISEL: The symmetry of those four, is
 12 that the same thing with the CAD drawing, they are
 13 centered, they are proportionate?
 14 MR. LABOSKI: Yeah, they are centered.
 15 MR. MAISEL: That big gap on the left, the
 16 solid gap is not as big as it appears?
 17 MR. DOUGHERTY: It seems right justified.
 18 The windows don't seem centered to the back.
 19 MR. LABOSKI: It is centered.
 20 MR. MAISEL: Can you see this picture up
 21 here?
 22 MR. LABOSKI: I am sure Rick can verify
 23 that they are.
 24 MR. DOUGHERTY: The distance to just -- I
 25

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- 1 MR. DOUGHERTY: Thank you.
 2 PRESIDENT GERING: Any comments or
 3 questions from Council? Any from the public?
 4 All in favor?
 5 MS. FEDER: Aye.
 6 MR. MEYER: Aye.
 7 MS. McHUGH: Aye.
 8 MS. RETTIG: Aye.
 9 MR. DOUGHERTY: Aye.
 10 MR. MAISEL: Aye.
 11 PRESIDENT GERING: Aye. Opposed? All
 12 right. Guys, you're a go.
 13 MR. CALABRESE: Thank you very much.
 14 PRESIDENT GERING: John?
 15 MR. FENNINGHAM: This is just to conclude
 16 the current appeal before Judge Bateman. I took over the
 17 matter from Barbara Kirk. I took over the matter at your
 18 direction from prior sources, worked with Gavin today to
 19 fine tune the stipulation of settlement and it is
 20 consistent with the points we discussed in August
 21 including the bright-line that occurred once this
 22 stipulation is signed and approved by both sides.
 23 That if there is a deviation going forward,
 24 as I said earlier, then there will be a burden on the
 25

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- 1 don't know if we are allowed to ask your client a
 2 question.
 3 MR. CALABRESE: Richard Calabrese,
 4 C-A-L-A-B-R-E-S-E.
 5 MR. DOUGHERTY: So to Ken's -- Mr. Maisel's
 6 question, the distance from the left lip of the left most
 7 window to the edge of the building, that distance which
 8 appears to be I would say four and a half feet, is the
 9 same distance --
 10 MR. CALABRESE: Yes, it is.
 11 MR. DOUGHERTY: You don't have the whole
 12 question, it is impossible for you to answer it.
 13 It is the exact same distance or very close
 14 to the same distance as the right --
 15 MR. CALABRESE: If you notice the --
 16 MR. DOUGHERTY: If it kills me. It is the
 17 same distance as the right most window of the four to the
 18 edge of that section, that is the same distance?
 19 MR. CALABRESE: Yes.
 20 MR. DOUGHERTY: Okay. Perspective does
 21 play tricks. So if that is not the case, anything we say
 22 tonight could be brought back, are you willing to say
 23 that?
 24 MR. CALABRESE: Sure.
 25

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- 1 developer to bring that deviation to the attention of your
 2 professional staff and ultimately to you for review rather
 3 than the Board.
 4 PRESIDENT GERING: Thank you.
 5 Do we have to make a motion to approve
 6 this?
 7 MR. FENNINGHAM: Not ready to be approved
 8 yet.
 9 PRESIDENT GERING: Thank you. All right.
 10 Good luck, guys.
 11 Next is can I have a motion to adopt the
 12 resolution for the 2023 Municipal -- Minimum Municipal
 13 Obligation pension plan contribution.
 14 MS. McHUGH: I can make that motion.
 15 PRESIDENT GERING: Second?
 16 MR. MEYER: Second.
 17 PRESIDENT GERING: Any questions from
 18 Council? Any from the public? Yes, Mr. Duffy.
 19 MR. DUFFY: Actually for --
 20 PRESIDENT GERING: Microphone, please.
 21 MR. DUFFY: Ed Duffy, New Hope, 23 Arden.
 22 Are there any numbers associated with this
 23 contribution or is there a formula that you can share with
 24 the public?
 25

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2 PRESIDENT GERING: Pete?

3 MR. GRAY: Yes. For the MMO for 2023, the
4 police pension plan is estimated to be -- it was actually
5 actuarially prepared for \$218,597. That is for calendar
6 year 2023 and that will be in the budget.

7 MR. DUFFY: Okay. Thank you.

8 PRESIDENT GERING: Any other comments?

9 All in favor?

10 MS. FEDER: Aye.

11 MR. MEYER: Aye.

12 MS. McHUGH: Aye.

13 MS. RETTIG: Aye.

14 MR. DOUGHERTY: Aye.

15 MR. MAISEL: Aye.

16 PRESIDENT GERING: Aye.

17 MR. GRAY: If I can just add, for the 2022
18 budget the Borough did place an additional \$50,000 for the
19 police pension fund. The Borough can place additional
20 funding for 2023 as well.

21 The pension plan based on the 121 actuarial
22 evaluation, an evaluation is done every two years by an
23 actuary. It is based on market value and it is determined
24 that it is unfunded, the unfunded liability for the plan.

25 And what we have been doing the last two years is adding

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2 additional money to try to combat the liability to keep it
3 lower and maybe we can one day have it fully funded.

4 So one of the things that we try to do is
5 consider additional funding in the next year's budget for
6 consideration to combat that unfunded liability. So
7 Council may want to consider adding additional funding
8 next year for that particular budget.

9 PRESIDENT GERING: Thank you.

10 Next can I have a motion to consider
11 adopting resolution for the 2023 Minimum Municipal
12 Obligation for the non-uniform pension plan. Can I have a
13 motion?

14 MS. RETTIG: I will make that motion.

15 MS. FEDER: I will second.

16 PRESIDENT GERING: Any questions or
17 comments from council? Any from the public?

18 All in favor?

19 MR. MEYER: It is 38,500.

20 MR. DUFFY: Don't be aggravated about it,
21 you're supposed to share this stuff with the public.

22 PRESIDENT GERING: Go ahead. Come on up.
23 Don't know if you have a question. We are happy --

24 MR. DUFFY: Same question.

25 PRESIDENT GERING: We are happy to answer

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2 your questions.

3 MR. DUFFY: My other comment is why isn't
4 this shared in the normal course of business with the
5 Council and the public? Why do we have to specifically
6 ask a question? It seems like it would be a normal course
7 of information shared. But same question for this.

8 MR. GRAY: \$38,500.

9 MR. DUFFY: Thank you.

10 I am not trying to get aggravated, just
11 want information. That is all.

12 PRESIDENT GERING: Thank you.

13 Can I have a motion to adopt -- all in
14 favor?

15 MS. FEDER: Aye.

16 MR. MEYER: Aye.

17 MS. McHUGH: Aye.

18 MS. RETTIG: Aye.

19 MR. DOUGHERTY: Aye.

20 MR. MAISEL: Aye.

21 PRESIDENT GERING: Aye. We did vote the
22 second time. Thank you.

23 Can I have a motion to adopt the Stormwater
24 Management Ordinance?

25 MS. FEDER: I will make that motion.

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2 MS. McHUGH: I will second.

3 PRESIDENT GERING: Any questions from
4 Council? Any from the public? Yes, come on up.

5 MS. DELEVICH: It is kind of a --

6 PRESIDENT GERING: Identify yourself.

7 MS. DELEVICH: Geri Delevich, Old Mill
8 Road. It is kind of a follow-up to what Ed is asking, can
9 you give us what the stormwater --

10 MR. MEYER: We had a --

11 MS. DELEVICH: A highlight of it might
12 be --

13 MR. MEYER: The stormwater management
14 ordinance changes are basically changes that are dictated
15 by the Commonwealth of Pennsylvania that we have to
16 conform to. Multiple, multiple pages long. They don't
17 involve particularly large amounts of money, the ordinance
18 is with regard to managing stormwater and we don't have
19 any real power over it.

20 MS. STOVER: It is mostly administrative
21 type things; requirements for inspections, requirements
22 for maintaining, things like that.

23 MS. DELEVICH: Thank you.

24 PRESIDENT GERING: Thank you.

25 Can I have a motion for the advertisement

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2 for the -- an ordinance amendment for hot tub and swimming
3 pools.
4 MR. GRAY: We haven't voted on --
5 PRESIDENT GERING: I'm sorry, we are back
6 to the stormwater management ordinance.
7 All in favor?
8 MS. FEDER: Aye.
9 MR. MEYER: Aye.
10 MS. McHUGH: Aye.
11 MS. RETTIG: Aye.
12 MR. DOUGHERTY: Aye.
13 MR. MAISEL: Aye.
14 PRESIDENT GERING: Aye. Thank you.
15 All right. Can I have a motion to
16 authorize advertisement for the ordinance amendment for
17 the hot tubs and swimming pools?
18 MS. RETTIG: I will make that motion.
19 PRESIDENT GERING: Second?
20 MS. McHUGH: I will second.
21 PRESIDENT GERING: Any comments from
22 Council? Any from the public?
23 All in favor?
24 MS. FEDER: Aye.
25 MR. MEYER: Aye.

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2 MS. McHUGH: Aye.
3 MS. RETTIG: Aye.
4 MR. DOUGHERTY: Aye.
5 MR. MAISEL: Aye.
6 PRESIDENT GERING: Aye. Thank you.
7 Next, our Public Works Director is retiring
8 as of November. Can I have a motion to approve Matthew
9 Decker as the Public Works Director?
10 MS. McHUGH: I will make that motion.
11 MS. RETTIG: I will make it.
12 PRESIDENT GERING: Second?
13 MS. RETTIG: I will second it.
14 PRESIDENT GERING: Any comments from
15 Council? Any from the public?
16 MR. DECKER: I would just like to thank
17 Council, Pete and the residents and business owners of New
18 Hope for this opportunity. Thank you.
19 PRESIDENT GERING: Mr. Clapper, did you
20 want to come and make a comment before we vote?
21 MR. CLAPPER: I did. Good evening. My
22 name is Bill Clapper, North Main Street, New Hope.
23 I would like to read this into the record,
24 if I may, tonight.
25 PRESIDENT GERING: Is this in regards to

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2 the position?
3 MR. CLAPPER: Absolutely. I would like to
4 congratulate the Borough Council on the selection of Matt
5 Decker as Director of Public Works. I think that many of
6 the residents around our town have come to know Matt as a
7 good ambassador for the Borough Administration through his
8 responsiveness and willing to go the extra mile to help
9 out residents. I have seen that personally.
10 He is well liked by many. I have also
11 personally enjoyed getting to know him and working with
12 Matt over the last year and a half or so on some of the
13 technical issues connected with the virtual meeting that
14 the Borough Council has moved forward with. I found Matt
15 to be highly technically competent and willing to learn
16 new methods of doing things. He should be complimented
17 for that.
18 I would however urge the Borough Council to
19 treat him well and pay him fairly because the one downside
20 of the position that you have offered him is that he now
21 will have a public view by many of our predatory
22 surrounding municipalities. So we want to make sure we
23 keep him here for a long time. I wish Matt all the best
24 in the world. Thank you.
25 PRESIDENT GERING: Thank you, Mr. Clapper.

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2 We have a motion on the table here. We haven't voted yet.
3 All in favor?
4 MS. FEDER: Aye.
5 MR. MEYER: Aye.
6 MS. McHUGH: Aye.
7 MS. RETTIG: Aye.
8 MR. DOUGHERTY: Aye.
9 MR. MAISEL: Aye.
10 PRESIDENT GERING: Aye. Congratulations,
11 Matt.
12 All right. Next can I have a motion to
13 consider High Heels Drag Race Special Event set for
14 October.
15 MS. McHUGH: I will make that motion.
16 MR. MAISEL: Second.
17 PRESIDENT GERING: Any questions from
18 Council? Any from the public?
19 All in favor?
20 MS FEDER: Aye.
21 MR. MEYER: Aye.
22 MS. McHUGH: Aye.
23 MS. RETTIG: Aye.
24 MR. DOUGHERTY: Aye.
25 MR. MAISEL: Aye.

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2 PRESIDENT GERING: Aye. I loved your drag
3 race. Thank you.
4 Next can I have a motion to approve the
5 Turkey Trot Special Event for November?
6 MS. McHUGH: I will make that motion.
7 MR. MEYER: Second.
8 PRESIDENT GERING: Any questions from
9 Council? Any from the public?
10 All in favor?
11 MS. FEDER: Aye.
12 MR. MEYER: Aye.
13 MS. McHUGH: Aye.
14 MS. RETTIG: Aye.
15 MR. DOUGHERTY: Aye.
16 MR. MAISEL: Aye.
17 PRESIDENT GERING: Aye. Good luck.
18 Next can I have a motion to consider the
19 appointment of Jill Haegele as an alternate to the Zoning
20 Hearing Board?
21 MS. McHUGH: I will make that motion.
22 PRESIDENT GERING: Second?
23 MS. RETTIG: I will second that.
24 PRESIDENT GERING: Any comments from
25 Council? Any from the public?

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2 and September 9th payrolls in the amount of \$72,475.95 and
3 \$69,774.41?
4 MS. McHUGH: I will make that motion.
5 MR. MEYER: Second.
6 PRESIDENT GERING: All in favor?
7 MS. FEDER: Aye.
8 MR. MEYER: Aye.
9 MS. McHUGH: Aye.
10 MS. RETTIG: Aye.
11 MR. DOUGHERTY: Aye.
12 MR. MAISEL: Aye.
13 PRESIDENT GERING: Aye.
14 All right. Louise, Parks and Rec. You
15 guys got lots going on.
16 MS. FEDER: We do. It is an exciting time
17 for Parks and Rec. So we had our meeting and I am just
18 pulling up to make sure that I get our dates right. So we
19 have an event next week out on the green roof. It is
20 called Storytelling Up On The Roof.
21 It is several storytellers from the Bucks
22 County Playhouse. They will be sharing stories, there
23 will be light refreshments, free admission so please come.
24 I will say that the three storytellers they
25 got are really exciting. I don't know if anyone listens

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2 All in favor?
3 MS. FEDER: Aye.
4 MR. MEYER: Aye.
5 MS. McHUGH: Aye.
6 MS. RETTIG: Aye.
7 MR. DOUGHERTY: Aye.
8 MR. MAISEL: Aye.
9 PRESIDENT GERING: Aye. Congratulations.
10 Can I have a motion to approve the August
11 16th Council meeting minutes?
12 MS. McHUGH: I will make that motion.
13 PRESIDENT GERING: Second?
14 MS. FEDER: I will second.
15 PRESIDENT GERING: Any comments?
16 All in favor?
17 MS. FEDER: Aye.
18 MR. MEYER: Aye.
19 MS. McHUGH: Aye.
20 MS. RETTIG: Aye.
21 MR. DOUGHERTY: Aye.
22 MR. MAISEL: Aye.
23 PRESIDENT GERING: Aye.
24 Can I have a motion to approve the accounts
25 payable in the amount of \$183,262.33 and the August 26th

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2 to Ask Me Another on NPR many years ago but Ophira
3 Eisenberg is our headliner. She is wonderful. We also
4 have Michael Albo who is an author and storyteller and
5 Michaela Murphy who I think is known to a lot of folks
6 here.
7 We are really looking forward to it, please
8 come out. It is a great opportunity to enjoy the green
9 roof as well.
10 We are also looking forward to our meeting
11 next week. We have been doing a lot of planning on the
12 Parks and Rec Committee about ways to consistently
13 maintain all of the resources in town. We are meeting
14 with the Public Works directors, present and future, at
15 the next meeting. We are really looking forward to having
16 a conversation about parks and what we can do going
17 forward.
18 PRESIDENT GERING: Thank you, Louise.
19 Laurie, Shade Tree?
20 MS. McHUGH: We don't have anything to
21 report. We will have a meeting tomorrow.
22 PRESIDENT GERING: Thank you.
23 Parking Committee. There is no report.
24 Next is Finance Committee. Ken, do you
25 have anything?

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2 MR. MAISEL: Just we will be having a
3 finance meeting next week or ten days I think it is. In
4 two days so -- and that is it. Nothing else to report.
5 PRESIDENT GERING: Thank you.
6 Next, HARB report.
7 MR. MAISEL: Louise and I are going to be
8 meeting in the next few days with significant
9 encouragement to get our arms around fees and attach to
10 some more onerous activities that happened within the HARB
11 and we hope to after discussing it at the last workshop,
12 we hope to present at the next maybe workshop or to
13 Council, a recommendation for alternative fees for more
14 problematic projects that are brought before the Borough.
15 So we should have that with the help of the
16 last couple weeks ago workshop, we will re-craft something
17 and present it in another workshop I guess, probably be
18 the time to do it.
19 What do you think, Pete, as opposed to --
20 MR. GRAY: Yes, workshop.
21 PRESIDENT GERING: Thank you so much.
22 There is no report from Zoning.
23 Do you have a report, Peter?
24 MR. MEYER: Yeah. The Planning
25 Commission met last night, we spent most of our time

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2 also working on updating our signage ordinance which will
3 be coming at us or coming to Council sometime after we are
4 done with the historic preservation.
5 PRESIDENT GERING: Thank you, Peter.
6 Do we have a Manager's report?
7 MR. GRAY: I just have a few items that --
8 e-mails that were received through public comment.
9 I did receive an e-mail from Mr. Duffy, a
10 few questions related to Park and Rec. First question;
11 Council, (Ms Feder), please define what parks (specific)
12 and facilities that Parks and Rec Board is responsible for
13 to develop refresh and maintenance plans.
14 Number two; can residents ask Park and Rec
15 questions at their meetings? Provide input about
16 conditions of the river parks?
17 And number three; can the Council set up
18 Zoom access to the Park and Rec meetings? Great way to
19 get support and volunteers.
20 PRESIDENT GERING: Thank you. The only
21 comments I would like to make, Mr. Duffy, if you're coming
22 to the meeting it would be great if you would ask those
23 questions here instead of us having to read them publicly
24 just for the future. Thank you.
25 All right. Any others?

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2 dealing with the ordinances that are being implemented
3 that are being proposed to eventually make it to Council
4 having to do with preservation of our historic resources.
5 I can put it slightly different, the preservation of our
6 economic base because that is what brings in our tourism.
7 That is not quite completed yet. One of
8 the things that comes out of that particular
9 consideration, which I will specifically ask to report to
10 Council about is the fact that if we are going to look at
11 the preservation of any historic resources that are not
12 located within the HARB designated district, that we need
13 to look to create an inventory of those resources that we
14 may wish to preserve.
15 This is primarily with regard to trying to
16 resist, where appropriate, demolition of would be
17 historically significant structures and buildings and the
18 like and that we need to start thinking about how to
19 create that inventory and to maintain that inventory over
20 time.
21 I suspect that that is something that will
22 have to be dealt with in a workshop, but I was asked by
23 the Planning Commission specifically to raise that
24 tonight.
25 Beyond that, the Planning Commission is

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2 MR. GRAY: I do have two more. I received
3 an e-mail from Alice Kapezynski. I apologize if I
4 mispronounced the name.
5 This is in regards to the rockfall
6 mitigation. I am requesting before we go any further, we
7 inform our public better of this project. Local Herald
8 newspaper. Have a planned meeting to explain. How it
9 will reduce safety. Safety should come first.
10 The effects of area plant species, animals,
11 fish, damage to wells and homes should be explained.
12 Could we adopt a mile's radius -- excuse me, river rock
13 refuge for the complete opposite and preserve our scenic
14 Delaware River to prevent man-made changes and bring in
15 more rocks to fill River Road ditches to drive safer on
16 that scenic drive.
17 I followed a truck carrying cars on the
18 trailer and the straight up forward clearance and side
19 tree falling is needed, clearing trees that would make the
20 ride safer and not change the environment of the earth or
21 area and no one would even notice but it sure would feel
22 safer.
23 With it even being said or remembered in
24 the '80s there was a rock slide at Point Pleasant, I
25 believe that was a blessing from God that prevented a

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2 nuclear plant site to begin. That is from Alice, Sughan
 3 Road.
 4 And the final one is from Joanne and Mitch
 5 Zuckerman also regarding the rockfall mitigation project.
 6 We respectfully urge New Hope Borough to
 7 oppose this wasteful and unnecessary project.
 8 PRESIDENT GERING: Pete, I have to ask
 9 because we are both naive, where is this project?
 10 MR. GRAY: This project is a project that
 11 is going to be in New Jersey. There was an e-mail we
 12 received from the New Jersey Department of Transportation,
 13 Route 29 Rockfall Mitigation Project in Hunterdon County
 14 affecting New Hope. And there is an organization called
 15 the Devil's Tea Table Alliance --
 16 PRESIDENT GERING: Okay.
 17 MR. GRAY: A group of concerned residents
 18 and businesses from Hunterdon County and Bucks County.
 19 PRESIDENT GERING: Would you like to come
 20 up?
 21 MR. RHOADES: Yeah.
 22 PRESIDENT GERING: If you can identify
 23 yourself for the --
 24 MR. RHOADES: Don Rhoades, R-H-O-A-D-E-S,
 25 West Ferry Street. And I am part of the Devil's Tea Table

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2 that starts and goes from Goat Hill all the way up past
 3 Devil's Tea Table, all the way past Frenchtown, there is
 4 going to be blasting and it is going to affect
 5 environmentally a lot of issues.
 6 It is going to affect the beauty of the
 7 area. It is going to affect transportation and people --
 8 I mean just because that is Jersey, I mean I am sure every
 9 one here drives 29 sometimes and you know --
 10 MR. MEYER: Among other things, I think
 11 part of the issue from the Pennsylvania side is to the
 12 extent that 29 is going to be closed, think about what
 13 traffic will be like on River Road.
 14 MS. RETTIG: That --
 15 MR. MEYER: Think about what traffic is
 16 going to be like coming across the bridge to then come on
 17 to River Road is going to be a significant impact on us.
 18 That is what concerns me in addition to the aesthetics
 19 and some of the other environmental impacts. The
 20 construction itself will make a significant adverse impact
 21 on us.
 22 MS. FEDER: Tina, just for -- and Don,
 23 please correct me if I'm wrong. The only reason I have
 24 heard about this is with the Lower Delaware Wild and
 25 Scenic group that I sit on for Council, this has been in

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2 Alliance and we, myself and one of the co-founders, sent
 3 you a letter addressed also to Council.
 4 Did you get that?
 5 PRESIDENT GERING: Yes.
 6 MR. RHOADES: Okay. So I am here to -- as
 7 you know, we requested the Council pass a resolution
 8 expressing concerns how -- and we included one from
 9 Lambertville, every community on the Jersey side from
 10 Lambertville up beyond Frenchtown and on the Pennsylvania
 11 side including Solebury, Plumstead, Tinicum and we are
 12 hoping for New Hope to adopt a resolution to also join in
 13 this so there is a bit more -- so there is total
 14 solidarity.
 15 PRESIDENT GERING: Thank you. We can
 16 discuss that at a workshop.
 17 MS. RETTIG: My understanding of this is
 18 that this is something being done in New Jersey.
 19 MR. RHOADES: Yes.
 20 MS. RETTIG: So how is -- anything we say
 21 or do isn't going to impact New Jersey so I --
 22 MR. RHOADES: I don't necessarily agree.
 23 If there is a -- for one thing, all of the river towns on
 24 both sides, there is somewhat of a sense of solidarity.
 25 And how could it affect this side? Well if

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2 the works for several years.
 3 MR. RHOADES: And its been really --
 4 MS. FEDER: Its been really slow going.
 5 MR RHOADES: Not publicized.
 6 MS. FEDER: Right. Because there is
 7 serious concerns about the impact of the river and like
 8 Peter was saying about transportation and obviously
 9 aesthetic issues that they are looking for -- and please
 10 -- they are looking for as much support as they can get
 11 from the region. It is a regional issue, even though it
 12 is on the Jersey side of the river. So you're right,
 13 there is not like a lot we can do.
 14 MS. RETTIG: We are looking at something
 15 symbolic, that is what I was trying to get at.
 16 MS. FEDER: Yes. I don't think there is
 17 much we can do.
 18 MR. RHOADES: You have Solebury, you have
 19 Tinicum, you have Plumstead who have submitted
 20 resolutions. Lambertville has included one --
 21 MS. FEDER: Is there a certain date that
 22 you guys are trying to get --
 23 MR. RHOADES: No, I am just here to make
 24 sure everything went through all right and hopefully, you
 25 know quickly by --

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2 PRESIDENT GERING: You're educating and I
3 appreciate that. So I think what we can do is put
4 something on the workshop agenda, and Pete can let you
5 know when that is so you can --
6 MR. RHOADES: Sounds very good.
7 MR. DOUGHERTY: Can I make a suggestion?
8 Sounds like Lambertville adopted.
9 MR. RHOADES: Yes.
10 MR. DOUGHERTY: If -- you probably have
11 access to these, are all of the resolutions the same? Are
12 they all verbatim? There might be a template and it might
13 say ten things but other people say we only want to do
14 seven. I would be interested in knowing that.
15 MR. RHOADES: On the e-mail we sent to
16 Peter there is the Lambertville resolution.
17 MR. DOUGHERTY: I understand that.
18 MR RHOADES: You want the rest of them?
19 MR. DOUGHERTY: What does Solebury say? We
20 have more of a relationship with them.
21 MR. MEYER: Solebury, Tinicum --
22 MR. DOUGHERTY: I just wouldn't want to
23 adopt Lambertville's just because that is the one we have
24 in our hands. Would it be possible -- if you can provide
25 Mr. Gray with a -- sort of a few, unless they are all the

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2 The Park and Rec Board works with the
3 Public Works Department --
4 MR. DUFFY: I can't hear what you said.
5 MR. GRAY: The Park and Rec Board work with
6 the Public Works Department to address issues at the Ferry
7 Landing Park, Lenape Park, Randolph Park and we have
8 several pocket parks as well; they are basically the
9 parking lots at North Main Street that they do some work
10 and also at the Verizon lot as well. So there is five
11 locations also that they address.
12 MR. DUFFY: Including the--
13 MR. GRAY: Can you go to the podium, Mr.
14 Duffy.
15 PRESIDENT GERING: Microphone.
16 MR. GRAY: The second question says can the
17 residents ask questions at the Park and Rec meetings?
18 Provide input about conditions of the river parks.
19 Park and Rec Board meets monthly and the
20 public is welcome to attend. In addition, at the
21 September meeting the representatives of the Public Works
22 Department will be there to answer any questions related
23 to the parks as well.
24 MR. DUFFY: So I am allowed to ask
25 questions and speak at the meeting?

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2 same, let us all know they are all the same.
3 PRESIDENT GERING: Thank you so much.
4 Pete, do you have anything else to report?
5 MR. GRAY: That I as all I have.
6 PRESIDENT GERING: Do we have a
7 Solicitor's report?
8 MR. DUFFY: Hold it. You didn't answer my
9 questions. I went through your process and you're
10 ignoring me.
11 PRESIDENT GERING: Hold on. I'm sorry.
12 Mr. Gray was giving the Manager's report so I think you
13 kind of lost me there so hold on. Anything else? You did
14 read his e-mails.
15 MR. GRAY: Yes.
16 PRESIDENT GERING: Your e-mails were read.
17 MR. DUFFY: You're supposed to answer them.
18 That is the process. That is why I submitted them.
19 PRESIDENT GERING: Go ahead, Pete. That
20 is --
21 MR. DUFFY: That is why I --
22 MR. GRAY: So in response to the questions;
23 the first question is please define what parks and
24 facilities, Parks and Rec is responsible for to develop
25 refresh and maintenance plans.

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2 MR. GRAY: Public meetings, yes.
3 MR. DUFFY: Okay. I didn't get that tone
4 when I first attended.
5 I don't know why the Council doesn't talk
6 about the responsibility she has.
7 MR. GRAY: Third question was can Council
8 set up Zoom access to the Park and Rec meetings? Great
9 way to get support and volunteers.
10 This is something that we can look into it.
11 MR. DUFFY: Thank you.
12 PRESIDENT GERING: Thank you.
13 Any Solicitor's report?
14 MR. FENNINGHAM: Just one brief item.
15 Regarding 18-20 West Mechanic Street and
16 the ongoing appeal, the stipulation of settlement is in
17 form close to being finalized. It contains the three
18 directives that you authorized me to negotiate into that
19 document.
20 The court has imposed certain briefing
21 deadlines that have twice been extended. So my
22 recommendation is that a finalized stipulation of
23 settlement be presented to you within the exception of the
24 Sunshine Law as part of the litigation, and you authorize
25 the President and the Manager to sign an exchange with the

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 2 developer to conclude the litigation as quickly as we can.
 3 So not to go back to the court and do any more litigating
 4 effort that is unnecessary at this point.
 5 PRESIDENT GERING: Thank you.
 6 MR. FENNINGHAM: So rather than waiting
 7 until the October meeting.
 8 MR. DOUGHERTY: Are you asking us to
 9 authorize the President -- and to put more clearly, you're
 10 asking us to take a vote to authorize our President and
 11 our Manager to effectuate or implement the three pronged
 12 approach that we had discussed before?
 13 MR. FENNINGHAM: Right. And I can
 14 certainly circulate the draft to each of you.
 15 MR. DOUGHERTY: I am fine.
 16 PRESIDENT GERING: Everybody okay?
 17 MR. MEYER: Does that require a formal
 18 motion?
 19 MR. FENNINGHAM: I don't think so, just the
 20 direction to me.
 21 PRESIDENT GERING: Okay. Everybody is
 22 good with me. Great.
 23 MR. FENNINGHAM: Thank you.
 24 PRESIDENT GERING: Before we go into
 25 public comment, Matt, how many people do we have online

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 2 MS. FEDER: Yes is the short answer.
 3 MR. DeLUCA: Thank you.
 4 PRESIDENT GERING: Any other public
 5 comments?
 6 Yes, Mr. Duffy.
 7 MR. DUFFY: Ed Duffy.
 8 I am a little disappointed how this is
 9 handled when you go through the process of asking
 10 questions and the fact that I had to do this is sort of
 11 insulting because all I wanted to do is ask a couple key
 12 people these questions about who has responsibility for
 13 the river parks and I have had to put this out -- he had
 14 to get answers.
 15 I tried to do it offline so I am not trying
 16 to nail anybody. I was just trying to find basic
 17 information because I wanted to see those parks taken care
 18 of. Okay? And so don't be offended anybody.
 19 The only thing is that the information
 20 wasn't readily available by two sources. One source
 21 wouldn't talk to me and the other source wasn't sure. So
 22 that is the process that I started with and I ended up
 23 having to do an e-mail to the Council and I can't believe
 24 this is happening and it is a very half-hearted answer.
 25 PRESIDENT GERING: Any other public

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 2 tonight?
 3 MR. DECKER: Four people.
 4 PRESIDENT GERING: Any public comments?
 5 Yes.
 6 MR. DeLUCA: Frank DeLuca, Old York Road.
 7 PREIDENT GERING: You have to speak up.
 8 MR. DeLUCA: Okay. How is this?
 9 PRESIDENT GERING: Much better.
 10 MR. DeLUCA: A few months ago a friend of
 11 mine, Jim Gentile, came in here more or less pleading with
 12 the Borough to do something about the wind damn and the
 13 lack of signage. I was just wondering if we are making
 14 any progress on that.
 15 MS. FEDER: Yes. We met with Jim today
 16 actually, so that is an incredibly well-timed question.
 17 We will have a more formal report probably at a workshop
 18 coming up.
 19 We have been exploring avenues of the
 20 signage, buoys, the ramp in town and outreach with the
 21 local school system and working with Jim in tandem.
 22 There will be a more thorough report
 23 probably coming at a workshops. Does that sound about
 24 right?
 25 MS. McHUGH: Yes.

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 2 comments? Any announcements?
 3 Can I have a motion to adjourn?
 4 MS. RETTIG: I will make that motion.
 5 PRESIDENT GERING: Second?
 6 MS. McHUGH: Second.
 7 PRESIDENT GERING: All right. Meeting
 8 adjourned. Have a safe evening.
 9 - - -
 10 (The proceedings were concluded.)
 11 - - -
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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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