

**ELIZABETHTOWN BOROUGH COUNCIL**  
**WORK SESSION MEETING**  
**September 3, 2020**  
**Minutes**

The regular meeting of Elizabethtown Borough Council was held on Thursday, September 3, 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.

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

Public Comment

There was no public comment.

Administration

1. Yves Pollart, Senior Quality Engineer with Herbert, Rowland & Grubic, Inc and Ann Roda provided an overview and update of the Nutrient Credit Trading Program. Roda stated the primary purpose of the Nutrient Trading Program is to provide a more cost-efficient way for National Pollutant Discharge Elimination System (NPDES) permittees in the Chesapeake Bay Watershed to meet their effluent cap load limits for nutrients (nitrogen and phosphorous). She added that early in the program inception the Borough sold credits during the 2011 Compliance Year and 2012 Compliance Year. The Borough did incur costs for participation from the engineer and Solicitor. Mr. Pollart added that the process is a simple process and for a point source could be a low hanging revenue stream that can be attained. Credits of nitrogen have been selling for \$3-4/credit.

Councilmember Ketchum asked if the price per credit changes as the compliance year comes to a close. Pollart responded that the price can stay pretty stable at \$3-4. He added that the amount of credits generated by the point source can vary based on flow and infiltration rates. President Hershey followed up and asked if there was a strategy on participating in the market. Pollart responded that close to the end of the compliance year credits should be verified and that the DEP turnaround has been about 2 weeks for verifying credits.

President Hershey and Councilmember Troutman each asked how many could be sold and Councilmember Ketchum asked if multiple sales could be made. Roda responded that maybe a half to two thirds could be marketed. Pollart added that multiple agreements could be entered into. Councilmember McCloud asked if credits had to be brought/sold through the bidding process. Pollart added that credits did not need to be brought or sold through the bidding process. Pollart added that any revenues of the sale of credits would need to follow intermunicipal agreements.

President Hershey stated that staff, working with HRG, could continue to move forward with the possible sale of half to two thirds of credits that would be generated this year.

2. Borough Manager Denlinger provided an update on the GEARs agreement. She stated that

GEARS Attorney Jeff Shenk would be providing a copy of the GEARS Agreement on/about September 11, 2020 that would include all changes to date. She added that all regional partners will receive the document via email and be asked to review the document upon receipt and provide any questions, concerns, or other issues that need to be resolved within a very quick turnaround timeframe and that the review is necessary to accommodate communication of any questions and/or requested changes that may be needed and to allow each of the municipalities to review and consider adoption during the month of September.

Councilmember asked if the agreement would be three or five years. Councilmember Ketchum responded that discussions have focused on five years. President Hershey asked if municipalities would adopt the agreement together to which Denlinger responded that it would be individual adoption. Councilmember McCloud asked about Conoy Townships participation. Denlinger added that Conoy's participation is unclear at this time. The intent was not to join but evaluate assistance.

3. President Hershey asked council to consider the sale of the 2007 GMC Sierra 2500 to Bill Cortellese of Media, PA for \$13,202.00 and the 2012 Chevrolet Tahoe to Matt Stuart of Elmira NY for \$10,900.00. He added that notice of the acceptance of bids for the vehicles was published in LNP on Tuesday, August 11, 2020 and bids were accepted through Municibid.

Assistant Borough Manager Roda stated to council that Municibid had informed the Borough that fees for the 2012 Chevrolet Tahoe had not yet been paid and the sale should not be finalized until those fees are paid. Councilmember Ketchum asked if the approval could be conditioned. Roda responded that could be an option to consider.

It was motioned by Ketchum, seconded by Troutman, to approve the sale of the 2007 GMC Sierra 2500 to Bill Cortellese of Media, PA for \$13,202.00 and to conditionally approve the sale of the 2012 Chevrolet Tahoe to Matt Stuart of Elmira NY for \$10,900.00 contingent on the buyer satisfying the terms and conditions of Municibid. Motioned passed unanimously.

4. Planning and Zoning Director Pam Roberts stated that a Zoning Hearing Board (ZHB) application was received for 149 East Willow Street. The applicant is requesting a variance to expand upon an existing variance to operate a tax service business within the R-1 Low-Density Residential District. President Hershey asked when it would be before ZHB and if anything more then input was being sought. Roberts responded that ZHB would meet September 21, 2020 and seeking any input council may have on the application.

Councilmember Clark asked if the application was for the attached garage. Councilmember Ketchum asked if the request included on street parking. Roberts responded that the application is for expanding work hours primarily during tax season and the application does include on street parking. President Hershey asked if more then one client would meet at a time. Roberts responded that it would expand the client ability but not how many would meet at one time.

Council was not opposed and had no comment on the application.

5. Borough Manager Denlinger stated that a Notice of a Plan Approval application for Mars Wrigley Confectionary US LLC was received by the Borough Office. The notice provides

notification that Mars submitted an air quality permit for the installation of a new cocoa bean roaster and associated processing equipment. There is a 30 day comment permit following the receipt of the letter. She added that this was likely one of the first times that this type of application was before Borough Council but wanted to ensure there were no comments and future notifications of this nature would be on the agenda. There were no questions or comments on the application.

6. Planning and Zoning Director stated that AutoZone is actively working on their application but has asked for a time extension for the AutoZone Preliminary/Final Land Development plan. The new expiration date would be October 22, 2020. President Hershey asked if they are working through concerns that were raised during the introduction of the Preliminary/Final Land Development plan. Roberts responded that they are working with the Solicitor.

It was motioned by McCloud, seconded by Troutman, to approve a time extension for the AutoZone Preliminary/Final Land Development plan with a new expiration date of October 22, 2020. Motioned passed unanimously.

#### Police Department

1. Chief Cunningham stated that EPD had been offered an opportunity to join Northwest Regional PD and Susquehanna Regional PD in offering a Rapid Referral Mediation Program as a partnership with the service provider Advoz Mediation and Restorative Practices from Lancaster, PA. The Chief explained that the Rapid Referral Mediation Program is a groundbreaking opportunity to provide mediation and restorative justice services to assist residents with an alternative method for addressing neighborhood and other disputes. The program is initially going to be a 12-month pilot to determine whether the community will take advantage of the opportunity and use the program. EPD's officers will be offered training in how the process works and how the program will operate, and the program will roll out as soon as EPD can schedule the training and then run for 12 months from there. It was also stated that because this was not a budgeted item in EPD's 2020 budget, the department will make the \$500 commitment from the EPD Training Fund to avoid further stressing the EPD budget. Any additional financial commitment will be discussed with Borough Council as part of the normal budget process. The Chief added that Chris Fitz, Advoz Program Director was in attendance to answer questions.

Councilmember Ketchum asked how many MOUs Advoz had for this type of work. Mr. Fitz responded that there are agreements with NW Regional and SW Regional. President Hershey asked about the organization structure and the other type of work performed by Advoz. Fitz responded that Advoz is a nonprofit and was a merger of two previous nonprofits that are now governed by one Board of Directors. He added that they typically work on mediation focusing on custody, divorce, juvenile justice issues. They also receive referrals for community and neighbor issues.

President Hershey asked when referrals would happen. The Chief explained that this partnership would build upon community policing efforts and would seek to address those situations that are not resolved with a criminal offense. Councilmember Shaud asked what the need for the mediation services would be in Elizabethtown. The Chief stated it could be several a month and with this being a pilot there would be the tracking of time and issues. As

part of the partnership there would be quarterly reporting. It would allow for the officers to reduce paperwork needs and allow for issues to be resolved.

Councilmember McCloud asked how the process would work and if mediations would be in Lancaster. The Chief answered that the cases that would be referred to the program would include property disputes, noise/nuisance complaints, landlord-tenant disputes, and other minor, “quality-of-life” type of calls. Cases that are suitable to be referred to the program will be sent in via a web-based referral form, thus only requiring a moment or two from the police officers involved. Advoz will then handle all of the notifications and scheduling, and will provide regular updates to the police officers involved in the case. Fitz added that mediations could be scheduled for Elizabethtown.

Councilmember Ketchum asked how neighbor disputes end up in the court system. Chief Cunningham responded that it can as a civil suit or if an issue escalates quickly. Councilmember Troutman added that as a resident of Park Street he can see this being a benefit as he often sees the Police at a location working the resolve an issue several times. This program could be another way to address the neighbor-neighbor issues.

Councilmember Clark added that for the initial investment and with it being a trial it might be worth a try. Councilmember McCloud added that people want to see results and allow focus where it is needed.

It was motioned by McCloud, seconded by Troutman, to approval the Memorandum of Understanding with ADVOZ (8 North Queen Street, Suite 210, Lancaster PA) for a Rapid Referral Mediation Program. Motion passed unanimously.

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

Respectfully Submitted,

Rebecca S. Denlinger  
Borough Manager