

**MINUTES OF DUBLIN BOROUGH
COUNCIL MEETING
MONDAY, SEPTEMBER 10, 2018**

1. CALL TO ORDER: The September 10, 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:

3.1. Dublin Dairy Queen Sign Appeal: In attendance for the Dublin Dairy Queen was property owner Frank Knisley and attorney Edward Wild.

Borough Solicitor Michael Kracht stated that the Borough Manager issued a letter to the Dublin Dairy Queen citing all items not in compliance with the sign ordinance. Mr. Kracht also stated that Mr. Wild filed an appeal to Council on behalf of the property owner.

Mr. Wild presented council with an exhibit list packet that he reviewed with Council. While reviewing the exhibits with Council, Mr. Wild stated that he doesn't believe that the signs are temporary because the signs are seasonal and have been hanging up at the Dairy Queen since the early 1970's. Mr. Wild presented Council with pictures of the Dairy Queen from pictures over the years to show that the signs have been erected on the property for multiple years. Mr. Wild stated that his client has a vested right because Mr. Knisley has exercised due diligence because he has received permits for permanent signs and relief from the Zoning Hearing Board to have the drive thru at his property. Mr. Wild also indicated that equitable estoppel would apply. Mr. Wild asked Council to allow the seasonal signs and posters that are currently erected at the Dublin Dairy Queen. Mr. Knisley stated that he had asked the previous Borough Manager, on multiple occasions, if he was allowed to have the signs and he was verbally told that he was allowed.

Mr. Smith stated that on the pictures of the other dairy queen locations provided, there doesn't seem to be banners, posters and sandwich boards. Mr. Smith also stated he doesn't see how the pictures that Mr. Wild is presenting support the claim that the signs are needed. Mr. Moore asked if the Dairy Queen Corporate offices inspect the locations and if it is ok if all the signs provided are not erected at a location. Mr. Knisley responded stating that he has never been fined by corporate and isn't sure if they would be ok with him not having the signs

up that are provided by corporate office quarterly. Mr. Hayes asked if there is data proving that the signs have a positive effect on the business? Mr. Hayes added that other businesses have been able to show data when digital signs. Mr. Knisley responded stating that he doesn't have anything to show how all the signs increase revenue, however no advertising means there will be no sales. Mr. Sharer added that the number of signs seem to continue to increase.

Mr. Kracht asked Mr. Knisley if he had documentation from the previous borough manager that stated he could have his signs without permits. Mr. Knisley responded that he did not. Mr. Kracht asked if there was any proof prior to 1985. Mr. Wild stated that to his knowledge there was no documentation. Mr. Kracht confirmed that the Dublin Dairy Queen was appealing all four categories outlined in the manager's enforcement notice. Mr. Wild stated that yes, they were appealing all four categories. Mr. Kracht asked Mr. Wild to confirm if all four categories wouldn't have been in compliance with the zoning ordinance of 1985. Mr. Wild confirmed. Mr. Kracht asked Mr. Knisley if the four categories of signs have changed their location. Mr. Knisley stated that he banner location has changed. Mr. Kracht asked Mr. Knisley if the window signs affect customers from entering or exiting the building. Mr. Knisley stated that they do not.

Mr. Wild stated in closing that the property meets the requirements of equitable estoppel and the Dairy Queen should be allowed to have their signs.

3.2. Dublin Shopping Center Waiver of Land Development Request: Property owner Scott Homel stated that he wants to move forward with milling and paving of the shopping center parking lot, reconfigure the striping of the parking lot to meet the stall requirements, add additional 38 parking spaces, add a fire lane, and to upgrade the existing lighting of the parking lot. Mr. Homel stated that the waiver of land development would allow him to complete all this work, this year.

Mr. Moore asked if there would be drainage repairs completed as part of this project. Mr. Homel stated that they would be fixing the existing inlets, but not changing the existing stormwater management on the site. Mr. Hayes asked if the buildings would be upgraded as well. Mr. Homel stated that he wants to repair the parking lot first and then deal with the buildings in 2019. Mr. Moore asked if fixing the parking lot was the main problem or if the buildings should be addressed first. Mr. Mayes expressed a concern with the machinery that will be used to fix the buildings would destroy the parking lot after it is repaired. Mr. Smith asked who would be overseeing the improvements if a waiver of land development was granted? Mr. Zarko stated that if the waiver is granted it should be a condition that his office review the plans and oversee the improvements.

Mr. Mast stated that part of the borough's comprehensive plan requires a comprehensive road to be installed on the back of his property and the current plan being proposed does not show a comprehensive road, and instead just shows parking. Mr. Mast asked if the applicant had to go through land development would the road be required. Mr. Kracht responded stating yes, the road would be required with land development. Mr. Homel expressed his concern with the requirement of the road stating that it would be a road to nowhere and it would make him be in default with his existing lease with the PA Department of Motor Vehicles. Mr. Kracht inquired into the status of the stormwater analysis. Mr. Homel's engineer, Sean McGranahan, stated that an analysis has not been completed, as they should meet the exemption requirements. Mr. Zarko stated that even if they meet the exemption requirements they still have to provide infiltration data.

Mr. Kracht stated that if a land development waiver was granted the Borough would not be able to enforce the installation of the comprehensive road. Mr. Homel stated that he would rather remove additional parking later when the road is built than post a bond for a future road and added that there are too many unknowns regarding road alignment with neighboring properties should the road to be constructed now. Mr. Smith asked how the Borough could facilitate improvements while preserving the Borough's right to develop the comprehensive road. Mr. Kracht asked Mr. Homel if he would commit to building the comprehensive road if Mr. Loughery submits his development plans with the comprehensive road within the month. Mr. Homel stated that if Mr. Loughery escrows the road then he would commit without a doubt. Mr. Hayes confirmed that Mr. Homel thinks

it would be beneficial to align the road with Mr. Loughery's project but isn't showing the road on the proposed plans.

Mr. Mast asked what the mechanism for making a decision on the waiver of land development request is at this time. Mr. Kracht stated that Council can take the request under advisement. Council agreed to take Mr. Homel's request of land development at this time.

4. Public Comment on Non-Agenda Items: There were no public comments at this time.

5. Approval of Minutes:

5.1. Minutes of Meeting of August 13, 2018:

MOTION: A motion was made by Mr. Mast, seconded by Mr. Smith and unanimously approved to accept the August 13, 2018 Minutes as written.

6. Payment of Bills:

6.1. Bills List dated August 27, 2018 for \$10,987.60 (all funds):

6.2. 2018 Road Improvement Project: \$134,307.89 payable to Gorecon, Inc.

6.3. Bills List dated September 6, 2018 for \$62,415.86 (all funds):

MOTION: Upon motion by Mr. Mast, seconded by Mr. Smith, the Council unanimously approved the Bills List dated August 27, 2018 for \$10,987.60, the Road Improvement Project Invoice for \$134,307.89 and the bills list dated September 6, 2018 for \$62,415.86.

7. Borough Official Reports:

7.1. Dublin Fire Company: Mr. Myers presented the Dublin Fire Company report for August 2018.

7.2. Mayor: There was no report at this time.

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

7.4 Chief of Police: Chief Regan presented the police report for August 2018.

7.5 Borough Engineer: Mr. Zarko presented the Borough Engineer's report for August 2018.

7.6 Borough Solicitor: There was no report at this time.

8. Discussion Items:

8.1. Resolution #2018-08: MMO Non-Uniform Pension: Ms. Benner stated that Resolution #2018-08 authorizes the Minimum Municipal Obligation for Non-Uniform Pension for 2019 to be \$5,034.82.

MOTION: A motion was made by Mr. Smith, seconded by Mr. Mast and unanimously approved to adopt Resolution #2018-08 adopting the 2019 Municipal Minimum Obligation for the Non-Uniform Pension.

8.2. Resolution #2018-09: Police MMO: Ms. Benner stated that Resolution#2018-09 authorizes the Minimum Municipal Obligation for the Police Pension for 2019 to be \$11,035.90.

MOTION: A motion was made by Mr. Smith, seconded by Mr. Benonis and unanimously approved to adopt Resolution #2018-09 adopting the 2019 Municipal Minimum Obligation for the Police Pension.

8.3. Tree Maintenance Ordinance: Ms. Benner asked council for a consensus to have Mr. Kracht draft an ordinance to enforce homeowners to trim their tree. Ms. Benner stated that the ordinance would indicate how high from sidewalk tree branches would be, if the tree branches hung lower than allowed, residents would need to trim their trees. Ms. Benner stated that currently, all the Borough can do is ask someone to trim their tree and that there is nothing that allows enforcement. There was a consensus from Council to have the Borough Solicitor draft a tree trimming ordinance.

8.4. DEP Consent Order Draft Work Plan: Mr. Zarko presented and reviewed the draft work plan for the renewal of the Borough's consent order with DEP. The Draft Work Plan provides milestone tasks that the Borough would commit to meeting. The milestone tasks include: Submission of status reports; Private sewer systems I/I monitoring, assessment and corrective enforcement; Public sewer systems I/I monitoring, assessment and corrective action; Conduct flow monitoring to document effectiveness of each public/private sanitary sewer collection/conveyance system I/I reduction project; and to submit a final report summarizing effectiveness of I/I reduction program.

Council expressed some concerns with stating that the Kern Drive Interceptor extension would commence in June 2019 and complete in December 2020. Mr. Kracht stated that the draft work plan should indicate that this project is contingent upon obtaining property easements. Mr. Zarko stated it will be changed to indicate that it is an investigation project. Council also expressed concern with the time frame provided for the lagoon liner/diffuser replacement. Mr. Zarko stated that he would move the milestone deadline back a year.

There was unanimous consensus with the Council for Mr. Zarko to amended the draft work plan as discussed and forward to the PA DEP for review.

8.5. Authorization to Advertise Snow Removal Contract: Ms. Benner requested that the Council authorize advertisement of the Borough's Snow Contract Bid. The Contract will be for January 1, 2019 through May 31, 2010.

MOTION: A motion was made by Mr. Smith, seconded by Mr. Benonis and unanimously authorize Advertisement for the Borough's Snow Removal Contract.

8.6. Deep Run West Church Park Rental Fee Waiver Request: Ms. Benner stated that Deep Run West Church submitted a request asking for the park rental fee to be waived, as they are a non-profit organization.

MOTION: Upon motion by Mr. Smith, seconded by Mr. Benonis, the council on a vote 4-2, waived the required park rental permit fee for Deep Run West Church.

8.7. Resolution #2018-10: Records Dissolution: Ms. Benner stated that all documents are being disposed of in accordance with the State Records Dissolution requirements.

MOTION: A motion was made by Mr. Smith, seconded by Mr. Mast and unanimously passed adopting Resolution #2018-10 for records dissolution.

8.8. Per Capita Tax Collection: Ms. Benner stated that she received a proposal from Keystone Collections and Berkheimer Tax Collectors for the tax collection period of January 1, 2019 – December 31, 2021. Ms. Benner stated that she recommends awarding the contract to Keystone Collections at \$0.50 per tax bill as they are the current Earned Income Tax Collector for the Borough. Mr. Smith added that Keystone’s proposal was lower than Berkheimer’s original bill and they will also issue delinquent notices at no cost.

MOTION: A motion was made by Mr. Smith, seconded by Mr. Mast, and unanimously approved to Adopt Keystone Tax Collections Group as the Borough’s Per Capita Tax Collector from January 1, 2019 through December 31, 2021.

8.9. UCC Appeal Board Vacancy: Mr. Kracht stated that Dublin Borough is part of Joint UCC Appeal Board with East Rockhill Township, West Rockhill Township and Silverdale Borough. The agreement provides the Borough the option to appoint a member to the UCC Appeal Board, however the Borough has not appointed anyone to date. Mr. Kracht stated that, Christin Pionzio asked Dublin Borough to appoint a member to the Board. Mr. Smith noted a few appointees to reach out to: Robert Pellegrino, Robert Pavlik and Eugene Miller. There was a consensus with Council to have Ms. Benner reach out to the possible appointees and see if they would be interested in serving on the board.

9. Committee Reports: There were no Committee Reports.

10. Other Business: Ms. Benner asked Council to confirm what the consensus was with allowing properties outside of the municipality hook up to our sewer system. There was a consensus from Council to hold off on outside connection until the current and future needs of the Borough were met first.

11. Public Comments: Mr. Knisley, requested that the Borough remove the iron in the road and patch the hole. Ms. Benner added that it would be taken care of. Mr. Myers asked about the progress with the crosswalks. Mr. Zarko stated that the manufacturer thinks it is bleeding up from beneath and they have a meeting with the Contractor on Wednesday to discuss how this will be addressed.

12. Comments from Council Members: There were no comments at this time.

13. Executive Session: Mr. Sharer announced that Council would be meeting in executive session to discuss litigation items. Mr. Kracht stated what was on the agenda: Property Acquisition, Potential Sale of Property, Dublin Borough vs. Ash Gas, Dublin Borough vs. Milnik, consideration of Dairy Queen’s request for a waiver of the sign ordinance and the Shopping Center’s request for Land Development Waiver.

14. Adjournment: Upon motion by Mr. Smith, the meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Date Approved: _____

Angela P. Benner,
Manager/Secretary/Treasurer