

**MINUTES OF DUBLIN BOROUGH
COUNCIL MEETING
MONDAY, SEPTEMBER 9, 2019**

1. Call to Order: The September 9, 2019 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 7:32 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.
Borough Planner:	Judy Stern Goldstein
Borough Traffic Engineer:	Joe DeSantis
Police Chief:	Michael Regan
Fire Chief:	Kevin Nugent
Emergency Management Coordinator:	M. Philip Meyers

*Not Present

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

3. Council President Announcements: There were no Announcements 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 12, 2019:

MOTION: Upon Motion by Mr. Moore, seconded by Mr. Sherer and unanimously carried, the minutes of the August 12, 2019 meeting were approved as written.

6. Payment of Bills:

6.1. Bills List dated August 22, 2019 for \$30,834.24 (all funds) and Bills List dated September 5, 2019 for \$84,091.13 (all funds):

MOTION: Upon motion by Mr. Moore, seconded by Mr. Sherer, and unanimously carried, the Council approved the Bills List dated August 22, 2019 for \$30,834.24 and Bills List dated September 5, 2019 for \$84,091.13.

7. Borough Official Reports:

7.1. Dublin Volunteer Fire Company: Mr. Nugent presented the Dublin Volunteer Fire Company's report for August 2019.

7.3. Borough Manager: Ms. Benner presented the Manager's Report for August 2019.

7.4. Chief of Police: Chief Regan presented the Police Report for August 2019.

7.5. Borough Engineer: Mr. Zarko stated that the PADEP recently issued the draft NPDES permit renewal for the Dublin Sewer Treatment Plant. The majority of the permit changes proposed by the PADEP are not significant, but the new Phosphorous limit is a concern. Based on the sampling data that was submitted as part of the renewal application, the Borough would have exceeded the new Phosphorous limit on 3 occasions in the past year. At this time Mr. Zarko stated that he is looking for Council's authorization to send a letter to the PADEP asking for them to either eliminate the new Phosphorous limit or to provide the Borough additional time to evaluate the impact of this new limit, and implement any necessary changes in the treatment process that may be needed to comply before the new limit becomes effective. There was a consensus from Council to authorize Mr. Zarko to send the letter that he recommended.

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

8. Discussion Items:

8.1. Dublin Town Center Land Development Project: Mr. Loughery presented council with the plan for the Dublin Town Center Land Development Project. Mr. Loughery started off with presenting the history of the design, stating that he presented the first sketch plan back in September of 2016 and based on feedback from Council, moved forward with plan design and acquiring properties. Mr. Loughery stated that the Borough amended their zoning in April of 2017 that created the TC-2 district, and from that point on the scope of the project continued to grow with revised sketch plans being presented to the Planning Commission and Council during the end of 2017 and beginning of 2018, and by the end of 2018 a final plan was locked in. One of the hurdles that existed during this process was the lack of available EDU's and Mr. Loughery stated he worked with the Borough and the PADEP to help get the connection management plan amended which provided additional EDUs to the Borough. Mr. Loughery then discussed various other Borough projects in Bucks County that follow the same idea of adaptive re-use, density and development. Projects referenced included University Village in New Britain Borough which is a retail and residential complex that will have 147 apartments; Patriot Street Apartments in Chalfont Borough; American House in Perkasio Borough that is a mixed use building (apartments and retail); Townhome development in Perkasio Borough; affordable apartments for seniors in Sellersville Borough (60 units); redevelopment of 40 acres in Sellersville Borough that will house a business park to include offices and manufacturing space; and the Trolley Barn in Quakertown Borough that will be a market space with outside seating and a beer garden. Mr. Loughery added that re-use and redevelopment is what there is a need for currently and it's a great opportunity.

Mr. Loughery then presented a quick overview of the project. The Square (formally the TEC Building) was presented. Mr. Loughery stated that all space is currently leased and there will be a mix of offices, health and wellness, retail, makers market and a wine bar. Mr. Loughery stated that the wine bar would be Crossing Vineyards, who would be selling their wine and PA Spirits. Mr. Mast asked where the parking for The Square would be located. Mr. Loughery stated that they will be cleaning up the construction site outside and then clean up and maintain the parking that exists today at the property by the end of October. Mr. Sharer asked how the liquor license for the wine bar will be acquired. Mr. Loughery stated that the winery already has their licenses and will just need to get final approval from the Liquor Control Board.

The Dublin Town Diner will continue to operate as a diner reported Mr. Loughery. The Station (formally Bishops' Garage) will have Neshaminy Creek Brewery in one garage bay, Backyard Beans in the front office area, and a food court with a total of four food vendors in the other garage bay. Mr. Mast asked where the Post Office will be relocated to. Mr. Loughery stated that he has planned for the Post Office to be relocated into the mixed-use building, and is currently in negotiations with the Post Office, however until there is land development approval, he can't get them to commit to moving into that building.

Mr. Loughery continued with showing renderings of the Grandview Health building, the mixed-use building, The Station, The Square and the Townhomes. They want to tie together the flare from the Square and Station to the new buildings. The renderings showed a mix of stone and brick for the mixed-use building, as well as the Grandview Health building. The Townhomes would be a mix of siding and masonry materials. The brick and siding color will alter depending on the color pallet. Mr. Loughery stated that the townhomes will not be all vinyl, they want brick as well to tie the townhomes into The Square. Mr. Kracht expressed concern with Ryan Homes providing the offset of the building units as shown on the plan. Mr. Nate Fox, the applicant's attorney, stated that Ryan Homes will use the plan that is approved as the foundation plan is built into the land development plan. The Borough's Planner, Judy Stern Goldstein, stated that there could be a note added to the record plan requiring the offset. Mr. Kracht inquired to the number of color pallets that will be used for this project. Mr. Loughery stated that there are four color pallets and they will be split up. Mr. Fox added that two homes next to each other will not have the same colors, that Ryan Homes designs and restricts the colors and material makeup of the homes. Mr. Kracht stated that language will need to be provided detailing the design and makeup of the townhomes and other buildings that are part of this project. Mr. Fox added that Ryan Homes will build the first set of townhomes with a model home that they will sell out of. Mr. Sharer asked if once Dublin Town Center sells the lots to Ryan Homes, will the control of the colors and design be out of everyone's controls. Mr. Kracht stated that Ryan Homes would have to follow the conditions that Council puts on the approval. Mr. Hayes asked if there will be a Homeowner's Association (HOA) managing the townhomes. Mr. Loughery stated that there will be an HOA for the townhomes. Mr. Mast stated that he was pleased to see the staggering of the Townhomes and the orientation changing for some of the homes that were originally facing Elephant Road. Mr. Mast stated that it was a great attempt of breaking the townhomes up and everything blends better with the neighborhood.

At this time, Mr. Loughery turned the presentation over to his engineers, Greg Glitzer and Ron Monkres from Gilmore and Associates. Mr. Glitzer started with presenting information on the public spaces provided for on the plan. Mr. Glitzer stated that the Boucher & James letter dated August 21, 2019 had comments that require additional information on the public spaces (i.e. type materials, trees, etc.) and the applicant will comply with those comments. The public space designs are similar to what was presented to Council at the May 28, 2019 Meeting, except for the previously proposed climbing boulders were no longer included. It was confirmed that the HOA would be responsible for maintaining the townhome public spaces and the public spaces located with the commercial buildings would be maintained by the entity that will manage those properties. Mr. Kracht expressed his concern with Public Spaces F and G, since they are located at The Station and The Square where alcohol will be served and consumed. If those areas are public spaces, then the public needs to have access to them, so where does the public space start and stop. Mr. Sherer asked if public spaces are to be open 24/7. Mrs. Stern Goldstein stated that they do not have to be 24/7 and added that an area that has alcohol should be a restricted area. Ms. Benner stated that they are required to provide 5% of the entire project to public space and recommended that the applicant figure out how much public space they are currently providing on the plan to see if they can eliminate public spaces F and G.

Mr. Sharer questioned as to where the stormwater runoff from the Public Spaces will drain. Mr. Glitzer stated that this runoff will drain into the surface basin that the HOA would be responsible for maintaining. Mr. Sharer questioned the basis of the project's stormwater system design. Mr. Glitzer stated that the stormwater design was based on a 100-year storm event, consistent with Borough Stormwater Management criteria. Mr. Sharer asked about the discharge from the proposed stormwater basin at the northerly side of the site onto the neighboring property and how this would be addressed. Mr. Glitzer stated that they are proposing a level spreader to mimic how the stormwater water presently flows onto the offsite property, and their analysis documents a reduction in the rate of discharge from present conditions. Mr. Zarko confirmed that the Gilmore analysis indicates that there will be a reduction in peak discharge rates as compared to what exists today; however, it the nature of the discharge will be changing from sheet flow to a concentrated flow, which is why Mr. Zarko recommends in his review letter that the applicant approach the abutting property owner for an easement or some other type of authorization to discharge. Mr. Fox stated that they wouldn't oppose a note

being placed on the plans that states that the HOA will be responsible for any erosion damage caused by the concentrated discharge. Mr. Kracht asked if there is an alternate design that could address this concern. Mr. Zarko stated that a potential alternative would include conveying the flow into the existing drainage channel on the abutting homeowner's property, but the developer would need to obtain authorization from the property owner by acquiring an easement. If the property owner will not grant the easement, a potential alternative would be to or place a note on the plans requiring the HOA to take responsibility to remediate any future potential erosion conditions. Mr. Loughery indicated that they have not approached the property owner to discuss this matter to date. Mr. Monkres stated that the project's Erosion and Sediment Control Plan is designed to address the PADEP requirements and are currently working with the State and County to obtain appropriate permits. Mr. Moore asked if the stormwater basin will have water in it. Mr. Monkres stated that yes, the basin will store runoff, which will be released slowly through the basin outlet structure and will also include internal plantings that will provide uptake of the stored runoff. Mr. Mayes asked if the existing storm sewers that will accept the discharge from the onsite stormwater facilities have the capacity required to address the discharges from the proposed project. Mr. Glitzer explained that the capacity existing storm sewer system that is located in Main Street was based upon PADOT criteria for smaller storm events as compared to the Borough's design criteria. PADOT requires a design for a 25-year storm whereas the Borough requires a design for a 100-year storm, and these are details that need to be ironed out. Mr. Glitzer added if there is a choke point, they will be required to fix it. Mrs. Stern Goldstein asked Mr. Glitzer to explain the raingardens to Council. Mr. Glitzer explained that the rain gardens are designed to store and filter stormwater that flows off the site impervious surfaces. They typically relay on plants and engineered soil media to soak up stormwater while absorbing and filtering pollutants carried in runoff. Mr. Sharer asked about the maintenance requirements for the rain gardens. Mr. Glitzer stated that they are preparing a maintenance plan and part of that plan will include requirements for periodic maintenance and inspections. Mr. Glitzer added that the Bucks County Conservation District does enforcement the requirements of the maintenance plan on a periodic basis.

Mr. Sharer asked if they are providing trees in specific areas. Mr. Glitzer stated that yes trees are going to go where they are supposed to go. The plan is being revised to provide for more trees along Elephant Road and Main Street and to include more native species. Mr. Sharer asked who would be responsible for the trees if they die and expressed his concern with the location of the trees, so that the trees are not planted in locations that will interfere with utilities. Mr. Zarko stated that the HOA can be responsible for replacement of trees. Mr. Sherer stated that he agrees with adding additional native species and stated that it is very important to make sure the trees are placed in the right locations so that they do not affect utilities underground or overhead. Mr. Moore asked if there are underground utilities. Mr. Loughery stated that the existing utilities along main street are above ground, but all other utilities will be underground for this project.

Mr. Sharer asked where the spillover parking is provided on the plan. Mr. Glitzer stated that there is parking along Road B, some parking on Road A and additional parking provided on Alley 1 and 2. The number of spillover parking spaces provided meets the zoning requirement. Mr. Zarko stated that although they meet the required number of parking spaces, there is a concern with the location of the spillover parking for the townhomes located on Road A. Mr. Loughery stated that he gave up spillover parking as a tradeoff for the re-orientation of townhomes. Mr. Glitzer added that they are looking at including some doublewide parking for the end townhome units on Road A. Mr. Mast asked if anyone has considered installing temporary parking where the comprehensive road (Road B) will be installed in the future. Mr. Loughery stated that the problem with temporary parking is that people will think it will be there forever.

Mr. Kracht asked if a barricade will be installed where Road B is currently proposed to end. Mr. Glitzer stated that they intend to install a reflectorized sign. Mr. Zarko agreed that just a sign to prohibit traffic would be sufficient. Mr. Loughery stated that he doesn't want to install a jersey barrier. While on the topic of Road B, Mr. Loughery stated that he does not want to escrow for the completion of Road B, from the current edge to the Dublin Village Shopping Center (DVSC). The DVSC should have to share into that cost. Mr. Zarko stated that the proposal previously before the Council was to escrow for the portion that would not be built. Mr. Loughery stated that he doesn't want to put up escrow for a road that will never be built. Mr. Sherer asked if

putting in the whole road on the Dublin Town Center property would make more sense. Mr. Loughery stated that if he puts the road into the edge of his property than the DVSC gets the benefit without contributing. Mr. Loughery stated that everything for Road B will be completed except for curbs and paving. Council expressed that they would want to see an escrow put up to finish the road in the future. Mr. Loughery stated that he doesn't believe that he should have to escrow to finish the road when he is already putting 20 million into improvements. It would benefit the shopping center, and they should have to share in the cost. Mr. Loughery agreed to continue to discuss this with the Borough and will put together a cost estimate for finishing the road.

Mr. Mast asked if they anticipate any problems with the Jacobs property because of the development. Mr. Loughery stated that they are improving everything including the entrance to Jacobs property, so they do not anticipate any problems. Mr. Sharer asked if parking will be allowed overnight in the commercial parking lots. Mr. Loughery stated that yes it would be allowed. Mr. Zarko brought up the concern that a loading space is not provided for The Square. Mr. Loughery stated that it is just single unit traffic that they do not have tractor trailers delivering to this property. Mr. Zarko stated that he would want a note on the plan restricting the size of trucks to single unit but confirmed that if once in a blue moon there was a tractor trailer it wouldn't be a problem. Mr. Loughery agreed to having a note placed on the plan restricting truck deliver to The Square.

At this time, Mr. Fox addressed some concerns with the CKS review letter dated August 22, 2019. Mr. Fox stated that they will not comply with item no. II.4.c. that recommends that the scope of improvements to Elephant Road include the realignment of Deep Run Road so as to intersect with the Proposed Road B. Mr. Loughery added that they have already revised the plan so that Road B is aligned to provide a future connection. Mr. Zarko noted that although the developer would not be implementing the requested roadway realignment, it was his understanding that supplemental improvements along Main Street consisting of signalizing the intersection at Road C were being pursued by the developer. Mr. Loughery stated that this was correct, as long as the required PADOT warrants can be satisfied. Mr. Fox stated that under item no. II.5, they will provide an easement for the commercial shared parking but not for the townhomes. Mr. Zarko confirmed that the comment was to address the commercial section of the development only. In regard to item III.9, Mr. Fox stated that they agree to add a note to the plan obligating the HOA to be responsible to remediate any erosion damage that may occur at the abutting offsite property from the outlet of Basin 2-1. Mr. Zarko stated that he would prefer they approach the property owner first and make an effort to resolve this by acquiring an easement and installing an offsite drainage swale. Mr. Fox asked Mr. Zarko to confirm if item no. IV.2 was just an advisory comment. Mr. Zarko stated that as part of the planning approval that must be obtained for the project, the PADEP may require capital improvements to the Borough's sanitary sewer system, and if that would be the case the developer may be asked to participate in the improvements in order to expedite the planning approval process. Mr. Loughery asked if the Borough had an idea of what these improvements and associated costs would be. Mr. Zarko stated that since a planning application for the project has not been submitted to the PADEP to date, we do not know what improvements may be required. Mr. Loughery stated that he understood and would not be opposed to contributing towards the improvements needed as they relate to his property.

At this time, Ms. Benner asked Joe DeSantis with McMahon Associates to present the proposed traffic improvements. Mr. DeSantis stated that the Borough hired him to perform a Borough-wide traffic study with concentration on the Dublin Town Center (DTC) project and how the additional traffic generated by the new homes and commercial buildings would have an impact on the traffic in the Borough. Based on the traffic study, the improvements proposed include widening of main street in front of the project providing a center turn lane, installation of a traffic signal at Road C, and installation of a left turn lane on main street at the intersection of Main/Maple/Elephant. Mr. DeSantis stated that they study multiple intersections in the Borough and the only intersection that is impacted by this development project is the intersection of Main/Maple/Elephant. The proposed left turn lane would mitigate the traffic impact. Mr. DeSantis stated that they submitted the traffic study for DTC to PADOT and received the first review letter. Majority of comments are addressable but there were a few items brought up in the review letter that require additional conversation with PADOT. Mr. DeSantis added that during previous scoping meetings with PADOT, the proposed

improvements were not a problem, but the person who performed the review was not part of those meetings. Ms. Benner stated that a meeting is set up with PADOT to go over the review letter on Monday September 16, 2019 and they are hopeful that everything will be worked out with PADOT at that time. Mr. Moore asked if PADOT is ok with the proposed parking and entrances on Elephant Road. Mr. DeSantis confirmed that PADOT is ok with the parking and entrances on Elephant Road.

Mr. Sharer stated that the Borough has spent a significant amount of money over the years to get to the point where PADEP amended the connection management agreement providing the EDUs that are required for the project. Mr. Sharer would like to see a contribution from the developer to go towards the sewer system.

Ms. Zarko expressed his concern with the drainage and how it all ties into the PADOT system. Mr. Kracht asked what the choreography with PADOT would be from tonight on forward. Mr. Glitzer stated that they will see it as part of the highway occupancy permit. Mr. DeSantis stated that PADOT is going to want an evaluation of their system because there is water going to their system. If it doesn't work than whomever is adding that water is going to have to fix it. Mr. Zarko stated that a step above that is that the Borough has to see how the PADOT system constraints are going to tie in with the design of the onsite stormwater management, the two have to match. This could impact the design of the plan.

Mr. Kracht added that there are issues, in addition to waiting to hear from PADOT, that need to be addressed prior to resolution. Mr. Kracht asked if waiting on the approval from Council will cost them any time compared to the other things in play that have to be resolved with outside entities before building permits are issued and stated he doesn't know if they need to rush back in two weeks or not. Mr. Mast said that he would like to see everything that can be answered in the next few weeks to continue to move forward. Mr. Fox stated that preliminary/final approval has implications within the deal with people involved, and they understand that they cannot control outside entities and are used to getting preliminary/final through resolution with conditions, while working with outside agencies for approvals. If an outside agency has an issue that needs to be addressed and that forces a plan amendment, then they would have to amend the plan and come back for amended approval.

Ms. Benner asked Council if they would like to see to a draft resolution with conditions before them at a future meeting for consideration of approval. Mr. Kracht stated that tonight is the first night he is hearing answers to the difficult questions and there are items that need to be buttoned up before approving the resolution. Mr. Zarko stated that he would feel more comfortable with a resolution being considered for adoption a month from now, so that Gilmore can get him calculations to show how the PADOT system constraints will tie in with the design of the onsite stormwater management.

Ms. Benner asked if it is realistic to have on the agenda, a month from tonight, that we could have a draft resolution looking to vote on approval of the plan with conditions. Mr. Zarko agreed stating that would be the goal. Mr. Kracht said we have to get all the information we need and come up with a recommendation that blends in with what you adopt. So, the faster they get us the information, the quicker we can get stuff on our end completed. Ms. Benner asked if the applicant provides the information to the professionals that we need in order to move forward in the direction of drafting a resolution with conditions, that council would authorize that a resolution with conditions be drafted for consideration of approval at the October 14, 2019 meeting or is council saying they would consider authorizing drafting of the resolution at the October meeting? Ms. Benner stated that Council should clarify for the applicant. Mr. Sharer stated that as long as the professionals are comfortable with the list, he has no problem with authorizing the resolution with conditions be drafted for the October 14th meeting.

Ms. Benner restated that she is asking if Council is authorizing for a resolution with conditions be drafted for consideration of approval at the meeting a month from now. There was a consensus from Council to have a resolution with conditions drafted for the consideration at the October 14th Council meeting.

Mr. Loughery thanked Council for their time and consideration.

8.2. Resolution 2019-09: Non-Uniform Pension MMO: Ms. Benner provided Council with the Minimum Municipal Obligation (MMO) worksheet for the Non-Uniform Pension and stated that the MMO for 2020 would be \$9,614.00.

MOTION: Upon motion by Mr. Mast, seconded by Mr. Benonis, Council unanimously adopted Resolution #2019-09 setting the 2020 Minimum Municipal Obligation for the Non-Uniform Pension at \$9,614.00.

8.3. Resolution 2019-10: Police Pension MMO: Ms. Benner provided Council with the Minimum Municipal Obligation (MMO) worksheet for the Police Pension and stated that the MMO for 2020 would be \$25,544.00.

MOTION: Upon motion by Mr. Mast, seconded by Mr. Benonis, Council unanimously adopted Resolution #2019-10 setting the 2020 Minimum Municipal Obligation for the Police Pension at \$25,544.00.

9. Committee Reports: Ms. Benner reported that the Finance Committee met prior to tonight's meeting to start discussions on the 2020 budget.

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

11. Public Comments: Mr. Meyers asked Council about the status of the crosswalk repairs. Mr. Kracht stated that the Borough put a claim in on the bond and recently submitted an expert report to the bonding company. We are currently waiting to hear from the bonding company.

Mr. Loughery invited Council to visit The Square and indicated anyone who would be interested, can reach out to Angela and she would coordinate the day and time.

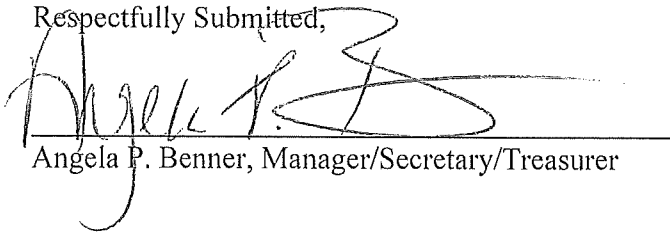
12. Comments from Council Members: Mr. Mast announced that Discover Dublin will be holding the Holiday Gathering on Saturday December 14th at the Dublin Fire House.

13. Executive Session: Mr. Sharer stated that Council would be meeting in executive session to discuss a litigation item for Ash Gas.

14. Adjournment: Upon motion by Mr. Moore, the meeting was adjourned at 10:55 p.m.

Respectfully Submitted,

Date Approved: 9/23/2019


Angela P. Benner, Manager/Secretary/Treasurer