

ELIZABETHTOWN BOROUGH COUNCIL
MEETING
May 14, 2020
Minutes

A meeting of Elizabethtown Borough Council was held on Thursday, May 14, 2020. To best comply with Governor Wolf's COVID-19 orders (but still conduct regular business) this Borough Council meeting was held with the absolute minimum number of individuals gathered at the Borough Office. Participants included Tom Shaud, J. Marc Hershey, Phil Clark, Borough Manager Rebecca S. Denlinger and Police Chief Ed Cunningham. The remaining members of Borough Council including J. Neil Ketchum Jr., Bill Troutman, Jeff McCloud, and Mayor Chuck Mummert as well as staff members Assistant Borough Manager Ann Roda, Public Works Director Jeff Kinsey and Planning and Zoning Director Pamela Roberts joined the meeting remotely using Zoom.

President Hershey called the meeting to order at 7:00 p.m. and reviewed the use of the Zoom technology.

Public Comment

There was no public comment.

Administration

President Hershey requested an update on COVID-19 as it relates to Borough functions. Borough Manager Denlinger stated that almost all staff are back at their work location with a few still either working split shift or telecommuting. Work level is normal, the only difference is the building is closed and staff is not attending or holding nonessential meetings.

Councilmember Shaud asked about typical flow of residents that visit the office. Denlinger responded that it is typically light unless utility payments are due. She added that there is comfort with opening the office due to the PPE items available to staff, staff routinely clean commonly touched spots throughout the office and they are looking at ways to increase contactless interactions such as installing a locked utility drop box. Chief Cunningham added that staff in the Police Department are also comfortable with opening the office. Shaud followed up asking Chief Cunningham about current EPD interaction with residents. Cunningham responded that officers are following protective measures but when on patrol there is interaction with residents. Councilmember McCloud asked how large groups of teenagers are handled when officers encounter the groups. Cunningham responded that officers will provide the group with reminders on social distancing.

President Hershey thanked Manager Denlinger and Chief Cunningham for their updates. He went on to discuss the County Commissioners and other elected officials' recent action of seeking to move the county from the red to yellow phase and what that would mean for the Borough and businesses located in the borough. Hershey stated that Borough Council does not have the authority to open a business. Council can make decisions on opening and closing borough office and facilities such as the park and adjust work schedules and services provided. Borough Council can make a petition to the Governor to evaluate the phase matrix (red, yellow,

green) and adjust the current phase to ease some restrictions on work, congregate settings, and social interactions. He added that if a business wants to reopen that is their decision to do so, but Borough Council cannot authorize or accelerate the opening phase. Borough Manager Denlinger added that the letter received this week from Ryan Bracken, owner of Folklore Coffee & Company, and petition signed by concerned downtown business owners would be read and incorporated for the record. Following the reading of the letter Councilmember Troutman stated that he wrote his own letter in response to the letter from Mr. Bracken.

President Hershey thanked both for their letters and reiterated that Borough Council cannot open a business. If a business chooses to open, they should understand the risks involved with the opening and impacts that may have to licenses and certifications issued by the state. He then asked council for their thoughts on opening the Borough buildings.

Shaud indicated he would support opening the office based on the procedures staff have in place as well as the volume of residents that visit the office. Denlinger added that staff would keep the process in place related to assistance via email, phone and mail, continue to wipe down surfaces, and would not be scheduling in person meetings unless absolutely necessary. The lobby area would also be configured in a way that the chairs would be removed and a table would be added for commonly asked for material. Councilmembers Ketchum, Clark, Troutman and McCloud were also in support of opening the office based on the measures and protocols discussed.

It was motioned by Clark, seconded by Shaud, to reopen the Borough buildings on Monday, May 18, 2020. Prior to the vote, Ketchum asked about masks. Denlinger responded that members of the public will be asked to wear one when they enter the building and that staff have been provided masks to wear. Ketchum stated that masks should be available for members of the public that enter the building that are not wearing one. Denlinger responded that a procedure would be developed. Following the discussion on masks, the motion passed unanimously.

President Hershey asked council for their thoughts on opening the park facilities. He added that active park facilities and restrooms have been closed since the end of March but that the pedestrian trail is still accessible. Councilmembers Clark, Shaud and Ketchum each suggested that based on the guidance that is available at this time from the PA Recreation & Park Society this item should be revisited at a future meeting.

Denlinger added that it is not a decision point for the meeting but GEARs is evaluating options for Summer Playground and is seeking feedback as it relates to use of the park this summer should GEARs be able to have this group activity. Troutman asked which areas of the park are used and how they would be cleaned. Mayor Mummert asked who would be responsible for the cleaning. McCloud and Ketchum each noted the guidance as it relates to limiting group size. This item should be revisited at a future meeting.

President Hershey introduced and read for those in attendance and participating remotely a resolution that was drafted concerning the reopening of Lancaster County and Elizabethtown Borough. It was motioned by Clark, seconded by Ketchum, to adopt Resolution 2020-04 as read and amended.

Prior to voting Troutman asked questions on the data contained in the draft resolution pertaining to average age of patients and percentage of those tested. President Hershey stated that the data is based on what is available for Lancaster County. McCloud commented on the need to take science into account. Ketchum clarified that this resolution is not to construe that Borough Council is reopening borough businesses but that they are petitioning the Governor to re-evaluate Lancaster County in the matrix criteria that has been set. President Hershey added that there should be a balance between slowing the curve and small businesses sustaining.

Ryan Bracken, owner of Folklore Coffee & Company, asked if he may offer public comment in response to his submitted letter and the points raised by Troutman. Bracken stated that his letter was not to impact safety but to seek a balanced approach and bring attention to those businesses in town that are being impacted. He added that Borough Council has a voice and ability to communicate for a plan.

Following the discussion, the motion on the resolution passed with Troutman and McCloud opposing it.

As a concluding point, Borough Manager Denlinger notified Borough Council that Lancaster County Board of Elections will be using the Public Works Garage, at 810 S. Market Street, for a polling place. The polling place will be for Ward 3, Precinct 3. This precinct used to vote at the United Zion Church. In April 2020, the polling location was revised to be Elizabethtown College but due to COVID-19 it will not be held there.

After a motion by Clark, seconded by Shaud, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager

May 9th, 2020

Dear Borough Council Members,

I hope this letter finds you well during this trying time. I am writing this letter on behalf of those businesses that have been deemed "non-essential". First of all, no business is non-essential to those that own it and their employees! To simply tell a business that they can't remain open under no fault of their own is wrong. Our constitution protects us from leaders having that amount of power. When this all started and we thought it was going to be two weeks, we were willing to take the hit for the safety of the community, but now we're talking about another month or so. Enough is enough! Businesses have the ability to maintain safe social distancing and put in mitigation efforts where necessary. You have to trust us to maintain our own safety and the safety of others. We rely on you to provide us leadership and clear direction so that we can make the best decision, not have the governor make those decisions for us.

I understand the risks. Everyone has been affected by this in one way or another. This isn't about putting others in harm's way. This about our rights as Americans, and they don't just go away, Corona Virus or not.

Therefore, I am writing this letter to urge you to take a stand against the overbearing, and arguably unconstitutional, reach of Governor Wolf. Please take a stand with your community and the businesses that help keep this economy going and move Elizabethtown into the Yellow Phase now. Additionally, I believe you can go one step further in allowing salons, massage therapists, and other retail businesses to reopen as well. They can operate on an appointment only schedule, or take other steps to provide adequate safety. Businesses can remain closed if they want to, customers can choose to stay home if they want to, but the point is that it should be our choice. Please, give us that.

P.S. This letter was written before Lancaster County Officials decided to move the County into the "yellow phase" with or without the Governors permission.

First of all, I fully support the County Commissioners and this decision, and I hope that you will as well.

Secondly, I would like your support in allowing other small businesses in the community to open as well, some of which would still be unable to open in the "yellow phase". Again, it's ridiculous that any business would be deemed non-essential! Furthermore, if hundreds of people can go into Giant, then a salon or jewelry store should be able to operate by appointment only, at the very least.

Thirdly, I would like to respond to Governor Wolf's claim that our elected officials are "cowards" if they disagree with his way of proceeding. He talked about fighting a war and that we are surrendering to the enemy by defying his orders. Well I argue that we are fighting the real battle, and that is the fight for our freedoms. The right for life, liberty

and the pursuit of happiness. The right to assemble. The right to practice our religion unhindered by government mandates. That is not cowardly. I am responsible for providing for myself, and for my family, and for my employees not the state. It is that responsibility that brings definition to the word Freedom, and the State has no right or authority to take that responsibility away from me. The fact that I want to maintain that responsibility does not make me a coward, nor anyone else. It's shameful that the Governor would use such language, create division between citizens and businesses, and threaten citizens, businesses, and entire counties. This is not good leadership. I hope that we can turn to you all for better judgement and leadership. It's time to begin re-opening again.

Sincerely,

Ryan Bracken
Folklore Coffee & Company
www.folklorecoffee.com
717.361.1658

Councilmember Bill Troutman - Response to local letter

I hope this meeting finds you well during this trying time. I'm reading this letter on behalf of the constituents in ward one and the rest of northwest Lancaster County. First of all let's look at Webster's definition of "Essential" Absolutely necessary, extremely important "Essential". Second. What is constitutional? Being told to stay home to protect the health and the common good of our welcoming community or being forced to return to work, regardless of consequence and health of me and mine under the threat of losing their unemployment compensation. Plantation Mentality!

You said you were willing to "take the hit for two weeks for the safety of our community." Is that what all of us here are worth to you? Thanks now I know my place. What is your plan when you do open? What is your plan to maintain safe social distancing and put in mitigation efforts where necessary? This borough has no health officer. You must rely on the state or Federal health officials. I for one am not willing to give you direction. The liability is yours. My direction would be to follow the Governor's plan like other businesses are.

Also you said "this isn't about putting others in harm's way." I disagree. This will be about others who were put in harm's way. About your rights, I suppose you are talking about "Life, Liberty, and the pursuit of happiness or property. Who made this statement? Does anyone know? Thomas Jefferson made this statement. First we all have a right to life, not to have it threatened during a worldwide pandemic of epic proportion by the unapproved actions of others. Second Liberty- to act as one pleases, doesn't mean to jeopardize the liberty of others by your actions. Third Property,(happiness) A right to use one's talents to acquire property or happiness as long as one does not injure oneself or others. Those Rights? This absolutely should not give you the right to move yourselves from RED to GREEN with little or no recourse. I don't deny you any rights. There you have them, as intended.

The second paragraph sounds like your plan is to open. THIS IS A WORLDWIDE PANDEMIC! Lancaster County has the most cases inside WGAL's central Pennsylvania. Lancaster County hasn't come close to the proper ratio to even go yellow. What about testing and tracing? Do you care about testing and tracing? Do you understand testing and tracing? You are correct about one thing, "Customer's can choose to stay home."

I am responsible for myself and my family and knowing that I put 6 months worth of savings back to protect myself and my family to cover all expenses, plus, in case of a prolonged emergency. Now don't get me wrong I understand newly opened businesses haven't been able to do this and I hope that the PPP loans have been able to help all of you as promised.

If your employees don't feel the same way you do and they want to stay home till you're officially approved. What do you say to them? HUMOR ME Lay off or Shut off? Unemployment compensation that is. What about me? I have a life and I believe by you opening your business you are infringing on my unalienable rights.

When businesses open out of order it imposes undue pressures on other support businesses to open that had no intentions to open until approval. Let's look at daycare since employees will need these.

Inside a small classroom a teacher must maintain safe social distancing, practice good mitigating safeguards, feed, keep clean, change diapers and follow state certified learning programs. There can be 10-15 toddlers in each classroom. There are numerous classrooms similar to this throughout the day care building plus kitchen employees receptionists managers and support staff. If one family comes in contact with Covid-19 all of these children and families and the people they have come in contact with will be in quarantine. What happens to the community then? But this isn't putting anyone in harm's way So I say again the liability is yours. You have to sleep with yourself. You decide. How would you like to be protected in someone else's business? Don't put this liability on your borough and it's taxpayers. A borough doesn't have this authority any way.