

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
June 17, 2021
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, June 17, 2021. Borough Council members in attendance included Tom Shaud, Bill Troutman, Jeff McCloud, Vice President J. Neil Ketchum Jr., and President J. Marc Hershey. Councilperson Phil Clark joined the meeting via conference call. Also in attendance was Police Chief Ed Cunningham, Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Planning and Zoning Director Pamela Roberts, and Public Works Director Jeff Kinsey.

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

Presentation

President Hershey read the following statement regarding the appointment of Officer Edward Wengiel to Detective, effective June 2, 2021:

Chief Ed Cunningham is proud to announce that Officer Edward Wengiel has been appointed to the position of Detective, effective June 2, 2021. Detective Wengiel has served with the police department since 2017. Detective Wengiel grew up in Denver, PA, where he graduated from Cocalico High School. He received a Bachelor's Degree in Communications from Misericordia University in Dallas, PA, before pursuing his dream to enter the policing profession. He graduated from the Reading City Police Academy in 2017 and then began his career with the Elizabethtown Police Department. During his time with the EPD, Detective Wengiel has earned several awards, including a Commendation of Merit, three Distinguished Unit Citations, a Lifesaving Award, and the Commendation of Bravery Award. Detective Wengiel also serves as a Taser Instructor, a bicycle officer, and as a member of the Traffic Safety Unit, where he has been awarded Lancaster County's "Top Gun" award for enforcement of impaired driving laws for two years in a row.

We are excited about Officer Wengiel's appointment to Detective. He is an outstanding officer and we believe he will develop into an exceptional investigator, always working to protect the lives, property, and rights of everyone in the Elizabethtown Area."

Following the statement, Chief Cunningham presented Detective Wengiel with a certificate recognizing this promotion. Chief Cunningham also announced that both of EPD's newest officers, Officer Brandt and Officer Goshen, have both completed their field training as of this week. He thanked Officer Riehl and Corporal Grego for their efforts during field training.

Public Comment

Mr. Timothy Runkle, 15 Teakwood Circle inquired about Resolution 2020-06. He noted language in the Resolution about continued discussion. He asked Borough Council if this is something that the community should bring forward and whether there are initiatives that the Borough can

provide updates on. President Hershey responded that the Borough has spent time, specifically with the police department, on policy and procedure as it relates to community interaction. Further, Borough Council members can ask to have items placed on the agenda for discussion at any time and, likewise, members of the community may reach out to the Borough Manager to request consideration of future agenda items on this topic.

Approval of Meeting Minutes

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

1. Public Meeting – May 20, 2021
2. Work Session – June 3, 2021

Reports

1. The Financial Report and PLIGT Reports were unanimously approved as submitted after a motion by Councilperson Ketchum and second by Councilperson McCloud.
2. Chief Cunningham called Council's attention to a fairly large number in the thefts reported for the month of May 2021. A third of that is attributed to a resident who had two cell phones stolen from her unlocked vehicle. The other two-thirds were attributed to a resident that was a victim of a telephone scam related to the stimulus funds. Chief Cunningham urged residents to lock their cars and call EPD for assistance before giving any information to individuals related to the stimulus checks being sent by the US Treasury. Chief Cunningham also noted the great turnout for recent Coffee with a Cop and Cones with Cops events.
3. The Fire Company responded to 51 calls during the month of May, of which 18 were in the Borough, with an average response time of 3 minutes 1 second.
4. There were no questions on the Code Enforcement report.
5. Northwest EMS responded to 746 calls during the month of May 2021, of which 108 calls, 14.5%, were within the Borough. Year to date Northwest EMS has responded to 3,457 calls of which 524 (15.2%) were within the Borough.
6. The Elizabethtown Area Water Authority Report for May 2021 was not available for the meeting.
7. There were no questions on the GEARS Reports for either April 2021 or May 2021.
8. Vice President Ketchum noted that the Elizabethtown Area Community Services Authority (EACSA) meeting for May 2021 was cancelled. He shared that GEARS and Borough Staff met with EACSA members to view repairs needed in the parking lot and to begin discussions on parking enforcement issues around the GEARS facility on Poplar Street.

Old Business

1. Borough Manager Denlinger announced that we received two bids for the Elizabethtown Scour Critical Bridge Rehabilitation Project at the bid opening on June 14, 2021.

C.S. Davidson reviewed the bids and provided guidance to staff on the same, which came in significantly higher in cost than expected. Staff recommended Borough Council award Bridge 20, North Poplar Street, and Bridge 24, North Mt. Joy Street, as well as the Alternate Bid No. 1 to Farhat Excavating, LLC. at a cost not to exceed \$80,800.00. This exceeds the \$50,000 budgeted in FY2021 for Bridge work; however, there are sufficient funds in the Capital Reserve Fund to cover this expenditure and this is work to address critical scour issue found with both structures.

After discussion, it was motioned by Vice President Ketchum, seconded by Councilperson Shaud, to award a construction contract to Farhat Excavating, LLC of Duncannon for the Elizabethtown Scour Critical Bridge Rehabilitation project, limited to work items at Bridge 20, Bridge 24 and including Alternate Bid No. 1 for the amount of \$80,800.00, pending confirmation of vendor review from Borough bridge engineer CS Davidson.

President Hershey noted that, if costs to rebid are minimal, Borough Council would like to consider rebidding the two bridges (Bridge 16, South Hanover Street, and Bridge 26, Masonic Drive) not awarded later this year to see if we can capture better pricing from contractors looking for late Fall, early winter project work.

Staff noted that they would work with Farhat to request an immediate change order to modify the unit cost for the R7 rock to \$200/CY, thereby effectively reducing the total value of the contract to \$73,300.00

2. President Hershey noted that the joint purchase of a used Roadhog with Mount Joy Township was previously approved by Borough Council. Resolution 2021-03 was subsequently prepared in collaboration with Mount Joy Township and Solicitor Cleary to be in conformance with the Intergovernmental Cooperation Act. It was motioned by Councilperson Troutman, seconded by Councilperson McCloud, to approve Resolution 2021-03 Approving the Intergovernmental Agreement with Mount Joy Township to jointly purchase, own, and maintain a 2008 Roadhog Milling Machine. The motion passed unanimously.
3. Amid a brief discussion of Council, President Hershey noted that with Councilperson Clark on the phone and Mayor Mummert not in attendance, he was not going to call for a vote at this meeting on the matter of moving forward with the proposed construction project at 56 North Market Street and related renovations at the current Borough offices at

600 South Hanover Street to better accommodate police department operations. He encouraged Council to ask questions and seek any additional information they may need to consider a decision at the next meeting of Borough Council in July.

Councilperson Clark asked if the space need information recently presented by the police department were new or revised. Chief Cunningham responded that these are the same needs as originally planned and remain reflective of the department's current needs for operation and modest growth. President Hershey further noted that it aligns with the information discussed earlier as part of the approach to consider consolidation of police and fire department facilities. Vice President Ketchum noted that the space available at 600 South Hanover (under 10,000 square feet) would fall somewhat short of the 10+-year projected need of 11,395 square feet.

Council members discussed the annual debt service projected if the Borough moved forward with the total project roughly estimated at \$6 Million for the purposes of getting early bond financing numbers. Councilperson McCloud prompted further discussion on the anticipated tax increase for the proposed project and what the impact would be on an average homeowner.

President Hershey urged Council to reach out to Manager Denlinger with questions and requests for additional research and information that would aide in the discussion and ultimate decision-making process.

4. President Hershey noted that the Borough has submitted the initial application to request the first allocation of funds through the American Rescue Plan Act. Manager Denlinger noted that staff has established a separate account through PLGIT to receive the funds. Borough Council will retain this as an agenda item. Staff recommends taking our time to determine the highest and best use of the funds and to see how best we can leverage the funding to accomplish priority projects. We have until the end of 2024 to obligate the funds and the end of 2026 to expend the dollars.
5. Manager Denlinger announced that the Borough was notified that we will receive \$200,000 from the Lancaster County Housing and Redevelopment Authority through the Community Development Block Grant program for our College Avenue Sanitary Sewer Line Replacement Project. The project is planned for the area of College Avenue from South Hanover Street to Kiwanis Boulevard, serving 50 homes as well as a portion of Elizabethtown College. The total estimated cost is estimated at \$370,280. In response to a question from Councilperson Ketchum, Public Works Director Kinsey noted that the scope of the project should allow for traffic to continue to move in both directions along College Avenue during construction.

6. Manager Denlinger shared an update on the outreach to PennDOT on fixing the issues with South Market Street. Chris Drda, Acting District Executive from District 8-0 PennDOT recently drove the corridor with the County PennDOT Manager. He experienced first-hand the problems we have with this stretch of road and indicated that District 8-0 will move forward to fix the road. President Hershey expressed concern for understanding the specific plans to fix the road, noting that a simple mill and overlay of the corridor will likely produce the same subpar results and require another fix in a short period of time. Denlinger commented that staff will stay in close communication with both Mr. Drda and our legislative delegation as the planning and design for the project gets underway and will provide regular updates to Borough Council at public meetings. President Hershey thanked staff for their efforts to take a step in the right direction on this matter.

New Business

1. Planning and Zoning Director, Pam Roberts, provided background on the fence waiver request before Borough Council for Conoy Crossing Phase 3. The fence shown on the plan along the right-of-way has not yet been installed and the Developers are seeking relief from having to complete this element of the plan. In response to a question from President Hershey, Jack Smith noted that, following development, some of the elevations in the area of the planned fence are not as steep as originally planned. The highest elevation being four feet, with most areas being much lower than that. There is no sidewalk in that area, and there may never be any. Further, the fencing could become an attractive nuisance. As such, the Developers believe that the fence is no longer needed. They are also attempting to reduce future maintenance and repair costs for the homeowner's association.

Mr. Smith noted an email from Solicitor Josele Cleary, dated April 26, 2021, in which she set forth the necessity of an agreement that would need to be in place should the Borough see fit to grant the fence waiver. The developers are agreeance with Solicitor Cleary's recommendation. President Hershey noted that while the sidewalks were deferred on the west side, he would suggest that, due to the proximity of the wall to a future potential sidewalk, this be considered a deferral and not a complete waiver. It should be revisited when the sidewalk is considered. Mr. Smith accepted this as a reasonable approach. Roberts noted that there is a sidewalk deferral on the plan notes and that one concern is that this property is no longer owned by the Developer Esbenshade, it is owned by the HOA. As such, the developer should not be reference in any agreement, because they have no ownership of the parcel. Mr. Smith agreed and noted that, in accordance with Solicitor Cleary's recommendation, the HOA should be a party to and signatory on any agreement reached. President Hershey noted that the HOA must be aware that, should this proceed as is being discussed, they will be responsible for both the deferred sidewalk and fencing.

On a motion by Vice President Ketchum and seconded by Councilperson Troutman, all voted in favor of granting a deferral to Conoy Crossing Phase 3 of approximately 200 feet of fencing along the right-of-way as required on the land development plan contingent on receiving indemnification from the Homeowners Association and meeting the expectations of Solicitor Cleary's April 26, 2021 communication on this matter.

2. On a motion by Vice President Ketchum and second by Councilperson Troutman, all Council members voted in favor of authorizing the Borough Manager to apply for a Growing Greener Grant with PADEP for the Elizabethtown Borough Community Park Riparian Buffer Feasibility Study and Rehabilitation Project. The project area will be the riparian buffer area from S. Chestnut Street, through Community Park, and end at Apple Alley. This grant will seek funding to work with Land Studies to complete a proposed project including the following elements: Selective Vegetation Management, develop a Feasibility Study and Concept Master Plan, and complete Landscape Enhancements. It does not include any permitting as no permits should be needed for the project.

Bills Payable

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

General Fund	\$173,534.42
Sewer Fund	\$70,094.83
Capital Reserve Fund	\$705.00
Construction Projects Fund	\$254.25
Train Station Fund	\$1,254.97
General Vehicle Sinking Fund	\$19,630.48
Subdivision Escrow Fund	\$1,766.00
Health Insurance Fund	\$3,588.53
Parks Fund	\$4,199.00

Motioned passed unanimously.

President Hershey announced that Borough Council would be holding a brief Executive Session following the meeting to discuss Elizabethtown Police Department personnel matters.

After a motion by Councilperson Shaud, seconded by Councilperson Troutman, the meeting was adjourned at 8:06 p.m.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager