

**MINUTES OF DUBLIN BOROUGH
COUNCIL MEETING
MONDAY, DECEMBER 12, 2022**

- 1. CALL TO ORDER:** The December 12, 2022, 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:** 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 November 28, 2022:**

Motion by Mr. Olsen, seconded by Mr. Timothy Hayes and unanimously carried, the minutes of the November 28, 2022 meeting were approved, as presented.

6. Payment of Bills:

6.1. Bills List dated December 12, 2022, for \$78,399.25 (all funds):

Motion by Mr. Benonis, seconded by Mr. Olsen and unanimously carried, Council approved the bills list dated December 12, 2022, in the amount of \$78,399.25.

7. Borough Official Reports:

- 7.1. Dublin Fire Company:** Chief Nugent gave the report for the month of November 2022 which included 17 calls and wished everyone a happy holiday.

7.2. Mayor: No report was given.

7.3. Borough Manager: Ms. Pursell presented her November 2022 report. Mr. Smith asked if there were any issues with the residents from Bishop Way concerning the removal of their front house numbers facing Elephant Road. Ms. Pursell advised that there were two calls from concerned residents along Bishop Way. One resident was concerned about food deliveries and the second resident was looking for clarification on why the numbers were removed. Mr. Smith also asked about the process that is being used for outstanding utility customers. Ms. Pursell advised that we are following the adopted Ordinance and implementing late fees accordingly. She also noted that there have been several complaints received from residents who have been assessed late fees for not paying by the due date.

7.4. Chief of Police: Chief Regan provided the Police Report for November 2022 which included 118 total incidents. Chief Regan, Sergeant Kirk, Detective McClelland, and Officer Swinehart completed First Aid/CPR recertification. Chief Regan attended the DVIT sponsored Police Liability and Case Law Update presentation. Chief Regan attended the first-ever meeting of the Upper Bucks Chiefs Group at Richland Township. PSP handled two calls overnight in the Borough for the month.

7.5. Borough Engineer: No report was given.

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

8. Discussion Items:

8.1. 144 N. Main Street – Preliminary Land Development: Kellie McGowan, Esq., representing the applicant for 144 N. Main Street, gave a presentation in great detail on the land development. They have received a third review letter dated December 9, 2022 from Mr. Zarko. She noted that all items addressed are “will comply”. There will be a dedication of an additional right of way to PennDOT with full frontage improvements. The Highway Occupancy Permits are currently pending with PennDOT. Those improvements will be a full sidewalk, full landscaping and improvements to the existing access at the traffic light. There will also be a secondary access on Manor Drive. There is a 6-foot planting strip along the front, a 6-foot-wide sidewalk and 13.1 feet of outdoor amenity area. President Sharer stated it will be approximately 26-27 feet from the curb to the building. Ms. McGowan explained they received Zoning Relief for the dimensions of the property. She explained in detail about the parking which complies. The traffic study has been accepted by PennDOT and is now in technical review and they have received a 4th review letter from McMahon. The rooftop amenity will have elevator service and it is not an enclosed space as it will not be seen from Main Street. Natural colors are for the architectural features. Mr. Olsen asked if the white areas in the buildings will be constructed of brick. Ms. McGowan stated it is brick, not stucco. They also have an application in with the Department of Environmental Protection for grading and stormwater. Mr. Zarko is working on a re-rating study for the Borough, in which the applicant will pay all costs. They have provided a flow test for the water studies.

Mr. Smith asked Chief Nugent if they reviewed the plans to service the location. Chief Nugent stated their truck will not reach the rooftop, however Perkasié Fire Company and Doylestown Fire Company both have the necessary equipment and would be dispatched for mutual aid. President Sharer asked if they received consent from the Whistlewood property. Ms. McGowan confirmed they have received permission and are working on an official agreement. Mr. Zarko stated that most of the Zoning issues from his reviews have been resolved or they received Zoning relief. The only two issues left are: The applicant needs Council’s approval on the amenities and the architectural design on the buildings. The Planning Commission did recommended approval for both of those items. Some of the remaining items left in Mr. Zarko’s review letter are technical comments with

the Ordinance and Stormwater Management. One of his concerns is the impact on the property next to them at 164 N. Main Street, as they will be doing some work close to the property line.

Mr. Zarko recommends Council give a Conditional Preliminary Approval contingent upon the applicant agreeing to address all the items in his review letter. Mr. Kracht explained that this is only a Preliminary Approval, they still have to go back to Planning Commission and then back to Council for Final Approval. He suggested that the waivers be addressed individually.

Ms. McGowan read through the nine waivers and explained each one. Three waivers have conditions, the first one being: 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, they are 6.3 feet. Mr. Zarko believes they will need a temporary grading easement from the neighboring property owner. Secondly, the top or bottom edge of slopes shall be a minimum of five feet from the property or right-of-way lines. Mr. Zarko agrees that the request is contingent upon the property line that will be staked out by a surveyor and lined with construction fencing, so it does not approach onto the adjacent property. Third, is Easements. Nothing shall be permitted to be placed, planted, set, or put within the area of the utility easement except lawns or suitable low ground cover. There is an existing Sanitary Easement that goes along the bottom of the property up to Main Street. They are proposing some parking and loading area within that Easement. The Solicitor will need to come up with some language for them to be able to use that area. Mr. Zarko would approve this with the understanding that if the Borough would have to maintain that line, the Borough would not be responsible to restore the parking lot.

Motion by Mr. Smith, seconded by Mr. Benonis and unanimously carried, Council granted the waivers as outlined in Tom Zarko's December 9, 2022 letter subject to the conditions outlined by the Borough Engineer Section 22-708.5F, Section 22-706.3L and Section 22-705.4.

Mr. Kracht further explained that the Ordinance requires public space and the area should be a suitable public space. He requested that Ms. McGowan explain the area so Council understands it clearly. Ms. McGowan outlined the public space area including the usable space. The Ordinance requirement is that 3% of the site be dedicated to public space. The right of way dedication is not part of the 3% public space. Mr. Zarko stated it is 39 feet from the center of the road. From the right of way line to the buildings and through the buildings are the proposed public space. Mr. Smith asked if there was a coffee shop and there are tables and chairs on the public space or by the overhang, will they be part of the shops seating area or can anyone sit there. Mr. Kracht stated that if that is considered public area then anyone can sit there.

Motion by Mr. Smith, seconded by Mr. Benonis and unanimously carried, Council approved the Preliminary Land Development Plans/Application pertaining to 144 N. Main Street submitted by Morning Companies, LLC contingent upon the following conditions; compliance with the comments contained within the CKS Engineers, Inc. Third Revised Preliminary Plan Review letter pertaining to the subject land development dated December 9, 2022 and McMahon Associates Traffic Engineering Review #4 letter dated December 9, 2022.

8.2. Discussion Interconnection Agreement – Hilltown Township: Ms. Zook presented documents for the Interconnection Agreement with Hilltown Township along with the Tapping Agreement. She informed Council that Ms. Pursell was contacted by the EPA on November 22, 2022 and informed her that they agreed to the Rickerts Road property being added to the amendment of the Interconnection Agreement. Ms. Zook would like Council to Review the documents and come up with some suggestions at the next Council Meeting.

8.3. Water & Sewer Tapping Fee Evaluation: Mr. Zarko prepared an update on the Water & Sewer Tapping Fee analysis. It was determined that the water tapping fee can be increased from \$1,812.00 to \$1,868.00, a 3.1% increase and the sewer tapping fees from \$4,430.00 to \$4,613.00, a 4.1% increase. Mr. Zarko recommends adopting the fees in an Ordinance and amend the Fee Schedule.

8.4. Escrow Release #22 for Dublin Town Center: Mr. Zarko recommended approval of the Dublin Town Center Escrow Release #22 in the amount of \$174,122.00. Mr. Zarko explained this escrow release will address earth work, parking and concrete, landscaping and public space. It should be contingent upon any outstanding Borough professional services. President Sharer asked how much money is left in their Escrow. Mr. Zarko advised that there is about \$850,000.00, but about \$350,000.00 will go to site improvements and the remaining \$500,000.00 is contingencies.

Motion by Mr. Smith, seconded by Mr. Timothy Hayes and unanimously carried, to approve the Dublin Town Center Escrow Release #22 in the amount of \$174,122.00, contingent upon any outstanding Borough Professional Services.

8.5. 2023 Final Budget Adoption: The 2023 Preliminary Budget was presented and approved by Council at the November 14, 2022 Meeting. The Preliminary Budget was advertised on November 18, 2022 and placed on the Borough website. Ms. Pursell presented to Council the 2023 Budget for consideration of Final Adoption which does not propose a Property Tax increase or any increases to utility services. No changes were made to the Preliminary Budget which is consistent with what was previously reviewed. Borough staff is recommending Council adopt the Final 2023 Budget, as advertised.

Motion by Mr. Olsen, seconded by Mr. Benonis, Council unanimously approved the 2023 Final Budget.

8.6. Ordinance 333: Setting 2023 Tax Levy: Ms. Pursell reiterated that the 2023 Budget included no tax increase. Currently the Borough's tax is 21.25 mills with 16 mills dedicated for general purpose, 3.75 mills dedicated for street improvement debt service and 1.50 mills dedicated to street improvement operating costs. The ordinance reflects no increase to real estate taxes.

Motion by Mr. Smith, seconded by Mr. Mayes, Council unanimously approved Ordinance 333, Setting 2023 Tax Levy.

9. Committee Reports: Mr. Timothy Hayes announced that he would like to have a Community Day meeting before the January 9, 2023 Council Meeting.

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

11. Public Comment: There were no public comments at this time.

12. Comments from Council Members: There were no comments from Council Members.

13. Executive Session: Mr. Smith announced Council would be meeting in Executive Session to discuss a real estate matter. Council will not be reconvening after Executive Session.

14. Adjournment: Upon motion by Mr. Smith, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Date Approved: 01/08/2023

Colleen M. Pursell
Colleen M. Pursell, Manager/Secretary