

ELIZABETHTOWN BOROUGH COUNCIL
WORK SESSION MEETING
August 6, 2020
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, August 6, 2020. Present were Council members Bill Troutman, Tom Shaud, J. Neil Ketchum Jr., 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, Public Works Director Jeff Kinsey and Mayor Chuck Mummert. The telephone capabilities of the Zoom technology were used for members of the public that wished to participate.

President Hershey called the meeting to order at 7:01 p.m. and stated that prior to the meeting council met in Executive Session to discuss a non-uniform employee matter.

Public Comment

1. There were no public comments.

Reports

1. There were no questions on the June GEARs report.

Administration

1. James Nardo, property owner attending in person, and Chris Peters, engineer with MDM LLC attending remotely, provided an introduction to the AutoZone Preliminary/Final Land Development Plan. Nardo stated that he had just received the comments on the plan and was not prepared to address the comments. Peters stated that they have been working on the project for some time and are requesting several waivers related to the volume of stormwater generated on site and set back requirements. Peters stated that comments were received from the Borough Solicitor on the conveyance system and the PennDOT highway occupancy permit but that additional time was needed to review those comments.

President Hershey then asked about the turning radius for trucks in the parking lot as the plans show the truck delivery to encroach on some handicap spaces. Peters responded that AutoZone is able to control the delivery times and that deliveries would be schedule for times in which the store is not open. Nardo added that his understanding is that truck deliveries will be scheduled so this should not be an issue for the parking lot.

President Hershey asked about the light pollution and it crossing several properties. Peters answered that the illumination is below 0.1.

President Hershey then asked if there were any concerns from the Borough related to the

land development plan. Planning and Zoning Director Pam Roberts stated that the engineer has raised concerns about the waiver request to reduce the width of stormwater easements. If the easement is reduced, it will limit the ability of the borough to do work if maintenance is required. The trees in the stormwater easement was also raised as a concern. Roberts added that there are other items within the review letter that need to be addressed but these two items related to stormwater are larger concerns.

Peters stated that he would appreciate guidance in meeting the easement requirement. He asked if a blanket easement would be possible because to meet the easement requirements of the ordinance that would impact the operations on site and parking. President Hershey responded that it could be something that is discussed but he would want to understand the impacts in greater detail before agreement. President Hershey suggested the group take some time to review the comments and fine tune the plans before there is any further discussion on waivers and consideration of the land development plan.

Councilmember Ketchum asked about the review time and review of the Planning Commission. Roberts responded that the Planning Commission made no recommendation so the notes section of the plan would be revised to reflect that decision. She added that there are multiple meetings in September in which the plan can be reviewed.

Nardo stated he was trying to find reference related to the borough being responsible for stormwater maintenance post construction if it is the land owners responsibility. He stated that this must be new as he has never had to do this before. Peters added that they will need to review the comments but that the swale and pipes eventually tie into the system. Peters added that the easement is needed if the property owner fails to maintain then the borough will have to as it impacts their system.

President Hershey tabled the discussion as time is needed to review and address the comments received.

Councilmember Ketchum asked for an update on the HOP process with PennDOT. Peters responded that the HOP for traffic is under review but they have received comments on addressing stormwater conveyance.

2. Chief Cunningham stated that he has been reviewing the Special Event Permit and working with the group organizing the Fair on the Square to address staff concerns related to protecting the Health and Safety of attendees. The organizers have a donation of hand sanitizers and other equipment that will be spaced out through the event and all games will be cleaned between each use.

President Hershey asked if streets would be closed? Chief Cunningham responded that streets would not be closed but the permit is for sidewalk capacity, allow EPD to assist with the planning process for safety elements.

President Hershey stated that this is not a borough sponsored event and that should be

clear for messaging. He then asked organizers in attendance for the meeting how crowds will be managed and COVID-19 precautions be followed with the event.

Stacey Derck, The Hub on Market, spoke on behalf of the organizers (Meshelle Pinzon and Gerson Morales-Pinzon with Fuego Latino and Stephanie Brosey with Now Wear This) and stated that with the E-Town Fair being cancelled, the organizers decided to throw a fun evening called “Fair on the Square” for kids and families to come out and enjoy themselves. It is planned to be approximately 2-3 walking blocks each direction of the square with participating locations hosting some sort of carnival game or carnival snack for kids of all ages. The Police Department will have a dunk tank set up and there will be food trucks located in the parking lot of BB&T bank. She added that Lancaster County EDC is providing hand sanitizer and masks, games will be wiped down before each player and lines will be placed for the food trucks. The organizers have also removed the request for allowing alcohol at the event.

President Hershey asked with the large area is there a way to move groups around if they see one area is more crowded than others. Derck responded that maps are being developed to highlight parking areas and participating locations which should help. Councilmember Clark thanked the organizers and merchants for trying to do something within the community.

President Hershey stated that with today’s COVID-19 environment he would ask that the Chief include a statement in the Special Event Permit that the event will follow CDC guidance and health and safety measures.

Jon Norman with Funk Brewing added that while the open container request was not part of the Fair on the Square event he did want to see how the open container provision could be altered during this time of 25 % capacity restrictions in restaurants. President Hershey responded that the borough will explore options that are viable and discuss at a future time.

3. Borough Manager Denlinger stated that she has been meeting with the other two managers and GEARs representatives to discuss the draft addendum to the 1999 agreement. She added that this addendum splits the responsibility of maintenance of the building to the Authority and the responsibility of GEARs operations to the GEARs board. President Hershey asked if Conoy Township was out of the authority or all together. Denlinger responded that they are still part owner of the property but are currently not part of the agreement. Councilmember Ketchum noted that the population figure has changed but not the formula. Denlinger added that it is not clear if it is referring to maintenance or maintenance plus 18%.

Councilmember Ketchum asked why the agreement was being amended and not a new agreement. Denlinger responded that she was told it was to be a more expediate route. Ketchum asked if a full red line version of the agreement with the various amendments could be developed to clearer see the revisions overtime. Denlinger stated she would ask for a red lined version.

President Hershey asked about the length of the agreement. Denlinger responded that a 10-year agreement was too long for some participating municipalities. Municipalities were willing to consider a one-year agreement, three-year or five-year instead. Councilmember Clark added that 1-year agreement and 3-year agreement do not provide stability needed for the provided services, such as daycare.

Councilmember Ketchum asked for the term to be clarified for the census numbers. He suggested accredited healthcare institutions, assisted living, something that conveys the population separation. He also asked about the maintenance contribution.

President Hershey asked if it made sense to have a new agreement or another amendment. He also asked about Conoy's participation. Councilmember Troutman asked what the value would be for Conoy Township. Ketchum responded that while they are not participating there is still an ownership piece in the land since they are still part of the authority.

Denlinger asked who from Borough Council could attend a future manager's discussion. She stated that the discussion is at a point where an elected official from each should be attending. Councilmember Ketchum and Clark were selected based on their historical knowledge.

4. Borough Manager Denlinger provided an update on fiscal year 2020 revenue and discussed budget preparation for fiscal year 2021. The county recently provided an update for July distribution of earned income tax (EIT) and local service tax (LST). Both are slightly below projections. For borough provided services (trash and sewer) collection is mirroring close to collection rates from the previous year. Denlinger added that staff will continue to monitor over the 3rd quarter to see if there are financial impacts from COVID-19.

Denlinger presented a revised calendar to Borough Council. She noted that the dates that were added from the previous version are staff deadlines. She added that budget preparation would become a standing agenda item. The Financial Policies (Resolution 2018-03) was then reviewed by Council. President Hershey commented that council has done a good job following the policies and would not want to see steps taking the borough backwards financially. Denlinger asked council if there were general goals that should be used as a framework for the fiscal year 2021 budget.

President Hershey discussed zero based budgeting and how to balance the budget with little to no millage rate increase. Mayor Mummert added that a little to no millage rate would be helpful for residents given COVID-19. Councilmember Ketchum added that for capital projects need to identify those that are a go or no go and adjust scheduling based on revenue. It was noted that for the 2020 budget there was discussion of the sewer rates but no change was made but maybe is an area for evaluation for budget year 2021. Councilmember Shaud added that some expenses for this year may level out and projected costs get pushed to a future year. President Hershey added that the budget may

be able to leverage higher unappropriated balance.

Denlinger asked what threshold and life expectancy should be used for the capital projects. She added that thresholds can be anywhere from five thousand, ten thousand and upwards and life expectancies can be yearly, multi-year. She suggested ten thousand with a life expectancy of five years. President Hershey stated the dollar amount and expectancy made sense.

Denlinger asked if council wanted to set additional meeting dates to discuss the 2021 budget. She suggested the off Thursday's in the month of October and November. No other suggestions were provided. President Hershey asked that those days be noticed as potential meeting dates.

5. Borough Manager Denlinger provided an update on COVID-19. It was noted that the County Commissioners adopted Resolution 61-2020 allocating \$5 per capita to all municipalities for CARES Act Funding. For the borough that would be \$56, 917 and could be used to cover COVID-19 related expenses. She added several Elizabethtown businesses received funding for Round 2 of the CARES Act Small Business Funding from Recovery Lancaster. Councilmember Ketchum asked if the per capita allocation included Fire and EMS or if there is a separate allocation? Denlinger responded that there is a separate allocation.

Police Department

1. Mayor Mummert stated that he and Chief Cunningham recently met and discussed Police Department operations. He stated that it was a good meeting and a lot of topics were discussed.
2. Chief Cunningham commended Detective Ryan and the rest of the detective unit and patrol officers for their work on the drug delivery that result in death case. The work of EPD assisted with the charges in the case. The Chief added that he has been working to update data collection and the next annual report will demonstrate an overview of bias-based policing data beginning in July. He also stated that for training, EPD is ahead of what is being discussed nationally. Much of what is being discussed officers are already being trained on.

Prior to adjourning the meeting President Hershey announced that an Executive Session would be held following the meeting to discuss a Non-Uniformed personnel matter.

After a motion by Clark, seconded by Ketchum, the meeting was adjourned at 8:47 p.m.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager