

**MINUTES OF DUBLIN BOROUGH
COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2023**

- 1. CALL TO ORDER:** The September 11, 2023, 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*	Robert Olsen
	William Benonis	Timothy Hayes
	Philip Kessler	

APPOINTED OFFICIALS PRESENT:

Borough Manager:	Colleen M. Pursell
Borough Solicitor:	Caroline Zook, Esq., Michael Kracht, Esq.
Borough Engineer:	Thomas F. Zarko, P.E.
Police Chief:	Michael Regan
Fire Chief:	Kevin Nugent
Emergency Management Coordinator:	M. Philip Meyers*

*Not Present

**Late Arrival

- 2. Pledge of Allegiance:** President Sharer led Council and the audience in the Pledge of Allegiance.

- 3. Council President Announcements:** President Sharer extended Council's condolences to the family of the previous Mayor of Dublin, who recently passed away. He also acknowledged September 11th.

Mayor Hayes swore in Fire Police Officer Karen Carr.

- 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 14, 2023:**

Motion by Mr. Benonis, seconded by Mr. Timothy Hayes and unanimously carried, the minutes of the August 14, 2023 meeting were approved, as presented.

- 6. Payment of Bills:**

- 6.1. Bills List dated August 28, 2023, in the amount of \$30,477.94 (all funds) and bills list dated September 11, 2023 in the amount of \$22,273.52 (all funds):**

Motion by Mr. Timothy Hayes, seconded by Mr. Benonis and unanimously carried, Council approved the bills list dated August 28, 2023, in the amount of \$30,477.94 and bills list dated September 11, 2023, in the amount of \$22,273.52.

7. Borough Official Reports:

7.1. Dublin Fire Company: Chief Nugent provided Council with the August 2023 report. They responded to 21 calls, none of those calls were in the Borough.

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

7.3. Borough Manager: Ms. Pursell provided Council with her August 2023 report.

7.4. Chief of Police: Council was provided with the Police Report for August 2023, which included 123 total incidents. Chief Regan completed yearly certification for MPOETC. Officer Brodbine represented the police department at the regional National Night Out in Doylestown Township. The department has implemented the new Axon Body Worn Camera Program and their Evidence.com storage and sharing platform. Beginning September 15, 2023 they will be participating in a Central Booking Pilot Program which will allow them to turn over prisoners to the Bucks County Sheriff's Department for processing and arraignment. This process is expected to save time and manpower during arrests. The Pennsylvania State Police handled one call overnight in the Borough (domestic in progress).

7.5. Borough Engineer: Mr. Zarko informed Council that he and Ms. Pursell attended a zoom meeting on August 29, 2023 with DEP regarding a proposed 4th Amendment to the Consent Order & Agreement. DEP is in favor of a 4th amendment to the CO&A. The current CO&A is in effect until March 2024. Mr. Zarko believes that the 4th Amendment of the CO&A will be the final amendment that will be needed to complete the Borough's intensive I/I Reduction Program .

7.6. Borough Solicitor: Ms. Zook announced that she has accepted a position with another firm and this will be her last meeting serving as Borough Solicitor. She thanked the Council for the opportunity to serve Dublin Borough.

8. Discussion Items:

8.1. Application of Dublin Diner LLC for Intermunicipal Transfer of Liquor License – Ms. Zook provided Council with an overview of an application the Borough received on August 17, 2023 from Dublin Diner, LLC, requesting to transfer a liquor license from Bristol Township. She advised Council will be holding a public hearing for the application and can make a decision on whether to approve the Intermunicipal Transfer of a Restaurant Liquor License into the Borough. The hearing opened and the applicants attorney Herb Sudfeld gave an introduction for Dublin Diner, LLC., which is owned by Robert Loughery and Steven Gilmore. Robert Loughery provided testimony for the hearing. Mr. Sudfeld questioned Mr. Loughery in regard to the Boiler Room operations. The following exhibits were identified –

A1: Liquor License Agreement

A2: Novation Agreement

Mr. Sudfeld asked Mr. Loughery how he intends to use the Liquor License if approved. Mr. Loughery began by stating that the current managers and waitstaff are certified by the RAMP system (Responsible Alcohol Management Program) which is a 3-hour course instructed by the Liquor Control Board. When the Boiler Room initially opened, they were receiving food from an outside vendor. Recently, he has submitted a building permit application to the Borough for the installation of a full kitchen in the Boiler Room so that it can be a restaurant with a liquor license. Mr. Loughery explained that he has a lease with Crossing Vineyards to have PA wine and spirits, which will expire in February. If approved, the liquor license will give him the capacity to have a full license. President Sharer asked if there will be any changes to the Boiler Room. Mr. Loughery stated there may be a few more tables and some entertainment. Dublin Diner, LLC is the entity that was formed when he purchased the building at 123 N. Main Street and Ben Kraus is the general manager of the property.

Ms. Zook identified the following exhibits:

- B1: Letter dated August 17, 2023, Initiating Public Hearing
- B2: Notice of Hearing
- B3: Proof of Publication

President Sharer asked if the license can be transferred once obtained. Mr. Sudfeld explained that because this request is an intermunicipal transfer, it cannot be transferred out of the Borough for a period of five (5) years, however it can be transferred within the Borough without Council's permission. Mayor Hayes asked if there is a required percentage of food served with alcohol. Mr. Loughery stated it will be more like a bistro and it will not be serving liquor to go. There was no public comment received and the hearing was closed.

Motion by Mr. Benonis seconded by Mr. Olsen and unanimously carried, Council approved the application of Dublin Diner, LLC for the Intermunicipal Transfer of Pennsylvania Liquor Control Board Restaurant Liquor License R-35181, LID # 29550 to the Borough of Dublin from Bristol Township, along with Resolution 2023-08.

8.2. Consideration of Final Land Development – 144 N. Main Street: Kellie McGowan, representing the applicant for 144 N. Main St. provided an overview of the proposed development which includes two (2) 15,000 SF mixed use buildings. CKS, Engineers has issued a Fifth Revised Final Plan Review letter dated September 6, 2023 pertaining to the proposed development. Ms. McGowan stated that the applicant is willing to comply with all of the comments contained in the CKS Engineers Review Letter. She noted that there are still some grading and drainage issues that need to be resolved to the satisfaction of the Borough Engineer. Mr. Zarko noted that these issues could be addressed as a condition of final plan approval. Ms. McGowan noted that the applicant was still waiting for approval from outside agencies. Mr. Kracht recommended that supplemental documentation be provided by the applicant to ensure there will be no claims against the Borough in regard to the upcoming construction of the development. Ms. McGowan stated the applicant would agree to a condition requiring that the buildings being constructed with conformity with the building elevations submitted in support of the land development application. The Planning Commission had recommended putting the brick on the front of the building.

Ms. McGowan indicated the applicant is grateful for Chief Nugent's input when reviewing the plans. The applicant has offered to donate \$50,000.00 as a contribution to the Dublin Fire Company at the time the Final Land Development is in agreement. She noted that there are no new waivers being requested in conjunction with the final plan application. The waivers that were previously

granted by Council as part of the Conditional Preliminary Plan Approval of the development were summarized by Mr. Zarko as follows: a. Section 22-708.5.B. The edge of any parking area shall not be closer than 20 feet from the outside wall of the nearest building. b. Section 22-708.5.E. No less than a five-foot radius of curvature shall be permitted for all curb lines in all parking areas. c. Section 22-708.5.F. Except at entrance and exit drives, all parking areas shall be set back from the future right-of-way line, buffer yards, and all property lines at least 15 feet, subject to the Borough Engineer's approval of the potential impacts of the proposed site improvements construction on abutting properties. d. Section 22-708.5.K. Every off-street parking area shall include sufficient stacking space to accommodate entering and exiting vehicles without overflowing out onto adjacent streets or service roadways, subject to the Borough Engineer's approval of access/egress driveway modification at Manor Drive that will address stacking conflicts with proposed onsite parking stalls. e. Section 22-706.3.C. No excavation or fill shall be made greater than 3:1, subject to the Borough Engineer's approval of a Geotechnical Engineering Report pertaining to the project which addresses the stability of proposed slopes/grades which are greater than the 3:1 limitation. f. Section 22-706.3.L The top or bottom edge of slopes shall be a minimum of five feet from property or right-of-way lines, subject to all property lines where the five-foot setback is not provided being staked-out at the site by a registered professional land surveyor prior to the initiation of construction, and delineated by construction fencing material approved by the Borough Engineer to preclude encroachment onto adjacent properties. g. Section 22-712.2.D. Sidewalks along Main Street in the TC-2 Town Center District shall be a minimum of 15 feet wide including curb and planting/tree wells/trenches. h. Section 22-705.4. Nothing shall be permitted to be placed, planted, set, or put within area of a utility easement except lawns or suitable low ground cover, subject to provisions being incorporated into Easement Agreements absolving the Borough from restoration of any site improvements that are constructed within onsite easement areas in the event future utility maintenance is required. i. Section 22-707.2.B.1 Street Requirements. Main Street within the TC-2 Town Center District and PVD Planning Village. Cartway width along frontage, subject to widening of Main Street along the site frontage consistent with the recommendations provided within the McMahon Letter.

Ms. McGowan noted that the applicant anticipates the project will get underway in the beginning of 2024. They sent their final PennDOT submission on August 24, 2023.

Motion by Mr. Benonis, seconded by Mr. Olsen and unanimously carried, Council gave final conditional approval based upon these conditions: Plan Revisions consistent with Mr. Zarko's Review letter dated September 6, 2023, approval from all outside agencies (PennDOT, DEP, Conservation District), signing of Land Development Financial Security Agreements, applicant obtaining offsite easements for traffic lights; Stormwater, Utilities, Drainage with parameters approved by the Borough Engineer's Office, all easements must be in hand before permits are issued, compliance with the conditions of the Zoning Hearing Board decision of March 23, 2022, tapping fees shall be paid on or before the time of filing of record plan, compliance with preliminary plan approval conditions summarized in the Borough correspondence dated December 15, 2022, construction of the buildings are in consistent with what was proposed (The Mixed Use building shall be constructed in substantial conforming with the architectural renderings presented to Council; the front and side interior facades of the building shall be constructed of brick material of the same or similar color shown; the rear parking lot facing an exterior side façade of the building will be constructed of brick with a minimum at the first floor elevation, which may include a mixture of stone and hardy plank of the similar color palate as shown on the elevations), must be in compliance with the McMahon review letter dated March 21, 2023, signature of Indemnification Agreement prepared by Michael Kracht

holding the Borough harmless for any claims from the abutting property for any work performed in conjunction with the proposed development.

8.3. Ordinance No. 336: Adding 27-505 (F12) "Permitted Keeping of Chickens": Ms. Zook explained that CKS Engineers recommended adding (F12) Permitted Keeping of Chickens as an accessory use in all of the zoning districts within a single-family home. The Ordinance has been advertised and is ready for Councils approval.

Motion by Mr. Benonis, seconded by Mr. Timothy Hayes and unanimously carried, Council adopted Ordinance No. 336, Permitted Keeping of Chickens.

8.4. Approval to Update Table of Use Regulations: Ms. Pursell advised that with the adoption of Ordinance No. 336, the Borough's Table of Use Regulations should reflect the new (F12) use – "Permitted Keeping of Chickens".

Motion by Mr. Benonis, seconded by Mr. Kessler and unanimously carried, Council approved the update to the Table of Use Regulations, adding Use (F12) – Permitted Keeping of Chickens.

8.5. Authorization to Advertise for Dublin Borough Regional Authority: Ms. Zook informed Council that they will need to advertise for a Public Hearing to consider the adoption of an Ordinance, to establish the Dublin Borough Regional Authority. The hearing must be at least thirty (30) days after the date of advertising.

Motion by Mr. Benonis, seconded by Mr. Timothy Hayes and unanimously carried, Council approved to advertise for a Public Hearing for the consideration of adopting an Ordinance to establish the Dublin Borough Regional Authority.

8.6. Resolution 2023-06 – Non-Uniform Pension MMO: Ms. Pursell provided Council with the Minimum Municipal Obligation (MMO) worksheet for the Non-Uniform Pension and stated the MMO for 2024 will be \$12,814.00.

Motion by Mr. Benonis, seconded by Mr. Olsen and unanimously carried, Council adopted Resolution 2023-06, setting the 2024 Minimum Municipal Obligation for the Non-Uniform Pension at \$12,814.00.

8.7. Resolution 2023-07 – Uniform Pension MMO: Ms. Pursell provided Council with the Minimum Municipal Obligation (MMO) worksheet for the Uniform Pension and stated the MMO for 2024 will be \$25,647.00.

Motion by Mr. Benonis, seconded by Mr. Timothy Hayes and unanimously carried, Council adopted Resolution 2023-07, setting the 2024 Minimum Municipal Obligation for the Uniform Pension at \$25,647.00.

8.8. Request for Fire Police – Sellersville Borough – President Sharer stated that we are in receipt of a letter from Sellersville Borough requesting Dublin's Fire Police assistance at the Sellersville Winterfest Event scheduled for September December 9, 2023 from 3:00 am – 7:00 pm.

Motion by Mr. Benonis, seconded by Mr. Kessler and unanimously carried, Council approved the request for Fire Police services at Sellersville Winterfest Event.

- 9. Committee Reports:** President Sharer stated that the Finance Committee will be meeting on September 25, 2023 at 6:30 pm to begin discussions on the 2024 budget.
- 10. Other Business:** There was no other business at this time.
- 11. Public Comment:** There were no public comments.
- 12. Comments from Council Members:** There were no comments.
- 13. Executive Session:** President Sharer announced Council would be meeting in Executive Session to discuss a personnel matter and litigation and will not be reconvening.
- 14. Adjournment:** Upon motion by Mr. Olsen, the meeting was adjourned at 8:24 p.m.

Respectfully Submitted,

Date Approved:

09/25/2023

Colleen M. Pursell

Colleen M. Pursell, Manager/Secretary