

**MINUTES OF DUBLIN BOROUGH
COUNCIL MEETING
MONDAY, OCTOBER 28, 2019**

1. Call to Order: The October 28, 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 7:30 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: Susan Pursell, representing Dorothy Stover of Moyer Drive, announced that she received a letter from the Borough stating the Borough's denial to reimburse her mother for the unnecessary costs she incurred during the septic line repair, in which the plumber did not find any problems. Ms. Pursell commented on some of the discrepancies in the minutes from the September 23, 2019 Council meeting and asked that the minutes be amended. Ms. Pursell expressed her concern that the Borough owned trees in Dublin Acres were not maintained properly and since they were Borough trees, their roots caused the problem, the Borough should pay for the repair / replacement of the lateral line. Ms. Pursell added that the Borough's letters forced them to replace a perfectly good pipe. Mrs. Stover had hired a plumber to fix the defects found in the video, that the Borough stood behind for five years, only to find that there was nothing wrong with her lateral. Ms. Pursell addressed the rejection letter and stated that if the Borough did not stand behind their video, how could they release it for review and assess heavy fines in support of it. Ms. Pursell added that common sense would dictate replacing the entire pipe as opposed to the several pieces noted as being a problem. Their request for reimbursement should not have been rejected because their plumber did not perform his own video. Ms. Pursell requested a copy of the written report from the lateral inspections back in 2015, a copy of the video of her mothers' property and a copy of the report that caused the trees to be removed in Dublin Acres.

Ms. Pursell addressed the root treatment that the Borough did back in 2017 and asked if residents were aware of the treatment taking place. She also would like to know how, when and where it was performed in conjunction to her mothers' property. Ms. Pursell stated she wanted a copy of the root treatment notice sent to residents back in 2017 and a copy of the video taken of sewer lines after the root treatment was completed, if one exists. If no video exists, she asked why one wasn't taken to see if the treatment was successful. Ms. Pursell expressed her concern with the treatment and how it could have gone up the pipes and treat the roots and fix the pipes.

Ms. Pursell concluded that the Borough needs to schedule a day to review the pipe and formally requests that Council reviews the septic line replacement issue for Dorothy Stover and reevaluate the neglect of tree maintenance, stand behind the 2015 video and take the financial responsibility and reimburse Dorothy Stover. Ms. June Allen of Moyer Drive stated that Council should the right thing. Mr. Fitzgerald of Marlyn Lane provided documents to Borough Council that he stated pertain to Dorothy Stover's septic line and read to Council what the definition of a sewer line is. Mr. Fitzgerald commented on the letters sent to residents about the letters saying that they do not state anything about the homeowner having to rescope the lateral lines. Mr. Sharer stated that Council stands by the video and the letters. Mr. Kracht advised that Council should schedule the conversation privately at a future date.

5. Approval of Minutes:

5.1. Minutes of Meeting of October 14, 2019:

MOTION: Upon Motion by Mr. Moore, seconded by Mr. Mayes and unanimously carried, the minutes of the October 14, 2019 meeting were approved as written.

6. Payment of Bills:

6.1. Bills List dated October 24, 2019 for \$61,569.85 (all funds):

MOTION: Upon motion by Mr. Moore, seconded by Mr. Benonis, and unanimously carried, the Council approved the Bills List dated October 24, 2019 for \$61,569.85.

7. Discussion Items:

7.1. Resolution #2019-11: Budget Amendment: Ms. Benner presented Resolution #2019-11 that would amend the budget to transfer funds in the amount of \$50,000.00 to cover the purchase of a police vehicle out of the General Capital Fund and to not require that the General Capital Fund reimburse the General Fund in the amount of \$117,398 related to the ARLE Grant.

MOTION: Upon motion by Mr. Mayes, seconded by Mr. Smith, Council unanimously approved Resolution #2019-11 amending the 2019 Budget.

7.2. Signalization Upgrade Project Award: Mr. Zarko announced that they have received three bids for the signalization upgrade project that will upgrade two (2) signalized intersections of Main Street to include new LED countdown pedestrian signals, audible pedestrian system and associated pavement markings. The traffic lights are located at Main Street/Elephant/Maple intersection and at Main Street and Dublin Village Shopping center. Based on review of the bids submitted, Mr. Zarko recommended that the Borough award the project to Armour & Sons Electric, Inc in the amount of \$51,000. Mr. Sharer stated the original estimated construction cost was \$83,856 and wanted to know if the Borough would be able to use the additional funds. Mr. Zarko stated the original scope of work originally included the realigning of two driveways at the Main/Elephant/Maple avenue intersection at the request of PennDOT, however since those property owners were not interested in realigning their driveways, PennDOT was no longer going to require that be part of the scope of work. Mr. Zarko stated he is asking PennDOT if the Borough can use the remaining grant funds for installation of new battery backup at some of the traffic lights.

MOTION: Upon motion by Mr. Mayes, seconded by Mr. Benonis, Council unanimously awarded the Signalization Upgrade Project to Armour & Sons, Inc in the amount of \$51,000.

7.3. Resolution #2019-12: H2O Grant Application: Mr. Zarko stated that Resolution #2019-12 would authorize the Borough to submit a grant application in the amount of \$580,000 from the Commonwealth Financing Authority to be used toward the total project cost of \$870,000 with the Borough contributing \$290,000 in matching funds for a 3000 (+/-) linear foot sanitary sewer extension which will eliminate the need for the aging Twin Oaks sewage pump station and address defects previously identified in the sewer system.

MOTION: Upon motion by Mr. Smith, seconded by Mr. Benonis, Council unanimously approved Resolution #2019-12 authorizing the Borough to submit a H2O grant application to the Commonwealth Financing Authority in the amount of \$580,000 with a match requirement of \$290,000 for improvements to the Borough's sewer system.

7.4. 2020 Preliminary Budget Presentation: Ms. Benner presented the preliminary 2020 budget and stated that the proposed budget includes NO Increase in Real Estate Taxes or Utility Rates. Millage rates will maintain at 21.25 mills of which 16 mills is for general fund operating costs, 3.75 mills are dedicated to street improvement debt and 1.5 mills is dedicated to street improvement operating costs. Sewer rates will maintain at \$660 annually, water base rate will maintain at \$100 annually, water usage will maintain at \$3.70 per 1,000 gallons used and trash collection will maintain at \$286.16 annually.

The proposed budget funds necessary capital infrastructure needs and equipment acquisitions. Proposed General Fund Capital Projects include upgrades to the front door of Borough Hall, new carpeting in the police department, administration offices and meeting rooms and the purchase of a new zero turn mower to split equally with the sewer and water capital funds.

Proposed Water Capital Fund project for 2020 is the repainting of the water tower which will be paid for with the funds from the 2019 Borrowing. The Water Capital Fund will also provide debt service payments for the borrowing over 15 years as reflected on Schedule F of the budget.

Proposed Sewer Fund Capital Projects include improvements as required by the PADEP's Consent Order & Agreement including Kern Drive interceptor extension, lagoon liner/diffuser replacement and influent and infiltration (I/I) rehabilitation throughout the sewer system. Additional projects budgeted in the Sewer Capital Fund are blower enclosure replacement at the sewer treatment plan, preventative maintenance and the purchase of a zero-turn mower. Lagoon liner/diffuser replacement and the Kern Drive interceptor extension will be paid for with the funds from the 2019 borrowing. The Sewer Capital Fund will also provide debt service payments for the borrowing over 20 years as reflected on Schedule E of the budget.

The Street Improvement Fund Projects include the paving of Meadow Circle, Meadow Lane, Mill Street, Parkside Drive, Saddlebrook Drive (Rickerts to Trotters), Stallion Court and the Village Green Development. Ms. Benner stated that Meadow Circle, Meadow Lane, Mill Street and Parkside Drive were to be completed in 2019, however due to the low number of bids received at significantly high costs, Borough Council determined it would be more cost effective to post pone the road work until 2020. The Borough anticipates the 2020 Street Improvement Program being a more viable project, thereby receiving a larger number of bids at more cost-effective prices. The proposed Street Improvement projects will be paid from funds received from the 2019 borrowing. The Street Improvement Fund will also provide debt service payments for the borrowing over 15 years as reflected on Schedule G of the budget.

Mr. Moore asked if the budget includes any anticipated revenue from the Dublin Town Center Project. Ms. Benner stated that the Borough anticipates revenue from sewer tapping fees in the amount of \$366,628 and water tapping fees in the amount of \$203,246 from the recently approved Dublin Town Center Land Development Project. Mr. Smith added that for the 2020 budget anticipated revenue from the Dublin Town Center Project related to Real Estate Taxes, Earned Income Tax and Utility Rates has not been included because the Finance Committee does not anticipate that the Borough will see those revenues start to increase until sometime in 2021.

Mr. Mast asked Ms. Benner to go review how the rate can adjust in the future for the 2019 borrowing. Ms. Benner stated that the rate will stay fixed at 3.23% for the first seven (7) years of the loan and then can adjust annually to the prime rate not to exceed 5%. Ms. Benner added that the debt service schedules provide the most conservative approach by assuming that the rate will stay at the cap of 5% for the remaining term after the fixed rate period ends.

Ms. Benner asked Council to consider approval of the preliminary budget and authorize advertisement of the final budget to be considered at the November 25, 2019 council meeting for adoption. Ms. Benner stated that they would also need to authorize ordinance no. 326 that would set the Tax Levy at 21.25 mills for 2020.

MOTION: Upon motion by Mr. Smith, seconded by Mr. Moore, Council unanimously authorized advertisement of the 2020 Preliminary Budget and Ordinance No. 326 that would set the 2020 Tax Levy at 21.25, with the intention to consider the 2020 Final Budget and Ordinance No. 326 at November 25, 2019 regular scheduled Council meeting.

7.5. Resolution #2019-13: Public Comment Policy: Ms. Benner presented and reviewed with Council Resolution #2019-13 that would set a policy for public comment during public meeting. Mr. Mast expressed his concern with setting time limits on public comments and specifically expressed concern with number nine (9) of the resolution that states "When a group of persons wishes to address the Council or Commission on the same subject matter, the Chair may request that a spokesperson be chosen by the group to address the Council so as to avoid unnecessary repetition" stated it is a serious flaw and the weight of quantity of opposition should be held against anyone, everyone should have a voice. Mr. Hayes added that he sees this as restricting dialog between the Council and the public. Mr. Mast stated we are providing a solution to a problem we do not have. Mr. Sharer stated that if there are no rules and a problem happens, it will be too late because we will have nothing in place to enforce. Mr. Mayes asked if other municipalities have this type of policy in place. Both Mr. Kracht and Mr. Zarko stated that this is common in other municipalities that they work for. Mr. Hayes asked what the need for the resolution was and Mr. Sharer stated that he asked for it. Mr. Kracht added that it would add parameters. Mr. Benonis stated that it doesn't mean that Council has to move on from public comment, it just provides the option. There was additional discussion about how the resolution could even be enforced.

MOTION: A motion was made by Mr. Mast and seconded by Mr. Moore to reject Resolution #2019-13 that would adopt a public comment policy for public meetings. The motion did not pass with a vote of 2-4.

MOTION: A motion was made by Mr. Smith and seconded by Mr. Benonis to adopt Resolution #2019-13 that would adopt a public comment policy for public meetings. The motion was tied with a vote of 3 – 3. Mr. Hayes broke the tie by opposing the motion. The motion did not pass.

7.6. Authorization to Advertise Demolition Ordinance #327: Ms. Benner presented the final draft version of the Demolition Ordinance that would amend Chapter 5 of the Borough's Code of Ordinances to establish a procedure for obtaining a demolition permit. Ms. Benner stated that the final draft has been reviewed by the Revitalization and Vision Plan Task Force, the Bucks County Planning Commission and Borough Solicitor, Mr. Kracht. The ordinance would provide the Borough with the opportunity to assess if the building or structure has historical significance. If the application is for a property found to be on the National, State or Local Register of Historic Places or is found to be potentially eligible for historic registration, the application shall be held for an additional 60 days to permit time to investigate how the property may be preserved. Mr. Kracht added that this ordinance would provide the Borough with the opportunity to determine if there is any historic significance and there are not specific standards included in the ordinance because they are different at state and federal level. This ordinance allows for a delay, does not stop someone from demolition. Mr. Mast

stated that this ordinance seems like it should be part of a historic district. Mr. Sharer stated that the intention is to provide the Borough with the opportunity to salvage any historic features. Mr. Kracht stated it provides an opportunity for conversation and doesn't stop demolition since Council was clear that they did not want to stop demolition. Mr. Mayes stated that the ordinance is the right thing but without the professionals in place how can we salvage any historic features. Ms. Benner said if we believe there are items of significant interest in a building that the Borough wants, they can find the appropriate person to perform the investigation.

MOTION: Upon motion by Mr. Benonis, seconded by Mr. Mayes, the Council unanimously authorized advertisement of Ordinance No. 327 that would amend Chapter 5 of the Borough's Code of Ordinances to establish a procedure for obtaining a demolition permit.

7.7. Authorization to advertise STP Sludge Hauling and Disposal Contract: Mr. Zarko stated that the Borough's sludge hauling and disposal contract for the sewer treatment plant expires in February.

MOTION: Upon motion by Mr. Mast, seconded by Mr. Mayes, Council unanimously authorized advertisement of the Sewer Treatment Plan Sludge Hauling and Disposal Contract.

7.8. Elephant Road Emergency Storm Sewer Repair: Mr. Zarko stated that there is a significant problem that represents an emergency with the storm sewer on Elephant Road at Deep Run Road. There is a sink hole that is temporarily plated, but the existing inlet needs to be replaced as it is causing a void in the road causing the road to collapse. Mr. Zarko stated because of how deteriorated the pipe is, if we have significant rain, the road will be washed out. An emergency work proposal was submitted by Passerini & Sons, Inc in the amount of \$14,440.00.

MOTION: Upon motion by Mr. Smith, seconded by Mr. Mayes, Council unanimously approved the Emergency Storm Sewer Repair on Elephant Road to be completed by Passerini & Sons, Inc in the amount of \$14,440.00

7.9. Constellation Energy Contract: Ms. Benner stated that the Borough's electric contract with Constellation Energy is due to expire in December. If the Borough renews their contract at the current rate of \$.04501 for five (5) years, the savings would be approximately \$69,000 over the five years. Ms. Benner added that the PA Municipal Utility Alliance (PAMUA) selected Constellation Energy through an RFP process to be the electric provider in the PAMUA electric procurement program.

MOTION: Upon motion by Mr. Smith, seconded by Mr. Mast, Council unanimously authorized the Borough Manager to execute a five (5) year contract with Constellation Energy locking in at the utility rate of \$0.04501.

8. Committee Reports: There were no reports at this time.

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

10. Public Comments: Mrs. Rodgers stated that there is a mattress laying in the yard of a property along South Main Street and asked if the Borough could do anything about it. Ms. Benner said she would look into and touch base with the property owner.

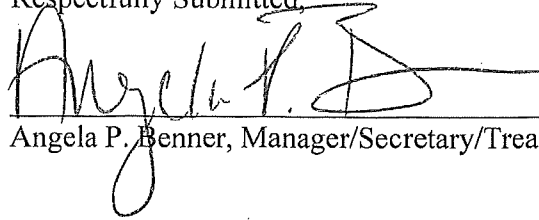
11. Comments from Council Members: There were no comments from Council Members at this time.

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 9:19 p.m.

Date Approved: 11/12/2019

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Angela P. Benner', written over a horizontal line.

Angela P. Benner, Manager/Secretary/Treasurer