

ELIZABETHTOWN BOROUGH COUNCIL
PUBLIC MEETING
March 2, 2023
Minutes

A public meeting of Elizabethtown Borough Council was held on Thursday, March 2, 2023. Present were Councilmembers Lanty Moss, Jay Hynicker, Tom Shaud, J. Marc Hershey, Phil Clark, and Jeff McCloud and Mayor Chuck Mummert. Also present were Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Public Works Director Jeff Kinsey, Planning and Zoning Director Pamela Roberts, and Elizabethtown Police Chief Edward Cunningham.

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

Presentations

1. Ben Erhart with Land Studies provided an update on the Hickory Lane Stream and Floodplain Restoration Project (project). Erhart explained the project is the Borough's proposed project on the Borough's Pollutant Reduction Plan (PRP) submitted to PADEP for the MS4 permit requirements. The proposed improvements will include streambank stabilization and floodplain restoration, repairing and replacing pedestrian bridge infrastructure, and improving stream access points. Erhart noted the plans are complete and the approach is similar to what was outlined in the 2019 Feasibility Study. Permit applications have been submitted and construction is anticipated to begin as early as 2024. Councilmembers had several questions on the project related to sediment upstream, improvements downstream, potential expansion downstream and project area.
2. Steve Gergely with Harbor Engineering presented an introduction to the DDMP Subdivision and Land Development Plan. Gergely went through each modification and explained the reasoning for each request. The modifications include:
 - a) Chapter 17, Section 503.2.L(2) – Existing Features
 - b) Chapter 21, Section 503.14.A – Right-of-Way and Cartway Widths
 - c) Chapter 22, Section 303 – Submission of Preliminary Plan
 - d) Chapter 22, Section 403.A(1) – Plan Scale
 - e) Chapter 22, Section 403.C(3) – Existing Features
 - f) Chapter 22, Section 606.1.A – Right-of-Way and Cartway Widths
 - g) Chapter 22, Section 607 – Sidewalks h) Chapter 22, Section 611.4 – Street Trees.

There was quite a bit of discussion about the different modification requests. A significant portion of the discussion focused on the modification request related to sidewalks and street trees. The applicant requested a deferral of the sidewalk requirement on the proposed lot as well as on the overall parent lot. Gergely explained that where the sidewalk would be installed on the proposed lot, there are a number of mature trees that the applicant was trying to avoid removing.

President Hershey stated that the plan was an introduction and no formal action will take place at the meeting.

Public Comment

There was no public comment.

Approval of Meeting Minutes

1. After a motion by Vice President Clark, and second by Councilperson Hynicker, Borough Council voted unanimously to approve the February 16, 2023 Public Meeting minutes.

Old Business

1. Borough Council considered awards of the 2023 contracts for Concrete Repair, Stone Supply and Paving.
 - a. For the 2023 contract for stone supply, it was motioned by Councilperson McCloud to accept the submitted stone supply bid from R.E. Pierson Materials. Councilperson Shaud seconded the motion. Prior to voting, President Hershey asked if the stone, purchased through the contract, is delivered to the Public Works Facility. Public Works Director Kinsey replied that the large majority of the stone is delivered rather than transported by borough staff. Following the exchange of information Borough Council unanimously voted to accept the stone supply bid from R. E. Pierson Materials for 2023.
 - b. Councilperson Hynicker motioned to accept the submitted low bid from Kinsley Construction Sitework for \$79,676 to complete the 2023 Concrete Repair Work. Councilperson McCloud seconded the motion. Borough Council unanimously voted to accept the low bid from Kinsley Construction Sitework for \$79,676 to complete the 2023 Concrete Repair Work.
 - c. Vice President Clark motioned to accept the submitted low bid from New Enterprise Stone and Lime Co. for \$722,832.02 to complete the 2023 Paving Work. Councilperson Shaud seconded the motion. Prior to voting, President Hershey stated this contract is got two years' worth of paving. Public Works Director Kinsey confirmed the contract is for College Avenue, Groff Avenue and a portion of Brown Street. Following the exchange of information Borough Council unanimously voted to accept the submitted low bid from New Enterprise Stone and Lime Co. for \$722,832.02 to complete the 2023 Paving Work.
2. It was motioned by Councilperson Shaud to accept the 2022 Annual Audit as presented by TROUT, CPA at the February 16, 2023 Public Meeting. Councilperson McCloud seconded the motion. Borough Council unanimously motioned to accept the 2022 Annual Audit as presented by TROUT, CPA at the February 16, 2023 Public Meeting.

Following the acceptance of the 2022 Annual Audit Vice President Clark motioned to publish the 2022 Annual Audit Concise Audit Statement in a paper of general circulation.

Councilperson Shaud seconded the motion. Borough Council voted unanimously to publish the Concise Audit Statement in a paper of general circulation.

3. Planning and Zoning Director Roberts explained that the draft ordinance before Council to consider includes amendments discussed at previous meetings. It does not include the previous discussion of one-way streets as those will be completed in a separate ordinance following traffic studies being completed. Roberts added the draft ordinance includes minor revisions provided by the Borough Solicitor. It was explained that following advertisement of the ordinance it would be presented to Borough Council at the March 16, 2023 meeting for formal action.

Councilperson McCloud motioned to authorize the advertisement of Ordinance No. 1007 to amend portions of Chapter 5, Code Enforcement, Chapter 13, Licenses, Permits and General Business Regulations, Chapter 15, Motor Vehicles and Traffic, Chapter 18 Sewers and Sewage Disposal, and Chapter 21, Streets and Sidewalks, of the Code of Ordinances. Vice President Clark seconded the motion. Borough Council voted unanimously to authorize the advertisement of the ordinance for consideration by Borough Council at the March 16, 2023 public meeting for formal action.

4. Assistant Borough Manager Roda provided an update on the improvements to the Community Park Playground to include a visual of the final site design. As of the update all equipment is on track for delivery in April and staff is working to finalize the overall schedule with the contractor for site work and equipment installation.
5. Borough Council discussed the Refuse & Recycling Program. The discussion included an update from staff both on call and complaint volumes and the potential costs to the Borough and residents to change the existing contract to 64-gallon containers. Staff explained the container size issue is from a small subset of the total number of units collected throughout the Borough and if the contract were to change to allow for 64-gallon containers it would be an additional \$16/unit. Staff also explained that Noble is using a large sticker as a communication tool to help residents understand any issues with regular collections at their property. President Hershey asked staff to monitor the number of stickers being used and to continue to educate and inform residents of the program requirements.

New Business

1. Planning and Zoning Director Roberts stated that Inch's Properties LLC has filed a formal appeal of the decision from the Zoning Hearing Board in regards to their denial of the application for 502 South Market Street. Vice President Clark motioned to approve the Borough Solicitor to file a Notice of Intervention in regards to the Inch's Properties LLC Notice of Land Use Appeal of the Zoning Hearing Board's decision on February 17, 2023. Councilperson Hynicker seconded the motion. Borough Council voted and unanimously approved the Borough Solicitor to file a Notice of Intervention in regards to the Inch's Properties LLC Notice of Land Use Appeal of the Zoning Hearing Board's decision on February 17, 2023.

2. Councilperson Shaud motioned to approve the waiver request from Elizabethtown College for Section 307.4.A(4) of the Stormwater Management Ordinance in relation to the RACP College Athletics Stormwater Management Plan. Vice President Clark seconded the motion. Borough Council voted to unanimously approve the waiver request from Elizabethtown College for Section 307.4.A(4) of the Stormwater Management Ordinance in relation to the RACP College Athletics Stormwater Management Plan.
3. Councilperson McCloud motioned to approve the release of \$8,151.39 remaining in the Letter of Credit for the RACP College Athletics Stormwater Management Plan to Elizabethtown College. Councilperson Hynicker seconded the motion. Borough Council voted to unanimously approve the release of \$8,151.39 remaining in the Letter of Credit for the RACP College Athletics Stormwater Management Plan to Elizabethtown College.
4. Councilperson Hynicker motioned to approve the time extension request from Elizabethtown College for the Campus Road Pathway to a new deadline of December 31, 2027. Motion was seconded by Vice President Clark. Borough Council voted unanimously to approve the time extension request from Elizabethtown College for the Campus Road Pathway to a new deadline of December 31, 2027.
5. Vice President Clark motioned to approve the 60-day time extension request for the DDMP Subdivision and Land Development Plan for a new deadline of May 12, 2023. Councilperson Shaud seconded the motion. Borough Council voted unanimously to approve the 60-day time extension request for the DDMP Subdivision and Land Development Plan for a new deadline of May 12, 2023.
6. Councilperson Shaud motioned to approve the request for Authorization of the Elizabethtown Fire Police Support for the Penryn Fire Company Mud Sale on March 18, 2023. Councilperson McCloud seconded the motion. Borough Council voted to unanimously approve the request for Authorization of the Elizabethtown Fire Police Support for the Penryn Fire Company Mud Sale on March 18, 2023.

Mayor Remarks

- Mayor Mummert suggested everyone get ready to set their clocks ahead and to replace batteries in their smoke detectors.

Council Remarks

- Councilperson McCloud stated he filed his petition to the Board of Elections for the upcoming primary.
- Councilperson Hynicker noted that he is pleased to see new faces in the audience and thanked them for attending.
- Councilperson Moss stated it was good to be back and he looks forward to future meetings.

- Councilperson Shaud thanked the public for attending.
- Vice President Clark thanked the public for attending and appreciated the presentation on Hickory Lane.
- President Hershey noted that the first public meeting of MESA was held on March 1, 2023 and future public meetings will be held on the 1st and 3rd Wednesday at the Borough Office starting at 7:00 PM.

Adjourn

President Hershey adjourned the meeting, without objection, at 8:14 PM.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager