

ELIZABETHTOWN BOROUGH COUNCIL
PUBLIC MEETING
February 1, 2024
Minutes

A public meeting of Elizabethtown Borough Council was held on Thursday, February 1, 2024. Present were Councilmembers Lanty Moss, Andrew Schoenberger, Jeff McCloud, Jay Hynicker, J. Marc Hershey, and Jeff Winterborne. Also present were Borough Manager Ann Roda, Assistant Borough Manager Pamela Roberts, Public Works Director Jeff Kinsey, Elizabethtown Police Chief Koch, and Mayor Mummert.

President Hershey called the meeting to order at 7:00 PM.

Public Comment

1. Barry Stoner, 305 E Bainbridge Street – Mr. Stoner expressed concerns about climate change and asked Council to keep the environment in mind when making their decisions. He encouraged them to consider EV charging stations in the Downtown and planting more trees.

Approval of Meeting Minutes

1. After a motion by Councilmember Hynicker, and second by Vice President McCloud, Borough Council voted unanimously to approve the January 18, 2024 Public Meeting minutes.

Old Business

1. Borough Manager Roda gave Borough Council an update on the funding for the Radio Road Interceptor Project and the Hickory Lane Stream Bank Restoration Project. A low interest loan in the amount of \$9,898,000 was awarded by PENNVEST for the Radio Road project. The Borough was awarded \$740,000 in grant funding from the Lancaster Clean Water Partners and \$300,000 in grant funding from DCED for the Hickory Lane Project. A low interest loan in the amount of \$3,365,000 was also awarded for the project.

The Radio Road Interceptor Project loan has a fixed-rate of 1.743% for years 1-5 and 2.179% for years 6-20. The Hickory Land Stream Bank Restoration Project loan has a fixed-rate of 1.743% for years 1-5 And 2.179% for years 6-20.

Vice President McCloud asked what will the construction timelines be for the projects and Borough Manager Roda stated that Borough staff will work with HRG and LandStudies to begin the bid process in April. The PENNVEST loan closing will happen in August 2024 and construction will begin shortly after that. It is anticipated that construction on the Radio Road project will begin first in the fall of 2024 and the Hickory Lane Project will begin in early spring of 2025.

President Hershey noted that as this process moves forward, the Borough should be conscious of how the loans will impact debt services and the agreement between ERSA and the Borough.

2. Borough Manager Roda explained that GEARS will meet the 3rd Tuesday of each month at 7pm and the EACSA would meet at 6pm on the same evening when scheduled.

It was motioned by Councilmember Winterborne to appoint Andrew Schoenberger to the Elizabethtown Area Community Services Authority for a 5-year term that would expire on December 31, 2028. Councilmember Hynicker seconded the motion. By unanimous vote, Borough Council approved the appointment of Andrew Schoenberger to the EACSA.

3. Ordinance Discussion

- Assistant Borough Manager Roberts briefed Borough Council on the status of the effort to convert a portion of W Washington Street and W Willow Street to be one-way traffic only. W Washington Street would be one-way from S Market Street to S Poplar Street and W Willow Street would be one-way from N Poplar Street to N Market Street. Assistant Borough Manager Roberts explained that the Borough is still waiting for approval of the Traffic Signal Permit by PennDOT but the draft ordinance has been reviewed by the Borough Solicitor and is ready for advertisement. Once PennDOT approves the permit, this will be before Borough Council again for approval.

Councilmember Schoenberger questioned the timing of the Union Street and S Market Street traffic signal and asked if the timing could be changed if it is needed after the streets are converted to be one-way. Public Works Director Kinsey explained that the timing can be changed but that any changes would need to go through the PennDOT approval process.

It was motioned by Councilmember Hynicker to approve the advertisement of the One-Way Street Ordinance for W Washington Street and W Willow Street. Vice President McCloud seconded the motion. By unanimous vote, Borough Council approved the advertisement of the draft ordinance.

- Before the discussion of the Incentive for Volunteer Fire Fighters began, President Hershey turned the meeting over to Vice President McCloud due to a conflict of interest.

Borough Manager Roda briefed Borough Council on the status of the draft ordinance to create a tax credit incentive for volunteer fire fighters. She stated that a draft has been prepared for Borough Council's review and feedback but it has not yet gone to the Borough Solicitor for review. Borough Manager Roda asked for direction regarding the percentages for the number of calls attended and the tax credit.

President Hershey stated that while he is giving no input on percentages, he would like to point out that as drafted, due to the high number of calls received by the Elizabethtown Fire Department, volunteers would need to go on approximately 300 calls a year to qualify for the tax credit.

During the discussion, Councilmembers stated that they wanted the number of calls

needed to qualify for the incentive to be attainable and they want the tax credit to be substantial. Councilmembers want the volunteers to know that their work is appreciated and to encourage recruitment for the fire department.

It was determined that there would be two different categories, emergency responders and administrative/support staff, with two levels of participation for both. Emergency responders, basic level would qualify for a 75% tax credit if they attend 10% of the fire calls in a calendar year and the advanced level would qualify for a 100% tax credit if they attend 20% of the fire calls in a calendar year. Administrative/support staff, basic level would qualify for a 35% tax credit if they participate in 35 hours of activity with the department in a calendar year and the advanced level would qualify for a 70% tax credit if they participate in 70 hours of activity with the department in a calendar year.

Borough Manager Roda stated that she would incorporate the changes discussed into the draft ordinance and send it to the Borough Solicitor for review. Vice President McCloud turned the meeting back to President Hershey.

- Borough Manager Roda briefed Borough Council on the status of the draft ordinance to amend the special event ordinance. She stated that a draft has been prepared for Borough Council's review and feedback but it has not yet gone to the Borough Solicitor for review.

The revisions mainly address the permit application process with the biggest change being that a special event permit is first reviewed by the administration department instead of the police department. Chief Koch confirmed that he does not have an issue with the permit starting at the administration department and believes that makes the most sense.

In addition to that, all special event permit applications will be presented at a Borough Council meeting for review and comment before action is taken on the application. Borough Manager Roda also stated that the application for the special event permit will also be revised to make the application easier to complete. The draft ordinance will be finalized and sent to the Borough Solicitor for review.

New Business

1. Borough Council was made aware of a Zoning Hearing Board Application for 593 E College Avenue. The applicant is requesting a variance to allow a short-term lodging accommodation without it being owner-occupied. The Borough Ordinance requires that all short-term lodging accommodations be the property owner's main residence. This property is not owner-occupied, which is why a variance is being requested. The property is located in the R-1 Low-Density Residential District. This application is relative to Chapter 27, Part 2, §201 "Definitions" and Chapter 27, Part 13, §1332 "Short-Term Lodging Accommodations" of the Zoning Ordinance. Borough Council objected to the application stating that the requirement of a short-term lodging accommodation was added to the ordinance intentionally and they feel that the regulations should be upheld as written.

2. Borough Council was made aware of a Zoning Hearing Board Application for 462 N Market Street. The applicant is requesting a variance to allow a short-term lodging accommodation without it being owner-occupied. The Borough Ordinance requires that all short-term lodging accommodations be the property owner's main residence. This property is not owner-occupied, which is why a variance is being requested. The property is located in the R-1 Low-Density Residential District. This application is relative to Chapter 27, Part 2, §201 “Definitions” and Chapter 27, Part 13, §1332 “Short-Term Lodging Accommodations” of the Zoning Ordinance. Borough Council objected to the application stating that the requirement of a short-term lodging accommodation was added to the ordinance intentionally and they feel that the regulations should be upheld as written.
3. United Churches Elizabethtown Area requested a waiver of the sanitary sewer EDU fee associated with the construction of a new residential unit at 53 E Washington Street. It was motioned by Councilmember Schoenberger to approve the request to waive the sewer EDU fee for the new unit at 53 E Washington Street. Vice President McCloud seconded the motion. By unanimous vote, Borough Council approved the waiver of the sewer EDU fee.
4. Borough Manager Roda outlined the special event permit application for 2nd Friday events. She stated that all events would be only utilizing the square, except for the Car Show 2nd Friday event that would also utilize the parking stalls in Vine Alley. No access to Vine Alley would be restricted during the event. Borough Roda stated that the applicant’s insurance expires in May but they will submit the information for the renewed insurance as soon as it is available.

It was mentioned by Councilmembers that the applicant should ensure that trash cans are not overflowing at the end of special events. Borough Council had no objection to the approval of the special event permit application for the 2nd Friday events.

5. Borough Manager Roda updated Council on a request from the Elizabethtown Area School District to allow the School District to contract for crossing guards and traffic control personnel. Borough Manager Roda explained that for Elizabethtown Borough to allow EASD to contract and provide personnel for crossing guards and traffic control, Borough Council will need to update the Code of Ordinances.

Councilmembers expressed concerns that the traffic issues are more extensive than what can be resolved by crossing guards and traffic control. It was stated that Borough Council would not be inclined to enter into an agreement with the Elizabethtown Area School District until the traffic problems have been looked at in totality.

6. Borough Manager Roda explained that the checking account for the emergency management agency at Truist was inadvertently closed. The money is being held by Mount Joy Township but a new bank account must be set up with appropriate check signers at Northwest Savings Bank. Mount Joy Township is asking Borough Council to consider an amendment to the Intergovernmental Cooperation Agreement for the renaming of the “Elizabethtown/West

Donegal/Mount Joy Township Zone Emergency Management Agency” to “Elizabethtown Regional EMA” and to consider establishing a checking account at Northwest Savings Bank.

It was motioned by Councilmember Winterborne to approve an amendment to the Intergovernmental Cooperation Agreement to rename the agency to Elizabethtown Regional EMA. Vice President McCloud seconded the motion. By unanimous vote, Borough Council approved to rename the agency to Elizabethtown Regional EMA.

It was motioned by Councilmember Schoenberger to establish a checking account for “Elizabethtown Regional EMA” at Northwest Savings Bank, under Mount Joy Township’s Tax ID, with Curtis Thompson, EMA Coordinator, and Sherri Minnich, Township Treasurer of Mount Joy Township, as authorized signatories. Councilmember Winterborne seconded the motion. By unanimous vote, Borough Council approved the establishment of a checking account at Northwest Savings Bank.

Mayor Remarks

- Mayor Mummert stated that he sang at 4 different events this week as the singing Mayor from Elizabethtown and was just asked to sing the National Anthem at the Harrisburg Stampede.

Council Remarks

- Councilmember Winterborne gave his thoughts and condolences to the military personnel who lost their lives earlier this week. He also gave a reminder about the Taste of Western Lancaster County event at the Library on February 2nd.
- Councilmember Hynicker thanked the public for attending the meeting and stated there are EV charging stations in the Giant parking lot and a few at the College that are available for students.
- Councilmember Moss had no remarks.
- Councilmember Schoenberger thanked Mr. Stoner for his comments and agreed that keeping the environment in mind is important.
- Vice-President McCloud gave a reminder about the Taste of Western Lancaster County event at the Library on February 2nd and thanked the public for attending the meeting.
- President Hershey had no remarks.

Adjourn

It was motioned by Vice President McCloud and seconded by Councilmember Hynicker to adjourn. Without objection, the meeting was adjourned by President Hershey at 8:47 PM.

Respectfully Submitted,

Ann Roda
Borough Manager