

**ELIZABETHTOWN BOROUGH COUNCIL**  
**WORK SESSION MEETING**  
**July 2, 2020**  
**Minutes**

The regular meeting of Elizabethtown Borough Council was held on Thursday, July 2, 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, Jeff McCloud, Borough Manager Rebecca S. Denlinger and Police Chief Ed Cunningham. The remaining members of Borough Council including J. Neil Ketchum Jr., Bill Troutman and Mayor 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

1. Tim Long, 112 Cedar Street, asked about the plans for the Public Works Garage located on Plum Street. President Hershey responded that the borough is having a Phase 1 Environmental study completed and are reviewing options for the property.

Administration

1. Borough Manager Denlinger read the revisions to Resolution 2020-06 regarding racial justice, equity, and action. The revisions were received from councilmembers following the discussion of the draft resolution on June 18, 2020. The revisions included:
  - Revise the 5th/final WHEREAS paragraph to make the language all-inclusive of Borough operations (police and administration).
  - Question on the word affinity in the 2nd BE IT FURTHER RESOLVED paragraph.
  - recommendation to an additional BE IT FURTHER RESOLVED paragraph as follows:
    - Be it further resolved that because the work of genuine racial and social justice require the sustained cooperation of government, law enforcement, and the people, we will work to prevent, dissuade, or interdict by all legal means any persons or groups who seek to intimidate members of our community or to interrupt the work of justice by violence or mere suggestion of possible violent intent including any such persons or groups that by their actions pose a threat to the authority of law enforcement, this council, or the right of people to peacefully assemble.

For the 5<sup>th</sup>/final whereas Denlinger suggested two revisions to the language. The revisions would: reference our operations; and, direct the Borough Manager and Police Chief. Councilmember McCloud responded that those revisions would address the suggested revision.

Chief Cunningham explained that the word affinity was used in the draft to be a broad term that would not leave anyone out.

Councilmember Troutman stated his recommended additional paragraph was crafted very carefully. President Hershey asked if the addition was to avoid the assembly of groups on rooftops and stated that we cannot prevent assemble. Councilmember Troutman replied that the drafted addition was to avoid assembling but not impact or limit 2<sup>nd</sup> Amendment rights and it is intended to be forward thinking.

Borough Manager Denlinger asked if the language could be altered slightly to read that we will work to ensure the rights of people to peacefully assemble. Councilmember Clark followed up with a question on what was meant by legal means. Councilmember Troutman responded that his intent referenced those that are licensed and trained as required by PA law.

Councilmember Ketchum asked if the language could be separated as the suggested addition gets to two distinct moments. Councilmember Troutman acknowledged that it was hard to write because of the two distinct moments that happened at one time. Councilmember McCloud stated he would be in favor of a separate resolution to keep the two items separate.

President Hershey stated he has concern with the entire resolution. It is taking a narrow approach and as written makes it appear that there is a lack of action for the borough which is not the case. Councilmember McCloud stated that racial injustice is a topic of the times and by passing the resolution it takes it to the forefront. Councilmember Clark added that he doesn't want council to be seen as not caring when in fact they do care and have been doing the things outlined. This resolution would reaffirm what is currently happening. Councilmember Ketchum stated that it is hard to read at first because it outlines actions already occurring but stated that it is important to pass to reaffirm actions and be clear.

Councilmember Shaud stated he does not want it to look like there is a failure and we need to correct an issue. President Hershey suggested that the resolution be revised to affirm what is happening along with what will happen. Shaud asked if it needs to be a resolution or could be a statement. Councilmember McCloud responded that a statement was already made and supported revision to the resolution to reflect current and future. Councilmember Shaud stated he is in favor of the resolution but cannot get behind it as it ties to specific events. He suggested not calling out the specific events.

It was motioned by Clark, seconded by McCloud, to approve Resolution 2020-06 regarding racial justice, equity, and action and with the revisions. The revisions include modifying the 5th/final WHEREAS paragraph to make the language all-inclusive of Borough operations and to modify the last WHEREAS to direct the Borough Manager and Police Chief to continue to address issues of diversity, equity, and inclusion in our operations and affirm commitment. Motion passed with Shaud in opposition.

2. Borough Manager Denlinger stated that the borough shared information on its website and social media related to the wearing of face masks in public. This information follows the order issued by the PA Department of Health on July 1, 2020. Borough employees have also been notified of the order and reminded of the need to wear masks.

Denlinger also stated that several Elizabethtown businesses were successful in receiving funding through Lancaster County's Small Business Recovery and Sustainability Grant - First Round Funding. Elizabethtown Borough was the fifth highest area in the county for the amount of grant funding approved.

Councilmember Troutman read a statement he prepared regarding masks. A copy of the statement was provided for the minutes.

*I think we need to seriously think about how we handle social distancing and masks.*

*By wearing a mask, you are protecting your fellow Etownians, friends, neighbors and customer's. The Pa. Department of Health is ordering everyone, except those with special considerations, to wear face coverings in most circumstances where they are unable to maintain social distancing. I'm not going to go through all the circumstances, look them up under the Pa. department of health. They are very specific.*

*Chapter 73, subchapter A, Section 7301 (b) says executive orders, proclamations and regulations shall have the force of law and yesterday the PA supreme court confirmed the governor's authority under this section. We have seen the results of people ignoring these laws across the country with 40 of 50 states increasing, some drastically, the cases of Covid-19.*

*Today the country hit 50,000 new cases of covid-19. So, I believe warnings and citations are in order for those, including businesses not in compliance.*

*In the last couple of weeks, I seen that most businesses and customers are following the law. Just a few meetings ago there was a group of businesses who wanted to open early. No surprise then that the businesses I found and have heard about not following social distancing and facial coverings were some of those on that list. I'm not going to mention any names but I opposed early opening and I support warnings and citations.*

*As far back as Plato and Aristotle it was understood that one of the main reasons for government was public safety. I understand the predicament the Chief is in and I fully support his efforts and those of his officers to engage in a non-confrontational, conversational approach about all of*

*this. That's what community policing is all about and I believe in it.*

*Both the DA not wanting to prosecute any Covid-19 cases and to buck the authority of the Governor is no reason for Elizabethtown Borough to become a lawless town*

*So then regardless of lack of prosecution, I think we should recommend warnings and if necessary, citations. It may seem pointless if there is not going to be any follow-through, but we cannot throw up our hands about this and let businesses and people make up their own rules.*

*We've asked nicely since March, and most people have done their part. But I think we're at the point where we need to put some teeth to this. And I think we should ask the Chief to do so.*

3. Borough Manager Denlinger informed council that a request for use of Public Works Facility as a polling place for 2020 General Election was received from the Lancaster County Office of Voter Registration. Denlinger stated that staff discussed internally and initial questions include: logistics of parking and suggesting the county increase their volunteers at this polling location so that there are 1-2 people directing cars/people to help things move more smoothly; and, personnel work schedules and working locations that day. President Hershey asked if the location had to be in the Borough or could it be a location that is in close proximity to the Borough line. Councilmember Ketchum added that given the logistical issues the facility should only be used if there are no other options. Denlinger stated she would follow-up with the county to see if another location could be used.
4. Planning and Zoning Director Roberts stated that a Zoning Hearing Board Application was received. The applicant is requesting a variance at 751 E. High Street to operate an outpatient mental health facility offering counseling, psychotherapy, coaching, and other support services within the Institutional Zoning District. Medical and professional offices are not a permitted use in the Institutional District so a use variance has been requested. Council took no position on the application.
5. Councilmember Troutman was contacted by a resident to see if the lot at 56 N. Market Street could be used by residents and downtown business customers. Residents are finding that spots on the street are often taken by downtown patrons leaving no where for residents to park at night. Borough Manager Denlinger added that staff discussed initially and had several thoughts for consideration: there would be no permitting issues, the grass is mowed and the bushes are trimmed regularly, there would be no change for insurance purposes and a simple standard light and trash can should be placed onsite.

President Hershey suggested that the parking be similar to the train station where there is no parking overnight and use of the lot be temporary. Councilmember Clark also suggested that the lot not be used for overnight parking and that enforcement be similar

to the train station lot. Councilmember Shaud ask that the lot be signed for the use and hours.

President Hershey summarized the discussion and stated that the lot can be available for a temporarily bases and parking requirements will mirror those of the train station lot. Chief Cunningham and Public Works staff will work to have signs, a light and garbage can be added to the parking lot. The availability of lot will be done once the adjustments to the lot have been made.

6. Planning and Zoning Director Roberts provided an update on the Elizabethtown College Investing in Sports, Fitness, and Wellness Infrastructure Project being completed through RACP. Roberts stated that the project has been revised and that the tennis court will be resurfaced as compared to the original plan in which the courts were to be completely redone. Borough Manager Denlinger added that as the applicant the Borough is working with the solicitor to have a new opinion of counsel and agreements completed. Denlinger added that the college has confirmed that the borough will be reimbursed for legal fees as well as staff time and expenses.
7. Assistant Borough Manager Ann Roda provided an update on the Phase I Environmental Site Assessment underway at 101 E. Plum Street by Reliance Environmental. Reliance Environmental is recommending a modification to the scope of work to conduct additional investigation into the storage tank in the rear and soil sampling by the former gasoline tanks. Roda stated that prior to moving forward with a modification to the contract a draft of the findings section of the report has been requested. Following a review of the draft findings section an additional update will be provided to council.
8. Borough Manager Denlinger reviewed a change to the 2020 Sewer Pipe Replacement Contract with MacMor Construction LLC which was awarded on February 20, 2020. The change would be to increase the scope of work by one additional 4” SDR 35 sewer lateral in the amount of \$4,622.00 (unit cost as bid). It was explained that this change to the contract would allow the borough to have two modifications in the scope of work completed. The first modification is a lateral planned for replacement on Highlawn Avenue did not need replaced, which would allow for that work to shift to 601 Spring Garden Street (corner of Spring Garden and Sunset) and the second modification would add the additional lateral at 639 N. Mount Joy Street. The total contract cost would be \$168,343.00. There were no issues stated by councilmembers to making the contract modifications.

### Police Department

1. Chief Cunningham asked borough council to consider the acceptance of Brooke English and Christopher Good as fulltime officers of the Elizabethtown Police Department. Chief explained that each officer has completed the hours of training and observations. The officers are conducting themselves in a positive manner and stepping up with community engagement. Councilmember Clark asked about an effective date for the fulltime status. Chief Cunningham responded that he would recommend an effective date of July 3,

2020.

It was motioned by Clark, seconded by McCloud to accept Brooke English and Christopher Good as fulltime officers of the Elizabethtown Police Department. Motioned passed unanimously.

Prior to adjoining Chief Cunningham spoke on celebrating safely on the 4<sup>th</sup> of July. He asked residents to be considerate with fireworks and to remember that pets, veterans and children often have difficulty with fireworks.

After a motion by Shaud, seconded by Clark, the meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Rebecca S. Denlinger  
Borough Manager