

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
October 15, 2020
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, October 15, 2020. Present were Council members Bill Troutman, Tom Shaud, J. Neil Ketchum Jr., J. Marc Hershey, Phil Clark and Jeff McCloud. Also present were Assistant Borough Manager Ann Roda, Police Chief Ed Cunningham, Planning and Zoning Director Pam Roberts and Public Works Director Jeff Kinsey. Absent from the meeting, Mayor Chuck Mummert and Borough Manager Rebecca S. Denlinger.

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

Conditional Use Hearing – Elizabethtown Church of the Brethren

Borough Solicitor Josele Cleary called the hearing to order and provided an overview of the Conditional Use hearing process. Parties to the hearing were the Borough of Elizabethtown and applicant. The applicant was represented by Brian Cooley with D. C. Gohn, Tom Marcinkoski with Greenfield Architects and Barry Garman with the Elizabethtown Church of the Brethren. Cooley provided an overview of the project and the request for the hearing.

It was stated that the Elizabethtown Church of the Brethren (ECOB) conditional use application is seeking permission to construct a large addition to their existing institutional building. This addition will contain a multi-purpose room, gathering space, a choir room, courtyard, kitchen and other church related uses.

Following the overview Cooley, Marcinkoski and Garman answered questions from Borough Council on the project and conditions. Borough Council took a short recess to discuss the application and proposed conditions. When council returned from recess, it was motioned by Ketchum, seconded by Clark, to approve the conditions outlined in Hearing Attachment A-1 and add a condition to read that the applicant shall install sidewalks on Cherry Street that meet the Borough requirements within six months of notification from Elizabethtown Borough. Motioned passed unanimously.

Borough Solicitor Cleary closed the public hearing at 7:52 p.m.

Public Comment

There was no public comment.

Approval of Meeting Minutes

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

1. Regular Meeting – September 17, 2020

2. Work Session Meeting – October 1, 2020

Reports

1. The Financial Report was unanimously approved after a motion by Troutman and second by Ketchum.
2. EPD Chief Cunningham stated that the report shows a decrease in theft and he will be working with the Borough Office to put together outreach concerning package deliveries. He added that EPD will again be participating in Beards for Brothers beginning November 1, 2020. There were no questions on the report.
3. There were no questions on the Code Enforcement report.
4. The Fire Company responded to 41 calls during the month of September, of which 16 were in the Borough, with an average response time of 3 minutes 28 seconds.
5. Northwest EMS responded to 636 calls during the month of September, of which 85 calls, 13%, were within the Borough. Year to date Northwest EMS has responded to 5338 calls and 761 within the Borough. Assistant Borough Manager Roda added that on October 13, 2020 the Pennsylvania Emergency Health Services Council and the Department of Health recognized Northwest Emergency Medical Services of Elizabethtown by presenting it with the 2020 EMS Agency of the Year Award. Northwest EMS was chosen from among the Pennsylvania EMS Agencies with a volume of 5,000 or more emergency responses a year.
6. There were no questions on the Elizabethtown Area Water Authority Report.
7. The GEARS Financial Report for September 2020 was not received prior to the meeting but will be reviewed for a future meeting.

Old Business

1. Planning and Zoning Director Roberts stated that since the October 1, 2020 Borough Council meeting, Borough staff, Borough Solicitor, and representatives for AutoZone have been in communication regarding the outstanding items in relation to the AutoZone Preliminary/Final Land Development Plan. She added that legal agreements including Stormwater Management Agreement, Co-Applicant Agreement for a Highway Occupancy Permit, and Developer's Letter Agreement Form have been reviewed by the Solicitor. Roberts then stated that Hanover Engineering has issued a new review letter that has a few small outstanding items, which mainly deal with administrative concerns. Kate Millikau, with Troutman Pepper, spoke on behalf of AutoZone and stated she had a signed copy of conditions should the Borough Council approve what has been discussed with Borough staff, the Borough Solicitor and the Borough Engineer. She added that the Stormwater Management Agreement would be revised to be subject to the conditions if approved.

President Hershey asked for clarification on the agreements. Roberts responded that there may be a few outstanding agreements waiting on financial security figures. The Borough would be signatory to all but the Development agreement. She added that by execution and approval of the Co-Applicant Agreement for a Highway Occupancy Permit, Borough Council is authorizing the completion and execution of the M-950AA form to PennDOT.

President Hershey asked about the letter of credit and if it is tied to the property, owner or land development deadline. Roberts responded that based on the MPC the letter of credit would be provided after conditional approval.

Councilmember Ketchum asked when the deadline is for Borough Council action. Roberts responded that the deadline is October 27, 2020. Ketchum followed up and asked if a 90-day deadline could be provided to meet the conditions. Borough Solicitor Cleary advised against that due to the time for executing agreements, recording documents and the PennDOT M-950 process. She added that council could add a condition on timing following the HOP determination by PennDOT.

President Hershey asked if there was a recommendation on timing. The Borough Solicitor Cleary suggested one year. Councilmember Ketchum suggested that a condition of the one-year timing be added.

It was motioned by Ketchum, seconded by McCloud, to authorize the execution of the Storm Water Management Agreement and Declaration of Easement among James A. Nardo, AZ 1235, LLC, Autozone Development LLC, and the Borough and execution of the Co-Applicant Agreement for a Highway Occupancy Permit for Enclosed Surface Storm Water Facilities among James A. Nardo, AZ 1235, LLC, Autozone Development 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 July 21, 2020. Motioned passed unanimously.

It was motioned by Ketchum, seconded by McCloud, to add a condition that the applicant shall meet all conditions as approved by Borough Council within one year of conditional approval of the plan. The motion further approved the Plan entitled Final Land Development Plans for Proposed AutoZone Store #3794 prepared by MDM Surveyors & Engineers, LLC, dated February 3, 2020, last revised July 21, 2020 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 October 14, 2020.
2. Applicant shall post financial security in an amount approved by the Borough Engineer and in a form acceptable to the Borough Solicitor.
3. The Storm Water Management Agreement and Declaration of Easement among James A. Nardo, AZ 1235, LLC, Autozone Development 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 among James A. Nardo, AZ 1235, LLC, Autozone Development LLC, and the Borough has been fully executed.
 5. Elizabethtown Area Water Authority has notified the Borough that all of its requirements have been satisfied.
 6. Applicant has reimbursed the Borough for all outstanding engineering and attorneys' fees.
 7. Provision of signed Developer's Agreement in the Borough's standard form.
 8. Applicant shall meet all conditions as approved by Elizabethtown Borough within one year of conditional approval of the AutoZone Final Land Development Plan.
- Motioned passed unanimously.

2. Assistant Borough Manager Roda stated that at their meeting on Wednesday, October 14, 2020, the Board of Lancaster County Commissioners approved the changes to two polling locations in Elizabethtown Borough for General Election on November 3, 2021. These changes included the Third Ward, First Precinct will vote at St. Paul's United Methodist Church at 398 North Locust Street instead of the Fire House; and, the Third Ward, Third Precinct will vote at Elizabethtown First Church of God at 144 South Market Street instead of the Public Works Facility. She added that staff will be posting updated polling location information and maps on the Borough website as well as communicating the changes through social media.

Councilmember Clark asked if the Lancaster County Board of Elections would be sending out a mailer to registered voters making them aware of the change. Roda responded that she was not aware but would find out. President Hershey asked that if a mailer is not sent that it should be communicated back to the Lancaster County Board of Elections that registered voters should be notified of the change.

3. President Hershey stated that a major item for the 2021 budget will be the timing, if any, for the project at 56 N. Market Street. He added that at the last meeting an estimated financing schedule was provided and if there was a borrowing of funds then there would be a half of year of financing in 2021 and then a full impact of financing in 2022. He asked councilmembers to be prepared to discuss the project and debt service at the next meeting.

Councilmember Ketchum asked when revised budget sheets would be received. Roda responded that budget sheets may be ready by this week or very early next week. Resident Richard Sheidy asked if Borough Council had an accurate figure for the cost of the project at 56 N. Market Street. President Hershey responded that 56 N. Market Street would be roughly three million and the renovation and expansion of the Police Station could be close to two million. Sheidy then asked if the renovation and expansion would be contingent on the Borough Office moving and if the renovations needed to happen for the Police Department. President Hershey replied that the renovation and expansion would be dependent on the Borough Office moving. He added that while the Police Department may be to function it would not be efficient.

New Business

1. Assistant Borough Manager Roda stated that Pennian Bank has requested additional documentation from Elizabethtown Borough to accept the revision on the account. The revision is to replace Rhonda S. Ryan with Rebecca S. Denlinger as a signer for the account.

It was motioned by Ketchum, seconded by Troutman, to formally request that Pennian Bank remove Rhonda S. Ryan and add Rebecca S. Denlinger as a signer for the account. Motioned passed unanimously.

Bills Payable

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

General Fund	\$272,584.94
Sewer Fund	\$51,345.13
Capital Reserve Fund	\$3,395.00
Train Station Fund	\$1,640.05
Subdivision Escrow Fund	\$2,024.50
Health Insurance Fund	\$73,389.54
Parks Fund	\$3,803.00

The motion carried unanimously.

Adjourn

Following a motion by Shaud, seconded by McCloud, the meeting unanimously adjourned at 8:36 p.m.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager