

**MINUTES OF DUBLIN BOROUGH
COUNCIL MEETING
MONDAY, SEPTEMBER 23, 2019**

1. Call to Order: The September 23, 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.
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: James Fitzgerald of Marlyn Lane expressed his concern with the Borough sending letters to homeowners requiring them to repair their private sewer lateral lines. Mr. Fitzgerald stated that, Mrs. Stover had the work performed and found that there was nothing wrong with the sewer line and the other homeowners who have received the letter from the Borough most likely do not have problems with their lines either. Mr. Zarko provided background information about the sanitary sewer system in the Borough and stated that the Borough has been performing repairs since early 2000. The Borough videotaped all their main lines of the sewer system, identified problems within the Borough's main line, and spent over \$2,000,000.00 in repairs. Once those repairs were completed the Pennsylvania Department of Environmental Protection (PADEP) required the Borough to video the private laterals where excess water was shown running through in the video inspections completed of the main system. Council paid for video inspections to be completed on private laterals of 30 property owners and only 11 of those properties required repairs. The Borough sent letters to the 19 homeowners that did not require any additional inspections or repairs and then sent letters to the remaining 11 property owners requiring them to hire a plumber to assess the line, determine what must be done and submit a permit to the Borough to make the repairs.

Mr. Zarko stated that 192 Moyer Drive had a plumber do the excavation and determined that there were no roots but decided to replace the entire lateral. The Borough never required the property owner to replace their entire line, the Borough only requested that the property owner engage a plumbing contractor to assess the condition of the private building lateral that serves their property and then obtain a plumbing permit for the corrective work. Mr. Fitzgerald wanted to know what they saw on the video that was causing the issues and Mr. Zarko stated that they found tree roots. Mr. Fitzgerald stated that the trees belong to the Borough and they should be responsible. Mr. Zarko replied stating that it has been the Borough's position that defective joints in the private lateral have allowed the root intrusion and therefore the property owner would be responsible for the repair.

Mr. Fitzgerald received an email from Ms. Benner stating that the reason the Borough started taking down the trees was because they were a tripping hazard. Ms. Benner stated that the trees were removed because they were declining due to their age, some developed severe root cradling due to their search of water, some were affecting driveways and the branches were encroaching into townhouse buildings as well as causing encroachment problems in the streets.

Mr. Fitzgerald asked Mr. Zarko to define a sewer line. Mr. Zarko indicated that a sewer line is the sanitary sewer system that is installed to convey wastewater to the Borough's treatment plant. The Borough installed grout to seal the system, then a chemical treatment was put into the main sewer line to make sure it wouldn't grow back again. Mr. Fitzgerald repeatedly asked if it is considered a sewer line, Mr. Zarko specified that it is a building lateral. Mr. Smith took over the conversation confirming that the homeowner is responsible for certain utilities and the Borough is responsible for certain utilities. Therefore, the videos were taken, and some had roots coming in through holes in the pipe and the Borough sent letters to the homeowners who needed the repairs.

Susan Pursell, Dorothy Stover's daughter of Moyer Drive, stated that she watched the video, and on the video, it showed the problems that were indicated in the letter received from the Borough. The plumber looked at the video and marked on the pipe what he saw on the video to be fixed. The plumber cut and removed the pipe and did not see any root invasion and replaced the whole line. Ms. Pursell stated they replaced the line as they thought the letter required them to do. Mr. Zarko stated that the letter did not say to replace the line, it just said to have a plumber assess the line and to repair it.

Mr. Sherer asked Ms. Pursell if her plumber took his own video of the line or just used the Borough's video. She stated that she watched the video with the plumber that was provided from the Borough. Ms. Pursell stated that she wants everyone in the Borough to be aware that the video the Borough provides might be wrong. She would like the Borough to help pay for the repair since her mother had this repair done in good faith. Mr. Mast asked Mr. Zarko when the video was taken. Mr. Zarko stated that it was taken in 2015. Mr. Mast asked Ms. Pursell when she viewed the video. Ms. Pursell replied that she watched it in 2016 and in 2019. Mr. Mast stated that 4 years went by and the situation isn't the same. The chemical foam that was applied by the Borough a couple years ago could have fixed part of the issues and the plumber should have scoped the line before performing any work. Mr. Zarko added that there were only 3 spots to be repaired, not the whole line. Mr. Smith expressed that the Borough does not want anyone to perform a repair that isn't needed, it's not their intention. Mr. Smith also asked Ms. Pursell if there were any pictures taken and if the Borough can view them. Ms. Pursell replied that they were taken and secured at the property and she is positive the video was taken on their property. Mr. Smith stated that if the video is at the correct property and shows the problems, then how does the pipe come up perfectly fine. Mr. Zarko stated that the only explanation would be that the roots are gone because of the chemical treatment, but that wouldn't resolve the cracks. Mr. Mayes asked if the plumber took a video. Ms. Pursell stated that no, he did not video, he did replace 18 feet of the line. Mr. Zarko asked Ms. Pursell if they went all the way to the Main, because the lateral was videoed from the vent near the house to the main line. Ms. Pursell repeated that he replaced 18 feet and she just wants awareness and doesn't want any other homeowner to be in the same position and feels her mother should be reimbursed.

Mr. Smith concluded that Council should look at the letter and encourage homeowners to have their own plumber inspect before they go into repair. Mr. Fitzgerald stated that the Borough should video tape the rest of the laterals that have to be repaired. Ms. Pursell asked Council what they would do if it were their mother. Mr. Smith stated he would be sitting where she is sitting. Mr. Mast stated that it is in the Council's best interest that we pay for an updated video, it's the only way to determine that it's an unfortunate incident. Mr. Smith stated that anyone who engages a plumber to repair their line, they need to assess it with their own video.

Mr. Fitzgerald asked what the easement rights are on the property. Mr. Kracht stated that he is not sure of his question being asked. Scott Hillman of Moyer Drive entered the conversation and indicated that Ord 248 says the Borough's responsibility is from the vent and access coming out of the home and wanted to know how far

off the main sewer line is the Borough responsible for on the lateral. Mr. Zarko stated that each property varies, it ends at the end of the easement or the edge of the right of way. Mr. Hillman asked where the residents can get a blueprint with each individual easement. Mr. Zarko stated he will see what he can find.

Mr. Hillman stated that the Borough took down trees and told the residents that the trees belong to the Borough, he wants to what was the easement that allowed the Borough to remove the trees. Mr. Zarko stated that the trees were placed inside of the right of way. Borough did have the right to take them down or maintain them. Ms. Pursell asked if the Borough will maintain the trees now. Mr. Kracht stated that he will review the dedication documents. Mr. Sharer stated they would take it all under advisement.

Mr. Fitzgerald stated that the Borough just fixed the inlets at Moyer & Marlyn and they are failing. Mr. Sharer stated that they will be looked into. Mr. Fitzgerald suggested not to pay the company that applied the crack seal in the Borough. Ms. Benner stated that the company is coming back to finish. Ms. Pursell stated that the entrance has clear duct tape and crack seal on top. Mr. Fitzgerald made known that someone tried to get a permit to open a business in the Borough, but had to go to the State Representative, after contacting them they were able to get the permit approval from the Borough. Mr. Fitzgerald also added that the people in Dublin Acres are not treated fairly. Ms. Pursell asked if she could confidently leave the meeting with the understanding that Council will follow up with the 192 Moyer Drive situation. Mr. Sharer confirmed that Council will look it over.

Mr. Fitzgerald also asked Council if they could put a new speed limit sign up in the development and have more police. The sign is not visible when you turn in the development. Mr. Moore suggested to Mr. Fitzgerald to get someone from the development to represent the development and be on Council. Mr. Fitzgerald he would start attending Council meetings since he is the president of the Dublin Acres Homeowners Association.

5. Approval of Minutes:

5.1. Minutes of Meeting of September 9, 2019:

MOTION: Upon Motion by Mr. Moore, seconded by Mr. Mast and unanimously carried, the minutes of the September 9, 2019 meeting were approved as written.

6. Payment of Bills:

6.1. Bills List dated September 19, 2019 for \$47,874.75 (all funds):

MOTION: Upon motion by Mr. Mast, seconded by Mr. Sherer, and unanimously carried, the Council approved the Bills List dated September 19, 2019 for \$47,874.75.

7. Discussion Items:

7.1. Authorization to Advertise ARLE Grant Project: Mr. Zarko stated that PennDOT has given the Borough approval to proceed with the Accessible Pedestrian System updates at Main Street/Maple Avenue/Elephant Road and at Main Street/Dublin Village Shopping Center. At this time Mr. Zarko is looking for authorization to advertise the project for bids.

MOTION: Upon motion by Mr. Smith, seconded by Mr. Benonis, Council unanimously authorized the advertisement of the ARLE Grant project.

7.2. Payment Plan Request: The individuals who requested a payment plan were not in attendance.

8. Committee Reports:

8.1. Finance Committee: Ms. Benner reported that the Finance Committee met prior to tonight's meeting to discuss Capital Projects.

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

10. Public Comments: Mr. Hillman inquired about the access road from Rickert Road to the shopping center. Mr. Smith stated that they are allowing development to build that road. The Dublin Town Center Project will be taking that road all the way to the Dublin Shopping Center. There was no plan for the Borough to build it, it's in the plan to have a developer build it.

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

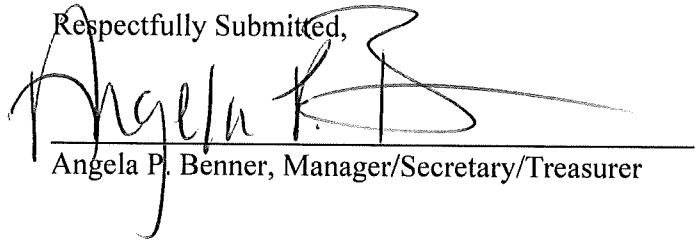
12. Executive Session: Mr. Sharer stated that Council would be meeting in executive session to discuss a potential litigation item.

13. Adjournment: Upon motion by Mr. Smith, the meeting was adjourned at 8:32 p.m.

Date Approved: _____

10/14/2019

Respectfully Submitted,


Angela P. Benner, Manager/Secretary/Treasurer