

**ELIZABETHTOWN BOROUGH COUNCIL**  
**WORK SESSION MEETING**  
**March 4, 2021**  
**Minutes**

The regular meeting of Elizabethtown Borough Council was held on Thursday, March 4, 2021. For everyone's safety, the Borough Council meeting was held with the absolute minimum number of individuals gathered in person, employing both mandatory masks and maximum physical distancing measures. In person participants included Tom Shaud, Phil Clark, J. Neil Ketchum Jr., J. Marc Hershey, Borough Manager Rebecca S. Denlinger, Police Chief Ed Cunningham and Mayor Mummert. The remaining members of Borough Council including Jeff McCloud, Bill Troutman as well as staff members Assistant Borough Manager Ann Roda and Public Works Director Jeff Kinsey joined the meeting remotely using Zoom.

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

Public Comment

There was no public comment.

Approval of Meeting Minutes

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

1. Public Meeting - January 21, 2021
2. Work Session - February 4, 2021

Presentation

1. Nicole Cradic and Sean Post of Trout provided a recap of the independent auditors' report for the year ending December 31, 2020. Post reported that there were no findings and once again the audit resulted in a clean unmodified opinion. Post provided a detailed review of receipts and disbursements for all funds, provided an overview of new accounting standard GASB-97 and discussed fund transfers. Post recommended bringing down the balance of the health insurance fund. President Hershey asked how that should be focused with a population of uniform employees will increase overtime. Post suggested reviewing it with the financial policies and set by action a committed amount or restricted amount. President Hershey asked why the actuarial valuation of the pension was 1-1-19 and not 1-1-20. Borough Manager Denlinger responded that the valuation is done every two years and one is underway. There were no other questions on the presented report.

Reports

1. The Financial Report was unanimously approved after a motion by Ketchum and second by Clark.
2. EPD Chief Cunningham stated that there was not much action to report.

3. There were no questions on the Code Enforcement report.
4. The Fire Company responded to 58 calls during the month of February, of which 17 were in the Borough, with an average response time of 4 minutes 26 seconds.
5. Northwest EMS responded to 662 calls during the month of February, of which 94 calls, 14.2%, were within the Borough.
6. There were no questions on the Elizabethtown Area Water Authority Report.
7. There were no questions on the GEARS Financial Report.

### Administration

1. Assistant Borough Manager Ann Roda provided an overview of the waivers that the Elizabethtown Church of the Brethren was requesting for the Preliminary/Final Land Development Plan, Lot Add-On and Subdivision Plan. Part of this overview focused on the sidewalk waivers that were requested and outlined in a February 9, 2021 email from the applicant. Brian Cooley of D.C. Gohn Associates, Inc. noted that in the most recent plan submitted to Hanover Engineering for review the sidewalk on the North side of Cherry Street was referenced on the plan and is no longer a waiver or deferment request. This recent plan was reviewed by Hanover as outlined in the most recent Hanover letter on March 3, 2021. Clarification questions were asked concerning the parcel and waiver requests regarding the south side of Cherry Street and the adjacent Elizabethtown College property. Roda responded that no waivers should be provided for the Elizabethtown College parcel. And, when questioned by Ketchum, Cooley clarified that during the construction of the project the 100 ft of sidewalk, on the north side of Cherry Street, would be constructed and recorded on the plans.

Councilmember Shaud asked about the timeline of the project if conditionally approved. Cooley responded that the church would work through the administrative items such as Letter of Credit and Agreements from the Solicitor and construction could start in the next few months.

It was motioned by Ketchum, seconded by McCloud, to conditionally approved the Elizabethtown Church of the Brethren Preliminary/Final Land Development Plan, Lot Add-On and Subdivision Plan with the accompanying requested modifications and the following conditions:

#### Modifications:

- Chapter 17, Section 301.20 – Roof Drains
- Chapter 17, Section 302.D – Infiltration Dewatering Time
- Chapter 17, Section 306.2 – Riparian Corridor Easement
- Chapter 17, Section 307.4.A(12) – Inlet Type
- Chapter 21, Section 503.8.B – Intersection Separation Distance
- Chapter 22, Section 303 – Preliminary Plan
- Chapter 22, Section 403.a.1 – Plan Scale
- Chapter 22, Section 606.1.C – Clear Sight Triangle

- Chapter 22, Section 607 – Curb and Sidewalk
- Chapter 22, Section 611.4 – Street Trees

Conditions:

- Response and compliance with the comments of Hanover Engineering letter dated March 3, 2021, modified to reflect the correction to Section 607 for the installation of sidewalk on the North side of East Cherry Street as discussed by the Applicant with Borough Council on March 4, 2021.
- All items of the Conditional Use Hearing remain in effect.

Motion passed unanimously.

2. Borough Manager Denlinger stated that the CDBG would be for sanitary sewer infrastructure improvements on College Avenue and estimated work would include a manhole replacement, lining and lateral and sewer main replacement. Public Works Director added that the project would replace old clay pipe and sagging sanitary sewer line from Hanover to the Borough line as the line from Market Street to Hanover Street was replaced previously.

It was motioned by Ketchum, seconded by Clark, for staff to continue with application to the Lancaster County Redevelopment Authority for the Community Development Block Grant (CDBG) program. Motion passed unanimously.

3. It was motioned by Shaud, seconded by Troutman, to approve Resolution 2021- 01 outlining the disposal of certain records in accordance with the Pennsylvania Historical and Museum Commission Municipal Records Manual as amended March 28, 2019. Motion passed unanimously.
4. Assistant Borough Manager Roda updated borough council on their question of release of liability that was asked at the February 4, 2021 meeting regarding the use of Borough Facilities by GEARS. Roda explained that the question on the release of liability can be addressed by GEARS adding the Borough to its insurance policy, which GEARS has stated they could do. Roda added that to date, GEARS has contacted the office to schedule, for the Summer of 2021: Summer Playground Program, Camp Ladybug, Movies in the Park, individual Summer Camps and Coed Kickball League; and that softball leagues were also beginning to request reservations of the softball field. Following the update there were no questions or objections on the use of Borough Facilities. President Hershey stressed that GEARS and other users of the facilities (such as softball and kickball leagues etc) need to continue to follow CDC/PADOH COVID-19 guidance on social distancing, masks etc. and COVID-19 plans and procedures still should be developed and followed.
5. John J. Calabrese, of CGA Architects, presented an overview of the project and stated that following Zoning Hearing Board (ZHB) approval on March 1, 2021 CGA Architects submitted a request for a waiver for: (1) land development planning; and, (2) Stormwater Management. Mr. Calabrese then covered the reasoning for the waiver requests which included lot use improvements, lot landscaping improvements, parking off of the street and reducing impervious coverage.

President Hershey noted that in their decision, the ZHB conditioned their approval upon the applicant combining the three separate parcels that make up the property into one deed. President Hershey asked Calabrese if he intends to meet the condition of the ZHB on

combining the parcels. Calabrese responded that his attorney is working to do so through a recorded deed. Hershey responded that the recording of the deed may then require land development planning. Calabrese responded that he objected to needing to do land development planning. He stated that there is a 7-month construction timeframe for outside work to be completed before work inside could begin and the time needed for the land development process would essentially add a year to the process. The project would then be completed in Summer of 2023 rather than Summer of 2022.

Vice-President Ketchum stated that the submitted request for land development waiver was reviewed by the Solicitor and the request for land development waiver does not adhere to the MPC requirements and not something that Borough Council can act on. This means that there is no application or land development plan for a waiver to be attached. Ketchum added that Borough Council needs to follow or adhere to the MPC requirements. President Hershey added that it will depend on what the Lancaster County Assessment Office and Recorder of Deeds requires for a lot add on plan for the lot combination. The ZHB made a determination on that condition and Borough Council is not in a position to overturn the decision of the ZHB.

President Hershey suggested that the two waivers should be considered separate. He added that in January when the project was reviewed council stated that it would consider reviewing a waiver of stormwater management plan but that was not a guarantee that a waiver would be approved. While there has been diligence in reducing impervious covered there is changing of entrances and moving parking lots that does change the flow of stormwater. Hershey added that it should be understood where roof drains and storm inlets etc drain to as stormwater has to have a designated route that is planned for and cannot run off to another property.

It was added by Ketchum that there are stormwater management requirements for construction, such as erosion and sedimentation, that cannot be waived because there are statutes in place outside of borough stormwater management ordinance requirements that require stormwater planning. The Borough cannot act on the stormwater waiver because it does not request specific stormwater exclusions with a reasoning from the stormwater ordinance. President Hershey provided an example of how a proper stormwater management plan may be beneficial because the requirements are planned and designed for versus not planning and designing and having a stormwater ordinance violation that then needs to be corrected and is more costly.

President Hershey suggested considering part one of the waiver request regarding the land development plan. It was suggested to grant a waiver to file conditioned upon the plan conforming and meeting the plan as represented to and approved by the ZHB and the project area complying with the Borough's Stormwater Management ordinance. Mr. Calabrese stated that he and his staff would work with the Borough engineer to address stormwater management in relation to the property and project.

It was motioned by Ketchum, seconded by Clark, to approve the applicant's waiver request for land development planning subject to the final plan for development conforms with the site plan amended, submitted and approved by the ZHB and that the applicant and property owner and property comply with the Borough's Stormwater Management Ordinances. Motion passed unanimously.

6. It was motioned Clark, seconded by Shaud, to approve a six-month extension request from Elizabethtown College for recording of the Masters Center Final Land Development Plan. Motion passed unanimously.

Borough Manager Denlinger noted that the most recent recordation deadline for the Masters Center Final Land Development Plan is March 17, 2021.

#### Police Department

1. Chief Cunningham provided a report on Civil Service process that included pre-screening tests and interviews. Following the process two conditional offers of probationary employment were made.
2. It was motioned by Clark, seconded by Ketchum, to appoint Mr. Michael Goshen and Mr. Nathan Brandt as probationary police officers with the Elizabethtown Police Department effective March 16, 2021. Motion 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	\$152,252.23
Sewer Fund	\$85,638.15
Capital Reserve Fund	\$3,000.00
Train Station Fund	\$6,857.00
Subdivision Escrow Fund	\$6,036.50
Health Insurance Fund	\$73,792.11
Parks Fund	\$4,600.00

After a motion by Clark, seconded by Shaud, the meeting was adjourned at 8:29 p.m.

Respectfully Submitted,

Rebecca S. Denlinger  
Borough Manager