

ELIZABETHTOWN BOROUGH COUNCIL
PUBLIC MEETING
March 17, 2022
Minutes

A public meeting of Elizabethtown Borough Council was held on Thursday, March 17, 2022. Present were Councilmembers Lanty Moss, Tom Shaud, J. Marc Hershey, Phil Clark, Jay Hynicker 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 Police Chief Ed Cunningham.

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

Public Comment

There was no public comment.

Presentations

1. Mayor Mummert presented a proclamation to Holden Green and Kenton Green of the Elizabethtown DeMolay. He proclaimed that March is DeMolay month.

Approval of Meeting Minutes

After a motion by Vice President Clark, second by Councilperson McCloud, Borough Council voted unanimously to approve the March 3, 2022 Public Meeting minutes.

Reports

1. Borough Council unanimously approved the Financial Report and PLIGT Report as submitted after a motion by Councilperson McCloud and second by Councilperson Hynicker.
2. Regarding the Elizabethtown Police Department Report for February 2022, Chief Cunningham stated activity is in line for the time of year and provided an update on a recent training session held in which 80 officers from around the County were further trained for use of the 2nd Chance Program. The training was held as part of a research partnership with Penn State University and Elizabethtown College. There were no questions.
3. There were no questions on the Code Enforcement Report for February 2022.
4. The Fire Company responded to 58 calls during the month of February 2022, of which 51 were in the Borough, with an average response time of 5 minutes 10 seconds.
5. Northwest EMS responded to 638 calls during the month of February 2022, of which 115 calls, 18%, were within the Borough. Year to date there have been 1,483 calls with 262 calls within the Borough.

6. There were no questions on the Elizabethtown Area Water Authority Report for February 2022.
7. There were no questions on the GEARS report for January 2022.
8. Borough Manager Denlinger stated that Elizabethtown Area Community Services Authority Meeting did not have a quorum to approve minutes. She added that through email the Authority approved the current lease of the Poplar Street Property to GEARS.

Old Business

1. For the Final Land Development Plan for proposed AutoZone Store #3794 several questions were asked. These included: completing timeline and if utility work can be done prior to PennDOT paving; and, the height of the retaining walls. Attorney Tsudy responded that the project is at the mercy of PennDOT's review and approval. He added that the wall would be any where between 2 feet and 12 feet along the side of the property and there would not be a wall in the back of the property.

Vice President Clark motioned to approve the requested modifications in relation to the Final Land Development Plans for Proposed AutoZone Store #3794 prepared by MDM Surveyors & Engineers, LLC, dated February 3, 2020, last revised February 18, 2022. The requested modifications are as follows:

- a. Chapter 17, Section 302.A(1) – Volume Controls of Post Development Runoff
- b. Chapter 17, Section 307.4.B(1)(I) – Maximum Swale Side Slopes
- c. Chapter 22, Section 303.A – Submission of Preliminary Plan
- d. Chapter 22, Section 403.C(3) – Existing Features Within 200 Feet of Subject
- e. Chapter 22, Section 606.1.A – Dedication of Additional Right of Way for Market Street
- f. Chapter 22, Section 607 – Curbing and Sidewalk Along Acorn Lane

Councilperson McCloud seconded the motion. Borough Council unanimously voted to approve the requested modifications in relation to the Final Land Development Plans for Proposed AutoZone Store #3794.

Councilperson McCloud motioned to authorize the execution of the Stormwater Management Agreement and Declaration of Easement between AZ 1235, LLC and the Borough and execution of the Co-Applicant Agreement for a Highway Occupancy Permit for Enclosed Surface Storm Water Facilities between AZ 1235, LLC and the Borough, both relating to the Final Land Development Plans for Proposed AutoZone Store #3794 prepared by MDM Surveyors & Engineers, LLC, dated February 3, 2020, last revised February 18, 2022.

Councilperson Shaud seconded the motion. Borough Council unanimously voted to execute the Stormwater Management Agreement and Declaration of Easement and the Co-Applicant Agreement for a Highway Occupancy Permit between AZ 1235, LLC and the Borough, both relating to the Final Land Development Plans for Proposed AutoZone Store #3794.

Vice President Clark motioned to approve the Plan entitled Final Land Development Plans for Proposed AutoZone Store #3794 prepared by MDM Surveyors & Engineers, LLC, dated

February 3, 2020, last revised February 18, 2022 subject to the following conditions and, upon satisfaction of such conditions, authorize execution and release of such plan:

1. Applicant shall comply with all requirements set forth in the letter from the Borough Engineer dated February 24, 2022.
2. Applicant shall post financial security in an amount of approved by the Borough Engineer and in a form acceptable to the Borough Solicitor.
3. The Storm Water Management Agreement and Declaration of Easement between AZ 1235, LLC and the Borough has been fully executed and recorded.
4. The Co-Applicant Agreement for a Highway Occupancy Permit for Enclosed Surface Storm Water Facilities between AZ 1235, LLC and the Borough has been fully executed.
5. Applicant has notified the Borough that all of Elizabethtown Area Water Authority's requirements have been satisfied.
6. Applicant has notified the Borough that all of Elizabethtown Regional Sewer Authority's requirements have been satisfied and has approved the proposed sanitary sewer service connection.
7. Applicant has reimbursed the Borough for all outstanding engineering and attorneys' fees.
8. Provision of signed Developer's Agreement in the Borough's standard form.
9. Applicant shall meet all conditions as approved by Elizabethtown Borough within one year of conditional approval of the AutoZone Final Land Development Plan.

Councilperson McCloud seconded the motion. Borough Council unanimously voted to approve the Final Land Development Plans for Proposed AutoZone Store #3794 based on the conditions stated.

2. Borough Manager Denlinger provided an update on the grant application for the Local Share Account-Statewide program. The original application was split into two applications based on guidance received from DCED. She added that, through the proposed Elizabethtown Downtown Development Plan, the Borough and its partners will join forces to develop a new roadmap for the future of the downtown that meets an evolving community and economic environment. The second proposed project Elizabethtown Borough - Downtown Signage and Safety Initiative would include the Borough addressing a number of immediate signage needs and safety concerns along Market Street (PA Route 230) and elsewhere in downtown Elizabethtown.

Councilperson Shaud motioned to approve the Resolution 2022-10 for funding the Elizabethtown Downtown Development Plan. Councilperson McCloud seconded the motion. Borough Council unanimously voted to approve Resolution 2022-10 for funding the Elizabethtown Downtown Development Plan.

Councilperson Shaud motioned to approve the Resolution 2022-11 for funding Downtown Signage and Safety Initiative. Vice President Clark seconded the motion. Borough Council unanimously voted to approve Resolution 2022-11 for funding Downtown Signage and Safety Initiative.

3. Councilperson Hynicker motioned to approve an MOU with EASD regarding the installation of a temporary outfield fence at the Elizabethtown Borough Softball Field. Councilperson Moss seconded the motion. Borough Council unanimously voted to approve the MOU. Councilperson McCloud asked if the type of fence should be identified in the MOU. Assistant Borough Manager Roda responded that the type of fence is not identified in the MOU but the preferred fence type has been relayed back to EASD.
4. Chief Cunningham provided an update on Lancaster County Drug Task Force and DTF Funding. There were no questions on the update.
5. Borough Manager Denlinger stated that this is the same property agreement that was before Borough Council on March 3, 2022 and explained that administrative staff has been working with the property owner to develop the agreement. The ability to develop an agreement was outlined in any information provided to rental property owners and only one property owner reached out to Borough staff to seek an agreement.

Vice President Clark approved an Agreement for the payment of outstanding fees owed on a residential rental property. Councilperson Hynicker seconded the motion. Borough Council unanimously voted to approve the payment agreement.

Following the vote, President Hershey stated that borough staff will develop a process to address this scenario moving forward.

New Business

1. Councilperson Shaud motioned to approve Resolution 2022-09 to dispose of certain records in accordance with the Pennsylvania Historical and Museum Commission Municipal Records Manual as amended March 28, 2019. Councilperson McCloud seconded the motion. Borough Council unanimously voted to approve Resolution 2022-09 disposing of records and external computer storage devices in accordance with the Pennsylvania Historical and Museum Commission Municipal Records Manual.
2. Vice President Clark motioned to approve Resolution 2022-12 regarding refinancing Elizabethtown College is seeking through the Lancaster Higher Education Authority. Councilperson McCloud seconded the motion. Borough Council unanimously voted to approve Resolution 2022-12 for Elizabethtown College and Lancaster Higher Education Authority.
3. Borough Council did not take a position on a Zoning Hearing Board Application for 620 Groff Avenue.
4. Borough Council did not take a position on a Zoning Hearing Board Application for 242 E Plum Street but asked the Zoning Hearing Board to consider adding a condition that health and safety requirements be address.

5. Councilperson Shaud motioned to accept Michael Goshen and Nathan Brandt as fulltime officers of the Elizabethtown Police Department following a year of probation. Vice President Clark seconded the motion. Borough Council unanimously voted to accept Michael Goshen and Nathan Brandt as fulltime officers of the Elizabethtown Police Department.
6. President Hershey stated that with the unexpected passing of Meade Bierly there is a vacancy for the GEARS Board of Directors. He asked Borough Councilmembers to think of a possible Borough Representative with the vacancy to be discussed at a future public meeting.

Bills Payable

Upon motioned by Councilperson McCloud and second by Councilperson Hynicker, Borough Council voted unanimously to approve the list of monthly bills as presented:

General Fund	\$244,302.86
Sewer Fund	\$112,406.36
Capital Reserve Fund	\$2,091.75
Construction Fund	\$1,400.00
Subdivision Escrow Fund	\$1,906.00

Mayors Remarks

Mayor Mummert commented on Chief Cunningham and the Police Department's work with 2nd Chance Program, the Fire Company Dinner and the wonderful chance to celebrate the volunteers, and encouraged Councilmembers to attend the upcoming County Officials meeting on March 29.

Council Remarks

Councilmembers thanked the public in attendance and commented on the Fire Company Dinner and the opportunity to celebrate the volunteers.

Adjourn

The meeting was adjourned by President Hershey, without objection, at 8:00 PM.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager