

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
June 20, 2019
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, June 20, 2019 at 7:00 p.m. at the Borough Office. 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 Roni Ryan, Assistant Borough Manager Ann Roda, Police Chief Ed Cunningham, Public Works Director Jeff Kinsey, Planning and Zoning Director Pam Craddock and Mayor Chuck Mummert. Also present was Borough Solicitor Josele Cleary.

President Hershey called the meeting to order at 7:00 p.m. and announced that Borough Council held an Executive Session on June 13, 2019 at 6:00 p.m. to discuss a police personnel matter.

Conditional Use Hearings

President Hershey called the hearings to order at 7:01 p.m.

Josele Cleary provided an overview of the process, participants role and appeal rights. There were no questions concerning the hearing procedure.

1. Greater Elizabethtown Area Recreation Services (GEARS) - to operate a daycare in the Mixed-Use zoning district at 95 S. Wilson Avenue.

Cleary noted that there were five exhibits to enter as Exhibit BC1-5. These included the application, proof of publication, photo showing the posting of property, letter from the Director of Planning and Zoning to the applicant on the hearing details, and a copy of the notification letters sent to neighboring property owners. There were no parties to the application and three individuals, John Myers, Laurie Shepler and Barry Acker, were sworn in to provide testimony.

Barry Acker provided an overview of GEARS, the services provided and the need fulfilled by using 95 S. Wilson Avenue for the kindergarten program and possible space for 5-6 graders in the summer program. John Myers added that Cornerstone Community Ministries considers this use of the space to be a community partner and raise awareness for the Cornerstone Community Ministries.

Borough councilmembers asked questions focused on what programs would be housed at the location, how drop off parking would be handled, and the use of the space by 5-6 graders. Acker responded that the space would be primarily used for kindergarten and for the summer program for 5-6 graders during the hours of roughly 9-2. He added that the location will allow the summer children, with supervision, to use the walking path down to Poplar Street for additional outdoor play. There will be plan in place for drop off parking with the intention being short term in nature and if needed there is parking at end of building that is used for staff. It was noted that GEARS would be using the space when there are no conflicts with the Cornerstone programming.

Josele Cleary then reviewed with the applicant the standards required by the ordinance. Through the review of the standards the applicant provided a response indicating acknowledgement of the requirement and/or answered how the space would meet the standards. Acker testified that 36 children would be enrolled in the kindergarten program. Cleary stated that the standards in the Borough Ordinance would only allow 25 children to be part of the day care program. In order for all 36 children to be at 95 South Wilson Avenue, GEARS would have to obtain a variance from the Zoning Hearing Board.

There were no questions from the audience and the Borough did not have anything to add for the hearing. Borough Council took a brief recess at 7:29 p.m. to discuss the application in Executive Session. The hearing resumed at 7:35 p.m. and with no one having any questions on the application the hearing closed at 7:35 p.m.

2. Elizabethtown College - for a building addition greater than 10,000 square feet at One Alpha Drive.

President Hershey called the hearings to order at 7:35 p.m. Josele Cleary noted that there were five exhibits to enter as Exhibit BC1-5. These included the application, proof of publication, photo showing the posting of property, letter from the Director of Planning and Zoning to the applicant on the hearing details, and a copy of the notification letters sent to neighboring property owners. Daniel and Susan Rohrer of 705 College Avenue identified that they would be a party to the application and three individuals, David Madary, Mark Zimmerman and Richard Barton, were sworn in to provide testimony.

David Madary, with Dereck and Edson, provided an overview of the project and reviewed ordinance standards. A map of the project area in relationship to the college was marked as Exhibit A1.

Borough councilmembers asked questions focused on the total square footage, parking and pathway and sidewalk placement. Madary with the assistance of Mark Zimmerman noted that the total square footage is under 17000 square feet, the walkway which is the existing sidewalk will be maintained and a macadam walkway will be added. For parking it is anticipated that based on enrollment levels there will be adequate parking in the Brown lot and if enrollment increases it was discussed during the review and approval of the Bower Center that parking would be restricted for first year students. It was noted that parking is tracked via issued parking permits and that number could be provided yearly to the Borough.

The Borough did not have questions for the applicant. The party to the application asked the applicant what impact the project would have on the old shade trees along College Avenue and what the projected timing is for the project. Madary responded that the plan is to try to keep all trees intact but 3-4 that may not survive based on age and of those 2-3 look like dying now but an arborist has been hired to evaluate the trees and root system. He also noted that the projected timing for the project would be to start in November 2019 and complete November 2020.

Following the questions, the Borough introduced a set of conditions for consideration. The conditions were marked as Exhibit B1. Josele Cleary indicated that the conditions make note of an exhibit and stated that Exhibit BC1 would be used. Madary was asked to indicated on the exhibit where the macadam and sidewalk would be located. The applicant was asked by President Hershey if there was any question on adding conditions pertaining to the building meeting all code requirements and mature trees would be maintained to the extent possible. The Borough was in agreement with the suggested additions and the applicant did not have any questions.

As a party to the application, Daniel Rohrer of 705 College Avenue, provided a statement. His statement referenced that part of the character of College Avenue is the shade of the trees and if the building were pushed back to the distance of Musser Hall then maybe the root system could be maintained better. He played a video/sound clip of birds chirping and noted the video was taken at his house at 7:30 a.m. He then played a second video/sound clip from further down the road. This one was the sound of the HVAC system. Rohrer also provided an exhibit that was marked R1 which was a chart of the high frequency energy which was created from the video/sound clips that was played. He requested that as part of the project development that care be taken with the design of the HVAC system so that it be a quiet system.

Mark Zimmerman responded that the HVAC system that was being discussed provides system requirements for 7 buildings. This new building would be feed by this existing system. President Hershey asked the college if the building could be pushed back to the distance of Musser Hall. Richard Barton, with Michael Craft and Buck Marshall, responded that based on the program requirements there needs to be large contiguous spaces and that could not be achieved if the building were at the same elevation as Musser Hall.

Borough Council took a brief recess at 8:24 p.m. to discuss the application in Executive Session. The hearing resumed at 8:36 p.m. and with no one having any questions on the application the hearing closed at 8:36 p.m.

President Hershey noted that two items on the agenda, under new business, would be discussed out of order of the agenda but in relation to the hearings that were held.

1. It was motioned by Ketchum, seconded by Shaud, to approve a Conditional Use in accordance with Chapter 27, Part 12A, Section 12A04.D of the Borough's Code of Ordinances to operate a daycare center in the Mixed-Use zoning district at 95 S. Wilson Avenue with the following conditions:
 1. Applicant shall comply with and adhere to the information presented in the application and the testimony presented to Council at its meeting on June 20, 2019.
 2. If Applicant desires to have more children on site then the number allowed by the lot area in accordance with Zoning Ordinance §1507.2, Applicant shall obtain all required variances. Applicant may commence operations with the number of children allowed by Section 1507.2 prior to obtaining a variance for a greater number.
 3. Any violation of the conditions contained in the Decision shall be considered a

violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

4. The foregoing conditions shall be binding upon the Applicant, Cornerstone, and their respective successors and assigns.

The motion carried unanimously with Clark abstaining from the vote.

2. It was motioned by McCloud, seconded by Clark, to approve a Conditional Use in accordance with Chapter 27, Part 5, Section 504.B of the Borough's Code of Ordinances for a building addition greater than 10,000 square feet on Espenshade Hall at Elizabethtown College, One Alpha Drive with the following conditions:

1. The addition to Esbenshade Hall shall not exceed three stories and shall have a facade consistent with the brick structures on the Elizabethtown College campus with brick exteriors.
2. Applicant shall continue to be bound by the condition on the approval of the Bowers Fitness Center that a sidewalk/pathway shall be completed along Campus Road from College Avenue to the southernmost Elizabethtown College property line on Campus Road no later than December 31, 2022. If Applicant fails to install the sidewalk/walking path from College Avenue to the southernmost Elizabethtown College property line on Campus Road, Applicant shall not be entitled to any further approvals or permits (including but not limited to zoning, land development, storm water management or Uniform Construction Code) until the required sidewalk/pathway is completed.
3. Applicant shall update the Borough on any hazardous materials or chemicals being disposed of as a part of the physicians' assistant program.
4. Applicant shall install landscaping in accordance with the Borough Subdivision and Land Development Ordinance.
5. Applicant shall provide a parking space count for the entire Property as part of its land development plan application.
6. Applicant shall provide the Borough with a count of the parking permits issued each year to enable the Borough to annually compare the number of parking spaces with demand.
7. Applicant shall show all areas of macadam walkway to be replaced on the land development plan, which shall be at least the area marked for removal on Exhibit BC-1.
8. Applicant shall take all reasonable efforts to preserve mature trees along East College Avenue.
9. Applicant shall not place any building mechanical equipment facilities outside of the Addition facing College Avenue. All building mechanical equipment facilities on the roof of the Addition shall have a parapet or wall to visually shield the building mechanical equipment and lessen noise.
10. Applicant shall obtain all other required permits and approvals including, but not limited to, Uniform Construction Code permit.
11. Applicant shall enter into a Storm Water Management Agreement with the Borough which shall be recorded prior to Applicant's final plan for the Addition. The Storm Water Management Agreement will apply to the proposed development area.

12. Applicant shall clearly define all storm water BMP areas in the proposed development area. Applicant shall maintain, inspect and record all required activities to maintain BMPs. and all other storm water management facilities and provide annual reports of such inspections and maintenance to the Borough.
13. The Borough may record this Decision at the expense of the Applicant. Upon request of the Borough, Applicant shall execute all documents necessary or beneficial to enable recording of the Decision. The Decision shall be recorded prior to the recording of any subdivision and/or land development plan for the Property. In the alternative, the Applicant may record a Memorandum of Zoning Conditions in form and content acceptable to Borough and the Borough Solicitor.
14. Applicant shall obtain all necessary approvals or waivers of any necessary approvals under the Elizabethtown Borough Subdivision and Land Development Ordinance and the Elizabethtown Borough Storm Water Management Ordinance.
15. Applicant shall provide financial security to secure the completion of storm water management facilities and other proposed development area improvements shown on Exhibit BC-1 and as indicated on any final subdivision or land development plan approved by the Borough Council. Such financial security shall be in an amount acceptable to the Borough Engineer and a form acceptable to the Borough Solicitor and shall be provided prior to the execution of the final subdivision/land development plan by the Borough.
16. Applicant shall reimburse the Borough for all attorneys' fees incurred in the review of the application, communications with representatives of Applicant, attendance at the conditional use hearing, preparation of the legal advertisement and decision, and communication with Borough representatives relating to the application.
17. Applicant shall, at all times comply with and adhere to the evidence presented to Borough Council at the hearing held on June 20, 2019, including, but not limited to, the Finding of Fact set forth in this Decision subject to such revisions Borough Council may subsequently approve as part of the preliminary and/or final subdivision and land development process. The 6 project is subject to final engineering and existing site conditions which play a major role in the design and development of the site. Provided the final land development proposal is in general compliance and conformity to the Application, such revisions shall not necessitate the amendment of this Decision or the submission or approval of any new or revised conditional use application or plan.
18. Any violation of the conditions contained in the Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.
19. The foregoing conditions shall be binding upon the Applicant, its successors and assigns.

The motion carried unanimously.

President Hershey closed the hearings at 8:42 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:

- Regular Meeting – May 16, 2019
- Work Session Meeting – June 6, 2019

Reports

1. The Financial Report was unanimously approved after a motion by McCloud and second by Troutman.
2. There were no questions on the Code Enforcement report.
3. The Fire Company responded to 63 calls during the month of May, of which 17 were in the Borough, with an average response time of 5 minutes 48 seconds.
4. Northwest EMS responded to 98 Borough calls during the month of May bringing the total year to date calls to 532.

Old Business

1. It was motioned by Troutman, seconded by McCloud, to approve Resolution 2019-5 outlining temporary parking restrictions on the west side of S. Mount Joy Street between Groff Avenue and Ridge Road. The motion carried unanimously.

New Business

1. See Conditional Use Hearings.
2. See Conditional Use Hearings.
3. David Madary with Derek & Edson provided an update on Elizabethtown College's use of the \$1 million Redevelopment Assistance Capital Program (RACP) funding sponsored by Elizabethtown Borough. He noted that there has been a change in the location of the softball field but that does not impact other aspects of the project. A revised plan was to be submitted to the borough the following week for review. It was also noted during the update that Elizabethtown Borough instructed the college to reach out to the Governor's Office of Budget who was requesting to conduct field verifications so there are no delays. Councilmember Shaud asked about the existing softball field and its future. Madary indicated that it would be used for practice and remain green space.
4. It was motioned by Ketchum, seconded by Shaud, to approve a 90-day extension of time for the review of the Elizabethtown College Major Stormwater Management Plan for a new expiration date of September 23, 2019. The motion carried unanimously.

5. It was motioned by McCloud, seconded by Troutman, to approve Resolution 2019-7 supporting sponsorship of a Smart Growth Transportation Program funding application in partnership with Mount Joy Township for the construction of pedestrian facilities on Groff Avenue and S. Mount Joy Street. The motion carried unanimously.

Councilmember Ketchum asked if this potential funding would be used for pedestrian facilities on Campus Road. And, councilmember Troutman asked for a definition of pedestrian facility. Borough Manager Ryan responded that the application will discuss Campus Road but that the funding would not be for that work. It was also noted by Ryan that the pedestrian facility in this context was space used for pedestrian safety.

6. It was motioned by Clark, seconded by Troutman, to approve the promotion of Officer Joseph Grego to Corporal with the Police Department effective June 21, 2019. The motion carried unanimously.
7. It was motioned by Clark, seconded by Troutman, to approve the appointment of Christopher R. Good and Brooke K. English as probationary police officers with the Police Department effective July 1, 2019. The motion carried unanimously.

Councilmember asked about the handling of seniority and resident Richard Sheidy asked how many officers make up the Police Department. Chief Cunningham responded that seniority will be addressed through the hiring process and that there are 17 members of the Police Department and that these two officers would fill vacancies that have recently occurred on the force.

8. It was motioned by McCloud, seconded by Shaud, to approve payment in the amount of \$690,773.30 to eciConstruction, LLC for work performed on the Elizabethtown Public Works Garage (Invoice No.30.18062.9). The motion carried 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	\$233,610.56
Sewer Fund	\$73,604.40
Capital Reserve Fund	\$27,534.26
Construction Fund	\$704,238.58
Train Station Fund	\$1,248.41
Subdivision Escrow Fund	\$9,077.94
Health Insurance Fund	\$71,071.03

The motion carried unanimously.

Adjourn

President Hershey announced that in observation of the 4th of July there would be no work session held the first Thursday of July.

Following a motion by Troutman, second by McCloud, the meeting unanimously adjourned at 9:06 p.m.

Respectfully Submitted,

Roni Ryan
Borough Manager