

ELIZABETHTOWN BOROUGH COUNCIL
PUBLIC MEETING
June 15, 2023
Minutes

A public meeting of Elizabethtown Borough Council was held on Thursday, June 15, 2023. Present were Councilmembers Lanty Moss, Tom Shaud, J. Marc Hershey, Phil Clark, Jeff McCloud and Jay Hynicker. Mayor Chuck Mummert was not in attendance. Also in attendance were Borough Manager Rebecca S. Denlinger, Public Works Director Jeff Kinsey, and Elizabethtown Police Department Interim Chief Shane Deardorff.

Conditional Use Hearing for 449 and 451 West High Street

At 7:00 PM President Hershey called for the Conditional Use Hearing for 449 and 451 West High Street, Elizabethtown, PA 17022 to begin. The applicant, DeRosa Capital 7, LP, is seeking approval of a conditional use application by for new construction of an apartment building and one commercial space at 449 West High Street with off-street parking on 449 and 451 West High Street. The application is relative to Chapter 27, §Section 12A04.H “Conditional Uses” and Chapter 27, §1516 “Construction or Modification of Structures, Buildings, and/or uses that result in Structures, Buildings or Uses in Excess of 10,000 Square Feet” of the Zoning Ordinance. Applicant also seeks conditional use approval for a reduction in off-street parking under Chapter 27, §1606 “Reduction in Off-Street Parking Areas”.

Borough Solicitor Josele Cleary introduced the application. She stated that original Conditional Use Hearing was properly advertised for May 18, 2023, and that the Applicant, DeRosa Capital 7, LP, requested by letter, dated May 18, 2023, a continuance of the Conditional Use Hearing scheduled for June 15, 2023. Borough Council approved the continuance of the hearing until June 15, 2023, at 7:00 PM. The Conditional Use Hearing was re-noticed in LNP on June 1 and June 8. Solicitor Cleary then provided an overview of the hearing rules and procedures. She stated full testimony and results from the hearing will be transcribed by the court reporter.

For the hearing, Jim Seibert, 200 Hess Avenue, Elizabethtown, PA 17022, requested party status. Upon motion by Vice President Phil Clark and second by Hynicker, Borough Council voted unanimously to recognize Jim Seibert being a party to the Hearing.

The applicant was represented and testimony was presented. The proceedings were transcribed by a court reporter.

Borough Council adjourned the hearing for an Executive Session and then reconvened the hearing.

Upon motion by Vice President Phil Clark and second by Councilperson Shaud, Borough Council voted unanimously to take the application under advisement and render a decision within 45 days at a public meeting. Seconded by Tom Shaud.

Solicitor Cleary offered closing comments regarding the hearing, noting that Borough Council will render their decision based only on testimony presented during the hearing. She cautioned

any persons from communicating with members of Borough Council about the matter and noted that she has instructed Borough Council to not discuss the application.

President Hershey closed the Conditional Use Hearing at 8:57 PM.

Public Meeting

President Hershey then called the Public Meeting of Elizabethtown Borough Council to order at 8:59 PM.

President Hershey announced that prior to the meeting Borough Council met in Executive Sessions on June 1, 8, and 15, 2023 to discuss a Police personnel matter and that any actions to be taken as a result of the Executive Sessions will occur in a public meeting.

Public Comment

There was no public comment.

Approval of Meeting Minutes

After a motion by Councilperson Moss, second by Vice President Clark, Borough Council voted unanimously to approve the Public Meeting minutes for June 1, 2023.

Reports

1. Borough Council unanimously approved the Financial Report and PLIGT Report as submitted after a motion by Councilperson McCloud and second by Councilperson Hynicker.
2. There were no questions on the May 2023 Elizabethtown Police Department Report.
3. There were no questions on the May 2023 Code Enforcement Report. President Hershey noted seeing an increasing number of properties with high grass and asked for Code Compliance to be on the lookout and to consistently enforce the ordinance.
4. There were no questions on the May 2023 Fire Company report.
5. Northwest EMS responded to 734 calls during the month of May 2023, of which 168 were within the Borough which is 23% of calls. Year to date Northwest EMS has responded to 3,642 calls with 21.5% occurring in the Borough.
6. There were no questions on the May 2023 EAWA reports. Councilperson McCloud reminded all that EAWA approved the Stage 1 Drought Request for the community to reduce water consumption 5-10%. Councilperson Shaud noted that EAWA has seen a small reduction in consumption.
7. There were no questions on the GEARS report for April 2023.
8. There were no questions on the May 2023 Elizabethtown Area Chamber of Commerce report.

Old Business

1. Borough Manager Denlinger provided information on the Low-Income Household Water Assistance Program (LIHWAP) that Borough Council had previously approved the Borough to serve as a vendor for in June 2022. Denlinger shared that the Commonwealth recently issued a notification that there are additional funds for LIHWAP assistance available starting on Monday, July 10, 2023. Low income-income households, if eligible, may receive one LIHWAP grant for drinking water and one LIHWAP grant for wastewater up to a max of \$2,500 per utility type. The program applies to property owners that are in arrears for utility payments. Property Owners are encouraged to work with the County Assistance Office on the application process. President Hershey commented on the value of the program and asked for staff to keep Council updated on program use statistics for the Borough. Denlinger noted that the Borough will include information on the program in the upcoming utility bill mailing.
2. Borough Manager Denlinger provided an update on NW Lancaster County Regional Comprehensive Plan process. Meetings of the regional planning partners, including West Donegal, Mount Joy and Conoy Townships, are being facilitated by staff from the Lancaster County Planning Department. The DRAFT Plan will be formally considered by both Borough Council and the Borough Planning Commission in July 2023, before it is forwarded on for review, per the requirements of the PA Municipality Planning Code (MPC), to the Elizabethtown Area School District and all adjacent municipalities. Denlinger shared that the regional partners are then planning for the final review and adoption process to include a joint public hearing tentatively set for the end of September. Following the input from the joint public hearing, the regional planning partners' elected officials will then be able to consider final adoption at their respective public meetings.

New Business

1. Borough Council considered the seven responsive bids received for the Willow Street Stormwater Project. Upon motion by Councilperson McCloud and second by Councilperson Hynicker, Borough Council voted unanimously to accept the low bid from EK Services for the Willow Street Stormwater Project at the bid price of \$300,270.50.
2. Upon motion by Vice President Clark and second by Councilperson Shaud, Borough Council voted unanimously to approve Resolution 2023-08 Growing Greener Grant Application Authorization to apply for a Growing Greener Grant to advance the stream and floodplain restoration work at Hickory Lane Park
3. Borough Manager Denlinger shared that the Lancaster County Board of County Commissioners voted to enact a 30-day Countywide Burn Ban that went into effect Friday, June 9, 2023. Borough Council discussed the ban, including actions that some municipalities in Lancaster County and the region are considering to limit the use of Fireworks during this current drought period - and in light of the County burn ban not addressing fireworks. Borough Council determined that no further action was required for the Borough.

4. President Hershey stated that Borough Council met in Executive Sessions, on June 1, 8, and 15, 2023, regarding a police personnel matter and that the Borough received a notice of retirement from Elizabethtown Borough Police Department Chief of Police, Edward M. Cunningham, Jr.

Upon motion by Vice President Clark and seconded by Councilperson Hynicker, Borough Council voted unanimously to accept the notice of retirement of Elizabethtown Borough Police Department Chief of Police, Edward M. Cunningham, Jr.'s effective as of June 26, 2023.

Upon motion by Councilperson McCloud and seconded by Councilperson Shaud, Borough Council voted unanimously to enter into a Settlement Agreement and General Release concerning the retirement of Elizabethtown Borough Police Department Chief of Police, Edward M. Cunningham Jr.

Upon motion by Councilperson Shaud and seconded by Vice President Clark, Borough Council voted unanimously to appoint Lt. Shane Deardorff the Interim Chief of Police for the Elizabethtown Borough Police Department at a rate of \$59.08 per hour effective as of June 7, 2023.

5. President Hershey called Interim Chief Deardorff up to be presented with a citation and note of thanks for his 25-years of service with the Elizabethtown Borough Police Department.

Bills Payable

Upon motion by Councilperson Hynicker and second by Councilperson McCloud, Borough Council voted unanimously to approve the list of monthly bills as presented:

General Fund	\$380,290.59
Sewer Fund	\$135,595.25
Capital Reserve Fund	\$87,989.15
Sewer Capital Projects Fund	\$55,876.32
Subdivision Escrow Fund	\$5,237.00
Parks Fund	\$495,118.73

Council Remarks

- Councilperson McCloud relayed a note of thanks from Rich Sheidy for all who participated in the Memorial Day parade and ceremony. He did comment on the need to keep traffic stopped during the ceremony to help lessen the noise interfering with the speakers.
- Councilperson Hynicker had nothing to add.
- Councilperson Moss had nothing to add.
- Councilperson Shaud congratulated Interim Chief Deardorff for 25 years of service.
- Vice President Clark congratulated Interim Chief Deardorff for 25 years of service.

- President Hershey did not make additional remarks.

Adjourn

President Hershey adjourned the meeting, without objection, at 9:26 PM.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager