

**ELIZABETHTOWN BOROUGH COUNCIL**  
**REGULAR MEETING**  
**March 19, 2020**  
**Minutes**

The regular meeting of Elizabethtown Borough Council was held on Thursday, March 19, 2020 at 7:00 p.m. at the Borough Office. Present were Council members Bill Troutman, Tom Shaud, J. Marc Hershey, Phil Clark and Jeff McCloud. Also present were Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Police Chief Ed Cunningham, Planning and Zoning Director Pam Roberts and Mayor Chuck Mummert. Councilmember J. Neil Ketchum Jr. participated by phone.

President Marc Hershey called the meeting to order at 7:00 p.m.

Public Comment

1. Richard Sheidy, 350 Lemon Street, suggested that it is not too late to pull the plug on the renovations of 56 N. Market Street.

Approval of Meeting Minutes

After a motion by Shaud, second by Clark, minutes of the following meetings were unanimously approved:

1. Regular Meeting – Feb 20, 2020
2. Work Session – March 5, 2020

Reports

1. The Financial Report was unanimously approved after a motion by Troutman and second by McCloud.
2. There were no questions on the Code Enforcement report.
3. The Fire Company responded to 67 calls, during the month of February, of which 28 were in the Borough, with an average response time of 4 minutes 46 seconds.
4. Northwest EMS responded to 679 calls during the month of February, of which 111 calls, roughly 16%, were within the Borough. Year to date Northwest EMS has responded to 1327 calls and 200 within the Borough.

Presentation

1. Aaron Repucci with Catalyst Commercial Development was present to discuss a project in Mount Joy Township (MJT). Catalyst Commercial Development is interested in creating a large residential development on a farm along Campus Road in Mount Joy Township. Repucci stated that as part of MJT long range plan a connection from this land would be to Sheaffer Road however at this time that connection point would not be possible because the land owner did not want to sell the property. Access to the development will be made by connections to Groff Avenue and Ridgeview Road within the Borough limits.

Councilmembers responded that there are already significant safety concerns about the Groff Avenue and South Market Street intersection. Adding a significant amount of traffic to the problematic intersection is a major concern to the developer, Mount Joy Township and Elizabethtown Borough. Repucci stated that they are suggesting to make a connection between Carey Lane, which is the street next to the Member's First Bank, and South Mount Joy Street which they find to be the best and most cost-effective solution to the issue of traffic dispersion. He added that they looked into the logistics of installing a traffic light at the Groff Avenue and South Market Street intersection and building a bridge across the creek to connect both sections of South Mount Joy Street. The developer feels that constructing a bridge would be cost prohibitive and the developer's traffic engineer does not feel that a lighted signal would be permitted by the standards of PennDOT. This would mean the only viable option for traffic dispersion is the Carey Lane connection.

President Hershey asked if a connection point could be from Greenleaf Lane as it appears to be more of a direct access point. Repucci responded that he would discuss with the engineers.

President Hershey asked Repucci if any discussion has occurred with West Donegal Township as it relates to planned improvements to the Member's First Bank, McDonalds and Giant intersection. Repucci responded that he did not and Councilmember Ketchum added that the project may be moving forward in the very near future. President Hershey asked Borough Manager Denlinger to obtain an update.

Councilmember McCloud stated that he does not support this version with all traffic coming onto the roadway as proposed. He may support a one way or another way to minimize the impact of traffic back and forth. Councilmembers Troutman and Clark agreed with the potential approach of using Greenleaf instead of Ridgeview Avenue. Troutman commented on the potential number of homes and residents and asked what was being planned to keep people safe with all of the added traffic. Repucci responded that community amenities and a walking trail were planned but the development cannot restrict traffic into borough or onto Campus Road.

Councilmember Ketchum questioned the statement that the proposed connection points would be an easier way to get downtown and stated would not be a positive for borough. He stated that he would encourage the trail system as it would support the work that has been done to incorporate bike and pedestrian with town so people are not isolated.

For Campus Road, Councilmembers asked if there was any frontage available to support pedestrian traffic and if a connection point could be added to Shaeffer Road in the SE corner of the property. A question was also asked if traffic flow and potential traffic stacking on other streets was evaluated and councilmembers asked why Carey Lane is now proposed because in previously proposed developments the traffic analysis did not suggest Carey Lane as a connection point. Repucci responded that he would have to talk with the engineers to fully answer the questions.

Mayor Mummert asked if the area at the end of South Mount Joy could be extended and exit at Sheaffer Road. Repucci responded that it was not considered due to the added costs and environmental concerns that would need to be addressed due to the stream and wetland area.

President Hershey asked the next steps for the project and suggested that at the next Regional meeting the discussion of Campus Road be a potential topic. Repucci stated he would talk with the project engineers and then work with staff to have time to come back and properly answer questions posed.

#### Old Business

1. It was motioned by Troutman, seconded by McCloud, to approve the 2019 Annual Audit as presented by TROUT, CPA at the February 20, 2020 public meeting. Motion passed unanimously.
2. It was motioned by Clark, seconded by Troutman, to approve the Mars Chocolate Final Land Development Plan with the following modifications and conditions:
  - Modifications –
    - Chapter 22, Section 303 - Preliminary Plan
  - Conditions –
    - Response and compliance with the comments of Hanover Engineering dated March 13, 2020.Motion passed unanimously.
3. It was motioned by McCloud, seconded by Troutman, to approve the purchase of Elizabethtown Borough Police Department Radios with a purchase price not to exceed \$140,000 and funds from the Capital Reserve Fund.
4. Prior to the vote, Chief Cunningham provided responses to the questions posed to him during the March 5, 2020 meeting. He stated the radios are coded to an individual officer so the dispatcher can identify the officer based on operating the radio and shoulder microphones. Chief Cunningham added that he provided a spreadsheet on cell phone costs and the replacement of radios would not be a duplication of functionality as the cell phones are limited to patrol cars and certain department staff. The cell phones can also be upgraded so no costs are incurred for technology changes and the mobile hotspots allow the laptops to function as needed in the patrol car.
5. President Hershey noted that financially it is better to purchase the radios from the funds in the Capital Reserve Fund then pay additional interest overtime for the purchase. He also asked for the Chief and Manager to set a system in place similar to the Vehicle Replacement Fund to have the funds budgeted for future replacement costs.
6. Councilmember Ketchum sought clarification on the useful life of the radios. Chief Cunningham responded that the current radios have a 5-7 year lifespan and the new radios would be 7-10 years and would be more rugged then existing. Councilmember McCloud

asked if the purchase would be through COSTARS or would need to be bid. Chief Cunningham responded that it would be through COSTARS.

### New Business

1. It was motioned by Clark, seconded by Troutman, to declare the existence of a disaster emergency as a result of this pandemic, COVID-19, in the Borough of Elizabethtown and sign a Declaration of Emergency. Motion passed unanimously.

Borough Manager Denlinger stated that the Declaration to be considered by Borough Council is based on the recent Declarations made by Governor Wolf and the Board of Lancaster County Commissioners. The type of emergency caused by COVID-19 virus appears to be something that falls under the Emergency Management Code (and not the Borough Code). The Emergency Management Code, under Section 7501(b), places the power to declare an emergency on Borough Council. The Declaration issued by Governor Wolf already authorizes political subdivisions like the Borough to take action. President Hershey read for those in the meeting room the Declaration of Emergency.

Councilmember Shaud asked if the declaration would allow the Borough to receive reimbursement for funds spent addressing COVID-19. Borough Manager Denlinger responded that staff are tracking expenditures and if there is funding authorized federally or by the state then the borough will apply. McCloud added a question about county funds be applicable. Borough Manager Denlinger responded if the funding is authorized then the Borough will apply.

2. Chief Cunningham reviewed two law enforcement items related to COVID-19. He was seeking ability to sign the agreements. The first item was a memorandum of agreement (MOA) with Lancaster County which is built on the same premise of the DUI Checkpoint Taskforce concept. The second item is a mutual agreement with three law enforcement partners. Both items are proposed to ensure there is cooperation and support among law enforcement agencies to continue to carry out functions and responsibilities.

Councilmembers asked what would happen if there were comments requesting revisions to what is reviewed now and if the agreements would always be in place or when needed and if the borough was the first to act on the agreements. Chief Cunningham responded that if revisions were needed he would provide the revised agreement to council for additional review. He stated that the MOA would be just for COVID-19 and the mutual agreement would be long term but only used when needed. Chief added that the borough is the first to act upon the agreements but it is before all government entities for review and approval.

For the mutual agreement it was discussed keeping the agreement for the immediate need and then discuss how it is used more broadly.

- a. It was motioned by Troutman, seconded by Shaud, to approve the signing of a Memorandum of Agreement with the District Attorney's office for Lancaster County Regional COVID-19 Law Enforcement Task Force. Motion passed unanimously.

- b. It was motioned by Ketchum, seconded by Troutman, to sign a mutual aid agreement for COVID-19 impacts between Elizabethtown Borough Police Department and the three law enforcement partners in the immediate region (MJBPD, NWLCRPD, SRPD) conditioned on receiving positive response from the Solicitor and insurance carrier.
- 3. Borough Manager Denlinger raised several additional items for discussion related to COVID-19. One item was considering the suspension of parking meter enforcement to encourage use of downtown restaurants for takeout service and assist the library in their efforts. All other elements of parking regulations to remain in effect. The second item was to consider closing the park restrooms due to the ability to properly sanitize after each use. Lastly, she raised an item on the ability to pay bills, in consultation with the Council President, if the meeting cycle is disrupted. Bills would only be paid in the manner if no meeting is held to approve bills and then when meetings would resume bills would be listed so they can retroactively be approved.

Deb Drury, Executive Director of the Elizabethtown Library, was in attendance to provide an overview of the services the library is still providing to residents. These services include exchange of books, printing documents and providing needed tax forms and other requested paperwork. These services are done strictly by car and material is properly separated when it is returned.

Related to the item on bills, President Hershey asked for staff to present bills for each meeting, work session and regular meeting, in case meeting cycles get altered.

- a. It was motioned by Shaud, seconded by Troutman, to suspend parking meter enforcement to encourage use of downtown restaurants and library services with all elements of parking regulations to remain in effect. Motion passed unanimously.
  - b. It was motioned by McCloud, seconded by Troutman, to temporarily close the restrooms at the park. Motioned passed unanimously.
  - c. It was motioned by Ketchum, seconded by Troutman, to authorize the Borough Manager to pay bills in the event Borough Council does not meet due to COVID-19 restrictions. Motion passed unanimously.
- 4. President Hershey asked if all topics related to COVID-19 had been discussed as of this point in time. Borough Manager Denlinger added that she anticipates that she can use her management ability with consultation with legal counsel and the Council President related to keeping operations proceeding and making modifications to ensure safety of staff and residents. Chief Cunningham advised Council that the appointed Emergency Management Coordinator has resigned and following the regional EMA MOU the interim Emergency Management Coordinator must be a member of the Emergency Management Council. As such, Donald Klinepeter will serve as interim Emergency Management Coordinator while the Borough and regional partners actively search for a qualified individual that the region can recommend to Governor Wolf for official appointment to the EMC position.

5. Planning and Zoning Director Roberts provided an overview of an application that will be before the Zoning Hearing Board on April 6, 2020. The applicants are requesting a variance to allow a shed/garage to be constructed on their property at 530 S Spruce Street. The variance requested is approximately 5 feet from the required 25 ft front yard setback. Councilmembers asked questions related to the structure, what the limitations of the property are and what obligations there may be for stormwater management. Council took no position on the application but did state that if the Zoning Hearing Board should approve the application, that a condition of approval should be that the project will be completed within the physical constraints of the property and to not impact the stormwater flow.
6. It was motioned by Shaud, seconded by Clark, to approve Resolution 2020-2 outlining the disposal of certain records in accordance with the Pennsylvania Historical and Museum Commission Municipal Records Manual as amended March 28, 2019. Motioned passed unanimously.
7. It was motioned by Troutman, seconded by Clark, to approve a 6-month time extension for the recordation of the Preliminary/Final Land Development Plan for the Masters Center Building Addition and the Major Stormwater Management Plan for College Athletics (RACP) with a revised expiration date of September 17, 2020.

#### Bills Payable

It was motioned by McCloud, seconded by Troutman, to approve the list of monthly bills and budgeted transfers as presented:

General Fund	\$ 206,748.63
Sewer Fund	\$ 83,152.46
Capital Reserve Fund	\$ 9,536.02
Construction Fund	\$ 319.50
Train Station Fund	\$ 1,165.89
General Vehicle Sinking Fund	\$ 33,750.00
Subdivision Escrow Fund	\$ 3,209.75
Health Insurance Fund	\$ 76,340.18
Parks Fund	\$ 2,930.40

The motion carried unanimously.

#### Adjourn

Following a motion by Shaud, seconded by McCloud, the meeting unanimously adjourned at 8:53 p.m. Motion carried unanimously.

Respectfully Submitted,

Rebecca S. Denlinger  
Borough Manager