

**MINUTES OF DUBLIN BOROUGH  
COUNCIL MEETING  
MONDAY, APRIL 9, 2018**

- 1. CALL TO ORDER:** The April 9, 2018 meeting of Borough Council was held in Borough Hall at 119 Maple Avenue, Dublin, PA. Council President, Jeffrey Sharer called the meeting to order at 7:30 p.m.

**ELECTED OFFICIALS PRESENT:**

Mayor:	Chris Hayes	
Council:	Jeffrey Sharer	Brent Smith
	Matthew Mayes	Gary Mast
	John Sherer	Kent Moore**
	William Benonis	

**APPOINTED OFFICIALS PRESENT:**

Borough Manager:	Angela P. Benner
Borough Solicitor:	Michael Kracht, Esq.
Borough Engineer:	Thomas F. Zarko, P.E.
Police Chief:	Michael Regan
Fire Chief:	Kevin Nugent
Emergency Management Coordinator:	M. Philip Myers*

\*Not Present

\*\*Late Arrival

- 2. Pledge of Allegiance:** Mr. Sharer lead the Council and audience in the Pledge of Allegiance.

**3. Council President Announcements:**

- 4. Public Comment on Non-Agenda Items:** Ms. Pasqua of Cherry Lane inquired into the Fire Alarm and if the Borough will consider eliminating it. Mr. Sharer stated that at Public Safety Committee, the Council, Fire Company President and Chief, Police Chief and Borough Manager met to discuss the fire siren and at this time and for the foreseeable future the alarm siren is not being eliminated. Mr. Smith added that after an informative discussion with everyone in attendance council listened to the reasons why the siren is warranted and agree that if the siren is important to those who keep us safe, then we respect that and trust their judgement. Mr. Sharer added that the Fire Company is looking into reducing the number of cycles that the fire siren goes through when sounded. Mr. Anderson of Cherry Lane added that he agrees with Mrs. Pasqua and doesn't know of other boroughs that utilize the siren anymore.

**5. Approval of Minutes:**

- 5.1. Minutes of Meeting of March 26, 2018:** Mr. Mast asked Mr. Kracht to confirm if a vote was required for the T-Mobile Lease. Mr. Kracht stated that no vote was required since no action was taken.

**MOTION:** A motion was made by Mr. Sherer, seconded by Mr. Smith and unanimously approved to accept the March 26, 2018 Minutes as amended.

**6. Payment of Bills:**

**6.1. Bills List dated April 5, 2018 for \$84,336.56 (all funds):**

**MOTION: Upon motion by Mr. Mast, seconded by Mr. Smith, the Council unanimously approved the Bills List dated April 5, 2018 for \$84,336.56.**

**6.2. Bills List dated April 9, 2018 for \$9,318.29 (all funds):**

**MOTION: Upon motion by Mr. Mast, seconded by Mr. Sherer, the Council unanimously approved the Bills List dated April 9, 2018 for \$9,318.29.**

**7. Borough Official Reports:**

**7.1. Dublin Fire Company:** Mr. Nugent presented the Dublin Fire Company report for March 2018.

**7.2. Mayor:** The Mayor stated that the Revitalization & Vision Plan Task Force met back on March 22<sup>nd</sup> and topics discussed included the creation of the historic district and looking into a LERTA Plan. Mayor Hayes stated that the next meeting of the RVP Task Force is scheduled for May 10<sup>th</sup> at 7:00 p.m.

**7.3. Borough Manager:** Ms. Benner presented the manager's report for March 2018.

**7.4. Chief of Police:** Chief Regan presented the police report for March 2018. Chief Regan also announced that Drug Take Back Day is scheduled for April 28<sup>th</sup> from 10am – 4pm at the Dublin IGA. Chief also announced that Dublin Borough Police Department is participating in the County's Push out the Pusher campaign that encourages residents to report drug information and there are rewards for information leading to the arrest of a drug dealer. Residents and Businesses can pick up yard signs promoting the campaign at the police department during normal business hours.

**7.5. Borough Engineer:** Mr. Zarko reported that GoreCon, the awarded Road Program Contractor, executed all required documents. The next step is to schedule a pre-construction meeting with the contractor. Mr. Zarko stated that the 2017 Chapter 94 report was submitted to DEP in late March along with the capacity evaluation for the past 5 years and upcoming 5 years. The report also incorporated the Dublin Town Center project and revised CMP.

**8. Discussion Items:**

**8.1. Curb Replacement on Meadow Lane and Circle:** Mr. Sharer opened the discussion up to the residents from Meadow Lane and Circle in attendance.

Ms. Giovino of Meadow Circle stated that she bought her property in 2009 and repaved and fixed her curb, then two years later the snow contractors came through and broke her curb again and she is appalled that she has to fix her curb again. She stated that she is angry because she had called the borough and complained, and nothing was done. How was she to know that she needed to follow a process to file a complaint. Ms. Giovino stated that they should just leave the curb the way it is.

Mr. Smith stated that he wanted to first establish that it is the responsibility of the property owner to maintain their curb and sidewalk on their property. If the Borough was made aware that there was property damage made by a borough sub-contractor within a reasonable time of the damage occurring, then the borough would have had the sub-contractor take responsibility. However, if the borough is not made aware they cannot handle it. Mr. Smith stated that the Manager will re-check the property file for Ms. Giovino and see if there is documentation about the call she made about her curb.

Mrs. Vilella of Meadow Lane stated that during the 16/17 winter the plow guy broke the water cap in the center of the cul-de-sac and the guy replaced it. She also stated that the whole curb in at the pump house appeared to be damaged.

Ms. Smale of Meadow Circle stated that the damage seems to be vertical fractures on about 70 % of the driveway curbs. She also asked if the curb is considered part of the easement. Mr. Zarko responded stating that it is part of the Right-of-way. Ms. Smale stated that if utility companies have to fix the property they damage then so should the snow contractors. Mr. Smith responded stating that if the Borough is not made aware of the damage then they are unable to do anything about it. If there is a claim against the borough then it should be a formal complaint in writing.

Mrs. Pourjalilvand of Meadow Circle stated that in the middle of the cul-de-sac the driveway has been blocked at time during snow removal. Damage has been done multiple times and her mailbox was knocked down for over a year from the snow contractors. Mrs. Pourjalilvand stated that all 10 houses agree that the snow plows are responsible. Mr. Smith stated that the borough was unaware that there was a problem with where the snow was being deposited and that management can discuss this with the snow contractor. Mrs. Pourjalilvand stated that the concern is fixing their curb and the contractor coming in destroying it again and then it being on the resident to fix the curb again. Ms. Benner stated that if a homeowner thinks that a contractor caused damage to their curb that the homeowner needs to file a formal complaint with the Borough so that the borough can inspect and if it is determined that the contractor caused the damage then the Borough will have the contractor repair the damage. Ms. Benner added that complaint has to be made within a reasonable amount of time not years after the fact.

Mr. Sherer asked if the Borough's Engineer can look at the curb and see if they can establish how the damage was caused to the curbs. Mr. Sherer ask those in attendance if they are happy with the new contractor that has been plowing this year. Those present stated that yes, they were happy with the new contractor.

Mr. Murphy of Meadow Lane stated that the snow plow took out park of their lawn and was unaware that he needed to file a complaint with the borough. He will follow that process in the future.

Mr. Vilella of Meadow stated that the curb chunks are from last snow contract from when they would use the bob cat.

Mr. Desko of Meadow Lane thanked Council for all that they do. Mr. Desko stated that most of the damage has been from the bobcat in the past over multiple years. Mr. Moore asked if they ever contacted the borough or approached the contractor about damaging their property. Mr. Desko stated that he didn't because he appreciated that they were clearing their driveway entrances.

Mr. Hayes stated that it would be beneficial to take a look at the process of filing a complaint at the Borough. Ms. Benner agreed and would look into it.

Mr. Neipp of Meadow Lane stated that the last 2 to 3 years is when most of the damage was done to the curbs. He also stated that the road was never top coated, so the curb sits higher than it should which, he believes, is causing the problem. Mr. Zarko stated that it is not an aesthetic issue and the curb is provided to support the road. The focus is on defects that will increase with the paving of the road, causing them to be replaced after the road has been paved.

Mr. Ennis of Meadow Lane asked what about their area and stated that it has to be the contractors fault.

Mrs. Pourjalilvand stated that she was confused as to why residents pay local taxes if the taxes do not go towards repair and/or replacement of curbs. Mr. Smith stated that the taxes pay for the paving of the roads along with many other things. Mr. Kracht added that the state statue places the requirement to maintain / repair / replace

curb and sidewalks on the property owner not the local municipality. Mr. Smith stated that Meadow Lane and Circle are the first development that we are paving that has curb that needs to be replaced and the borough is going to work towards informing the public of their responsibility to maintain the curb and sidewalk.

Mrs. Villella asked if the contractor is responsible to repair their portion will the resident be required to repair the rest of the curb? Mr. Zarko stated that before any decisions are made that he will go out and inspect and then council can make a decision from there.

Mr. Anderson of Cherry Lane asked if an individual called, if they would have been told about the process that they have to follow to file a complaint. Mr. Mayes stated that, that is what is happening now. The process has been amended over the past year on how phone calls that come in are handled and to make sure that complaints are being handled appropriately.

Mrs. Smale asked how long it will be, before there is an update provided to the residents and how much it would approximately cost a resident to repair themselves. Ms. Benner stated that it would be at least 30 days, as they need time to have their engineer inspect. Mr. Zarko stated that an estimate cost is \$65 a linear foot. Ms. Benner explained that sometimes if a group of residents hire a contractor they might get better rates. If the Borough does the work and bills the resident it will be at a higher rate because the project would have to be bid out and then prevailing wages are involved which are significantly higher than if a resident does the work themselves.

Mr. Sharer stated that the Borough Engineer will be out to inspect the curbs again and see if it can be determined as to when the damage occurred and if it was caused by a snow plow contractor. If it is determined that a previous snow contractor caused the damage, then the Borough will contact that contractor to see if they will make the repairs. Depending on how long ago it was, there is no guarantee what that result will be. If the contractor doesn't repair the curb and we have no recourse to require them to do so, then it will be the home owners responsibility to replace the curb. Mr. Kracht added if we file a claim with the contractor then they will have to file a claim with their insurance company and there is no way to know what that outcome will be.

Mrs. Pasqua of Cherry Lane asked when Cherry Lane and Mill Street would be paved. Ms. Benner stated that Cherry lane is included in this year's road improvement project and mill street was put off to next year as there is some curb that requires repair. Ms. Benner added that they Public Works department will continue to fill the pot holes on Mill Street and look at other temporary repairs that can be done in the meantime. Mrs. Pasqua asked if the Borough could look at the Berm at 111 Cherry Lane to make sure that it is going to withstand the paving. Mr. Mayes asked if a letter could be sent out to residents prior to paving. Ms. Benner stated that there is already a draft letter that will go out after the pre-construction meeting.

Mr. Anderson of Cherry Lane asked for clarification on what curb required replacement at his property. Mr. Zarko and Ms. Benner reviewed the curb that needed replacement at his property and Mr. Zarko stated that he would remark his property, so it is more visible to him on site.

**8.2. Park and Recreation Ordinance:** Ms. Benner provided council with a redline version of the park and recreation ordinance that the Park and Recreation Committee put together. Ms. Benner asked if there were any changes to the ordinance that council had questions about or if there was anything that council would like to see addressed that isn't being addressed in the proposed ordinance revision. Mr. Moore asked if the revised ordinance would allow for organizations to take over the field on a daily basis. Ms. Benner stated that the current ordinance doesn't restrict that, it just limits the time frame in a 24-hour period. That was not changed in the proposed revision. Mr. Mast added that they want to see the field utilized. Mr. Mast also added that the open container policy of the borough needs to be addressed and discussed with the Chief of Police. Mr. Kracht added that there are still some required tweaks that need to take place. The ordinance was tabled for authorization to advertise for approval to take place at a future meeting.

**8.3. April 23, 2018 Council Meeting:** Ms. Benner asked Council to consider cancellation of the April 23<sup>rd</sup> meeting due to lack of agenda items and due to the fact that she would be away at a conference Ms. Benner added that if something came up and a meeting was needed, that her assistant was available and ready to fill in for her at the meeting. The next regular scheduled meeting is May 14, 2018.

**MOTION: Upon motion by Mr. Smith, seconded by Mr. Sherer, the Council on a vote of 6-1 approved cancellation of the April 23, 2018 regular scheduled council meeting.**

**9. Committee Reports:** Mr. Mast reported that the Community Day Committee is making great progress on planning for Dublin Day. Sponsors are coming in and Mr. Mast is personally delivering vendor request over the next several days. Everything is on track.

**10. Other Business:** There was no other business at this time.

**11. Public Comment:** There was no Public Comment at this time.

**12. Comments from Council Members:** Mr. Sharer stated that Council would be going into executive session to discuss litigation.

**13. Adjournment:** Upon motion by Mr. Smith, the meeting was adjourned at 9:14 p.m.

Respectfully Submitted,

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Angela P. Benner,  
Manager/Secretary/Treasurer