

**MINUTES OF DUBLIN BOROUGH COUNCIL MEETING
TUESDAY, MAY 26, 2015**

CALL TO ORDER: The Tuesday May 26th Council Meeting was held in Borough Hall at 119 Maple Avenue, Dublin, and called to order at 7:30 p.m. by Council President Jeffrey Sharer. The Pledge of Allegiance was recited.

ELECTED OFFICIALS PRESENT

Mayor:	Chris Hayes	
Council:	John Munley	Jamie Priester *
	Robert Pavlek *	Brent Smith *
	Jeffrey Sharer	Gary Mast
	Matthew Mayes	

APPOINTED OFFICIALS

Borough Manager:	William Wert
Borough Solicitor:	Michael Kracht, Esq.
Borough Engineer:	Thomas F. Zarko, P.E.
Police Chief	Brian Lehman *
Fire Chief	Kevin Nugent *

* Not present

**late arrival

VISITORS REGISTERED: Florence Rodgers - 114 South Main Street.

COMMUNITY COMMENTS: None.

MINUTES OF PREVIOUS MEETING – May 11, 2015: Mr. Wert informed Council that the minutes in their packets had been amended to include language to the Elephant Road sink hole discussion that stated the work is authorized as emergency work and is therefore not required to go to bid. Mr. Zarko requested that the May 11th minutes be corrected to read “Main Street sanitary sewer line” instead of “main sanitary sewer line” under Discussion/Action Items - 2015 Internal Video Inspection of Sanitary Sewer.

After some discussion, **ON A MOTION** by Matt Mayes, seconded by Gary Mast, all present voted in favor to approve the minutes of the May 11, 2015 Council Meeting as corrected. **Motion carried 4-0.**

May 22, 2015 BILLS LIST: Mr. Wert presented to Council for approval the current bills list dated May 22, 2015. There was some discussion and questions regarding the provisions of the 2014 Power Study. Mr. Zarko explained the study was an OSHA required one time review of Borough electrical equipment which had never been done. He assured Council that everything was done to the engineers’ satisfaction.

ON A MOTION by Gary Mast, seconded by John Munley, all present voted in favor to approve the bills list of May 22, 2015. **Motion carried 4-0.**

DISCUSSION/ACTION ITEMS:

1) Cobblestone Development:

- a. Capital Contribution to the Borough in Lieu of Planting Tree Buffer: Mr. Zarko recapped

that the Cobblestone land development plan requires trees be planted on the rear of lots as a buffer with an eighteen month maintenance period. Arbor Vitae on the condominium property behind the development encroach onto the new lots and would need to be cut back or removed to plant the buffer trees.

Staff has reviewed a proposal from the developer to pay a fee of \$4,000 instead of planting trees. Mr. Zarko recommended if Council is amenable to accepting the proposal that there be two conditions. First, the developer should get written approval from all affected property owners that they do not want the buffer trees planted. Second, the amount of the payment should be \$4,050, the amount in the escrow fund.

There was discussion about the maturity and long term feasibility of the Arbor Vitae as a buffer versus cutting them down. The responsibility of the neighboring Condominium Homeowners Association regarding Arbor Vitae maintenance was also reviewed. Mr. Sharer believed there were specific requirements for the Condominium Association to maintain the Arbor Vitae buffer permanently. Mr. Kracht said he could not verify this without reviewing the documents. Mr. Wert suggested an option would be to accept the \$4,050 and if trees come down later they can be replaced with funds. Mr. Kracht noted that once the land development is dedicated, an easement would be needed to plant trees; the plan is not self-effectuating. Options were discussed as to what the money would be spent on; trees versus flowers or other plantings in the Borough. Mr. Mayes preferred that all funds received be used solely for trees to be planted somewhere in the borough. Other Council members felt any general plantings within the borough would be satisfactory. Mr. Wert recommended funds be put into a separate interest bearing account so as not to get lost in the fund balance.

The solicitor elaborated on three important points of the offer as described.

- The offer is unencumbered.
- There is no enforcement tool once the eighteen month maintenance bond period has ended. There is no way to require property owners to replace trees that may come down.
- There is currently relief within the existing ordinance which the developer could have proposed but did not. The code states that the engineer may employ his discretion to say the existing buffer satisfies or exceeds the buffer requirement.

After discussion, **ON A MOTION** by John Munley, seconded by Matt Mayes, all present voted in favor to accept a proposal from the developer of Cobblestone Land Development in lieu of planting buffer trees as contained on the plan, a contribution of \$4,050.

Motion carried 4-0.

After some discussion, **ON A MOTION** by Matt Mayes, seconded by Gary Mast, all present voted in favor to create a separate account for the money encumbered by the developer of Cobblestone Land Development specifically for trees within the Borough. **Motion carried 4-0.**

- b. Escrow Release Request – Cobblestone Land Development: Mr. Zarko reported the release pertains to work that has been satisfactorily completed since the last escrow release in August 2014, such as Erosion and Sedimentation Controls and sidewalks. He recommended approval in the amount of \$2,975. There was discussion and questions about how much of the escrow fund remains and what it is to be used for. \$28,000 is left with the majority of the remainder in contingencies. Ten percent of the original amount of escrow is kept in the account until all items including punch list are completed. A final inspection was done and Mr. Zarko is working with the developer to complete remaining items. This development should be able to be closed out within

the next few weeks. There was discussion on what the punch list includes and the process of posting a new maintenance bond in conjunction with the development agreement.

After discussion and questions, **ON A MOTION** by John Munley, seconded by Matt Mayes, all present voted in favor to release funds in the amount of \$2,975 from the escrow account for Cobblestone Land Development.

Motion carried 4-0.

2) Revitalization & Vision Plan Update:

a. Bucks County Municipal Economic Development Initiative:

- i. Business Analysis Report: A report was developed by Lynn Bush from the Bucks County Planning Commission. It includes a market analysis relating to businesses within a radius of Dublin, as well as a Gap Analysis of what services are not provided in the Borough. The report was developed using information provided by Bucks County which includes extensive records on business filings based on information provided by Dun & Bradstreet. The Revitalization and Visioning Task Force had recommended the report be passed on to Discover Dublin to review. It was suggested this information may be of use to businesses in the Borough and a "Main Street" manager for revitalization efforts. There was discussion about recent success of Perkasio Borough in revitalization using a business development manager and the possibility of hiring someone for the Borough in the future.
 - ii. Ordinance Consistency Evaluation: Lynn Bush's office has provided a report which reviews the objectives of the Revitalization & Vision Plan and compares them to the current Zoning and Subdivision and Land Development Ordinances (SALDO), identifying areas where changes can be made to the zoning and SALDO to be consistent with the Revitalization & Vision Plan and the Comprehensive Plan. Ms. Bush will now take information from the Bucks County Municipal Economic Development Initiative and compile a draft ordinance showing the changes. She expects this process to take a minimum of three months to complete. The next step is for the draft ordinance to be sent to the Task Force, Dublin Borough Planning Commission, and Boucher and James for review and comment before being presented to Council for consideration. There was discussion regarding the length of the review process and the Historic District Ordinance as being a separate issue from this ordinance review. It was mentioned that the Historic District Ordinance is secondary to the zoning ordinance, and must have the flexibility to follow the zoning.
- b. Historic District: Cory Kegerise from the Pennsylvania Historical and Museum Commission has completed a walk-through of Dublin Borough and communicated his opinions to Mr. Wert. Mr. Kegerise believes there is a cohesive concentration of historic fabric to justify moving forward with the Historic District as permitted under an Act 167 enabled ordinance. Mr. Kegerise also provided recommendations he would like to work with the Borough on relating to the draft ordinance. This includes establishing definitions of the operative parts of the ordinance relating to the inventory and survey documents. Other topics include contributory and non-contributory buildings, demolition, types of alteration and projects, application triggers and economic hardship. These are pieces that were missing or not clearly identified in the draft ordinance the Borough has been developing. Mr. Wert indicated the next step in the process is to schedule a meeting with Mr. Kegerise, Mr. Sharer, Mr. Hayes, Mr. Miller and Ms. Bush in the next few weeks to begin discussing details of the amendments to the draft ordinance and incorporating the items mentioned.

There was discussion regarding legal enforceability of stopping demolition using the Historic District Ordinance. Mr. Kracht said he has researched the topic and found several cases where demolition can be stopped by a municipality and a constitutionality problem will not arise. He believes an ordinance that stops demolition is appropriate, can be upheld, and can only be challenged under certain circumstances. Mr. Kracht noted currently Dublin only has one way to stop demolition which is condemnation by taking. This is difficult to do because there needs to be a public purpose. Other methods of demolition were also reviewed.

Contributory versus non-contributory treatment and definition were discussed. Florence Rodgers asked whether treating properties differently can be considered spot zoning. Mr. Kracht replied no, because there is a good, sound study behind the decision. Council discussed what impact non-contributory properties may have on adjacent properties if altered or demolished. Discussion occurred about whether the Borough has control over what is built if a non-contributory property is demolished. Another topic of discussion was whether there is a need for a property maintenance code for properties in the Historic District. Mr. Kracht urged Council to be careful not to overburden staff with enforcement requirements. Cost issues and avoiding creating animosity were also a concern. It was concluded there is a need to go back to Mr. Kegerise and get answers on these topics as they weren't originally addressed.

A CONSENSUS was reached that it be noted in the minutes; Dublin Borough is pursuing the Act 167 method as clarification for future discussion.

- 3) **Dublin Fire Police Request – Milford Township, June 16-20, 2015:** Mr. Wert presented to Council for approval, a request from Milford Township for fire police assistance on June 16 to June 20, 2015 for a carnival. Mr. Wert questioned whether a blanket approval annually would be possible to save time. Mr. Kracht replied that the statute specifically states to have full police power for an event it must be specifically authorized by Council and Council should exercise caution due to potential for liability issues.

After discussion, **ON A MOTION** by John Munley, seconded by Gary Mast, all present voted in favor to approve the request by Milford Township for fire police assistance on June 16 to June 20, 2015.

COMMITTEE REPORTS: None

OTHER BUSINESS:

1. Mr. Wert reported that Passerini Construction began today replacing road pipe and eighty feet of pipe has been replaced so far. It will continue until completed.
2. A verbal agreement has been obtained from Neal Moyer for a temporary easement to construct the Rickerts Road swale. Mr. Kracht has been authorized to prepare the easement papers. Mr. Zarko's office is preparing the bid specifications, which will be ready by the next Council meeting. Mr. Wert will have Mr. Moyer sign the easement and Mr. Wert will provide Council with an update at the next Council meeting. Advertising will take place after Mr. Moyer signs the easement. Construction should take place in August or September.

COMMUNITY COMMENTS: None

COMMENTS FROM COUNCIL: Mr. Mast asked Mr. Zarko when work will begin on Supplee Park Phase II project. He also noticed it looks rocky. Mr. Zarko replied his office is in the process of

getting the bid documents in order and bonds were received today. He plans to have bids signed by Council and have a pre-construction meeting as soon as possible. He believes the project will be completed by the end of the summer. Mr. Zarko reiterated that grass restoration will be done by the previous contractor from Phase I, including aeration and reseeding. He noted that spring has been unusually hot and dry which has made it difficult to re-seed. It was noted that the bond period has not yet begun for the project.

There were questions and discussion relating to Dublin Fire Company Anniversary financial support. Mr. Mayes asked if advertising in the Book is all that will be done. Dialogue occurred as to whether borough code prevents any other financial help. Mr. Kracht said he had not indicated that financial limitations are based on legal limitations. It was concluded that advertising in the Anniversary book is all that will be done monetarily.

ADJOURNMENT: **ON A MOTION** by Matt Mayes, Jeff Sharer declared the meeting adjourned at 8:43 p.m.

Respectfully submitted,

Date Approved: _____

William Wert,
Manager/Secretary/Treasurer