

ELIZABETHTOWN BOROUGH COUNCIL
PUBLIC MEETING
July 21, 2022
Minutes

A public meeting of Elizabethtown Borough Council was held on Thursday, July 21, 2022. Present were Councilmembers Lanty Moss, Tom Shaud, J. Marc Hershey, Phil Clark, Jay Hynicker and Jeff McCloud and Mayor Chuck Mummert. Also in attendance were Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Planning and Zoning Director Pamela Roberts, and Police Chief Cunningham.

Conditional Use Hearing

At 7:00 PM President Hershey called for the Conditional Use Hearing for 307 E College Ave, Elizabethtown, PA 17022 to begin. The applicant is seeking approval for a conditional use application to convert a single-family dwelling into a residence for students in the R-1 Low-Density Residential District at 307 E College Avenue. The application is relative to Chapter 27, Part 6, §804.B “Conditional Uses” and Chapter 27, Part 15, §1515 “College-Related Uses”. Borough Solicitor Josele Cleary introduced the application and 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.

Solicitor Cleary stated prior to the meeting two emails were received and would be considered part of the hearing record. The emails were reviewed by Robert Kerin, representative for Elizabethtown College, who had no objection to the emails being included with the hearing documentation. For the hearing ten residents living in close proximity to the property stated interested in participating in the hearing as individual parties. Borough Council unanimously approved the ten individual parties to the hearing after a motion by Councilperson Shaud and second by Vice President Clark.

Robert Kerin and Caroline Lalvani, spoke on behalf of the applicant, Elizabethtown College. Mr. Kerin stated that Elizabethtown College is tight on residential space for students and the College is in a unique position with an interim president who is not occupying the President's house at 307 E College Ave. The College is proposing to convert the house into student housing for one academic year. Borough Council members followed by the individual parties then had an opportunity to ask questions of the applicant and application. Borough staff had no testimony to provide. Sandra Koser provided testimony as part of the hearing procedures.

President Hershey closed the public hearing at 8:01 PM and announced that Borough Council would hold an Executive Session to discuss the hearing and testimony presented. The hearing was resumed at 8:19 PM.

Upon motion by Councilperson Shaud, second by Vice President Clark, Borough Council voted unanimously to reject the Conditional Use application submitted by Elizabethtown College for 307 E College Ave, Elizabethtown, PA 17022.

Public Meeting

President Hershey called the Public Meeting to order at 8:20 PM and led the meeting participants in the Pledge of Allegiance.

Public Comment

There was no public comment.

Approval of Meeting Minutes

After a motion by Councilperson McCloud, second by Vice President Clark, Borough Council voted unanimously to approve the July 7, 2022 Public Meeting minutes.

Reports

1. Borough Council unanimously approved the Financial Report and PLIGT Report as submitted after a motion by Councilperson McCloud and second by Vice President Clark.
2. Regarding the Elizabethtown Police Department Report for June 2022, Chief Cunningham noted that the EPD report was uploaded for review and noted that call volume is down for the time of year. He added that EPD is working with downtown businesses to resolve several retail thefts that recently occurred. Chief Cunningham noted that officers had participated earlier in the evening in the Cones with Cops event and are looking forward to National Night out on August 2, 2022.
3. There were no questions on the Code Enforcement Report for June 2022.
4. The Fire Company responded to 46 calls during the month of June 2022, of which 17 were in the Borough, with an average response time of 7 minutes 14 seconds.
5. Northwest EMS responded to 707 calls during the month of June 2022, of which 129 calls, 18%, were within the Borough. Year to date there have been 4,391 calls with 828 calls within the Borough which is 19%.
6. There were no questions on the Elizabethtown Area Water Authority Reports for May and June 2022.
7. There were no questions on the GEARS report for May 2022.

Old Business

1. Planning and Zoning Director Roberts noted that the timeline for discussion and any adoption process has been extended a little to allow time for consideration and still meet the upcoming deadline of the end of September 2022 for the Stormwater Management revisions as required by PADEP.

- a. Roberts presented revisions to Chapter 17, Stormwater Management. It was noted that the amendments are per PADEP direction and several from the borough engineer. The revisions had been reviewed by the Solicitor.

President Hershey asked for clarification on the proposed change for impervious coverage and revision for pollution activity. Roberts responded that the impervious coverage limit does not change as that is written in the zoning ordinance. She stated she would provide follow-up on the revision for pollution activity.

It was motioned by Vice President Clark to authorize the advertisement of the Stormwater Management Ordinance amendment. Councilperson Hynicker seconded the motion. Borough Council unanimously voted to approve advertisement of the ordinance amendment for consideration.

- b. Roberts stated for Chapter 21, Streets and Sidewalk Ordinance, minor amendments are considered. Councilmembers asked if the change would impact any current land development plans and if the word concrete should be stated specifically. Roberts responded that the revision would not impact current land development plans but future plans and she would discuss with the borough engineer the addition of the word concrete.
 - c. For Chapter 15, Motor Vehicles and Traffic, Part 4, Roberts stated that a majority of the changes are to ensure the ordinance reflects the current status of parking. Councilmembers discussed parking revisions to certain sections of W. High Street, N. Market Street, W. Washington Street, E. Willow Street and W. Willow Street. It was noted that the yellow curbing/paint is fading and should be addressed. President Hershey asked councilmembers to review the revisions and be prepared to discuss at a future meeting.
2. Planning and Zoning Director Roberts stated that the property owners in the area of Sand Alley have signed the agreement prepared by Solicitor Cleary which will allow Borough Public Works staff to make the necessary improvements to the storm pipe. It was motioned by Councilperson McCloud to authorize signature of the Agreement Confirming Drainage Easement in the area of the abandoned section of Sand Alley. Councilperson Hynicker seconded the motion. Borough Council unanimously voted to authorize signature of the agreement.
 3. Planning and Zoning Director Roberts stated that in May, Borough Council approved a time extension to July 31, 2022. She added that the Market Street Square Preliminary/Final Land Development Plan is currently being reviewed by Mount Joy Township and Elizabethtown Borough. It is anticipated that the plan will be before Borough Council at the August 4, 2022. The applicant is asking for the review process deadline to be extended from July 31, 2022 to August 31, 2022.

It was motioned by Vice President Clark to approval the request for an extension of time for the review of the Market Street Square Preliminary/Final Land Development Plan with a new expiration date of August 31, 2022. Councilperson McCloud seconded the motion. Borough Council unanimously voted to approve the request for an extension of time for a new expiration date of August 31, 2022.

4. President Hershey provided an update on the Regional Emergency Services Administrative Authority. It was stated that the initial public hearing regarding the formation of the Authority will be on the evening of August 31, 2022 at Chiques Church in Manheim. All twelve municipalities that are currently served by NWEMS have approved resolutions to attend the public hearing. Mount Joy Borough was considering participation but have decided to not engage formally now but will keep abreast of the development of the regional entity for possible future engagement. Following the August 31st hearing, each municipality will then discuss and determine their participation formally at their own respective public meetings. It was also noted that there will likely be a meeting of elected officials on September 7, 2022.
5. Borough Manager Denlinger provided an update on several funding applications.
 - a. DCED announced that they had unused ARPA funds that needed to be reallocated after certain municipalities declined the funds, missed deadlines, or did not respond to DCED's outreach efforts. After review, the state decided that the unused funding would be divided between the municipalities that had accepted First Tranche ARPA funding. As a result, Elizabethtown Borough received a direct deposit of \$1,893.78 in funds created by this reallocation. The amounts are based on the formula provided by ARPA. Important to note that this is NOT the Second ARPA Tranche. That funding (\$598,969.57) is expected soon and should match what was received in the First Tranche.
 - b. On July 21, 2022 the borough was notified that it had been awarded \$200,000 in CDBG Funding. The funding will support the 2022 Infrastructure Repairs to Large and Small Span Bridges Project. This project will complete repairs to bridges located on Orange, S Chestnut, College, S Poplar and Union.
 - c. The two applications made to DCED, through the Commonwealth Financing Authority, for Hickory Lane Park are under review by CFA Staff. For both the Watershed Restoration and Protection Program and the Greenways, Trails and Recreation Program, Borough staff has been working with the CFA to provide updated cost estimate information. Award notification is anticipated to come later this fall.
 - d. In addition to those two applications, the borough has five other active funding requests before county and/or state agencies for consideration.

As part of the update Borough Councilmembers discussed applying for funding through the Redevelopment Assistance Capital Program. In late 2021 three projects for Elizabethtown were added to the Capital Itemization bill. Staff received word that the Governor's Office of the Budget is opening a new application period for RACP (Round 2022) on July 25, 2022. It

will be open through August 19, 2022. Borough Council directed staff to pursue an application for the “Explore Elizabethtown Improvement Project” which focuses on downtown improvements including 56 N. Market (potential concept is for use as a Downtown Cultural and Welcome Center) and parking among other improvements.

6. Borough Manager Denlinger updated council that she recently facilitated a meeting for the Chamber of Commerce with PennDOT/Contractor. Parking and cone placement were discussed with meeting outcomes shared with downtown businesses. The contractor is currently working on manhole replacements and tree trimming will occur when manhole work is complete. When milling and paving work starts, that work will be done during the evening / overnight hours. A start date for milling and paving has not been provided as it is dependent on the work being completed by UGI. The Borough has asked to be given a one-week advance heads up so that we can issue communications directly to business owners and residents so everyone is aware of what’s happening and when. President Hershey asked that milling/paving not be completed the week of the Elizabethtown Fair. Denlinger stated that she would relay the request to PennDOT and the Contractor.

New Business

1. Councilmembers had a brief discussion on how the Borough can be more proactive when it comes to the beautification and more involved projects to improve the downtown. They concluded that the discussion will continue as they develop the budget for fiscal year 2023.
2. Assistant Borough Manager Roda stated for the infrastructure repairs to the S. Spruce Street bridge three bids were received for the project. These bids were from Flyway Excavating Inc. (\$144,880), CriLon Corp (\$224,245.65) and Construction Masters Services, LLC (\$317,880). The Borough's Engineer is recommending award of the construction contract to Flyway Excavating Inc., the apparent low bidder. It was motioned by Vice President Clark to accept the low bid from Flyway Excavating Inc. in the bid amount of \$144,880.00 for infrastructure repairs to the bridge on S. Spruce Street. Councilperson Hynicker seconded the motion. Borough Council unanimously award a construction contract to Flyway Excavating Inc. for infrastructure repairs to the bridge on S. Spruce Street.
3. Councilperson Shaud motioned to release financial security for the Village Green Land Development Plan in the amount of \$11,258.50 with a remaining balance of \$2,806.25. Vice President Clark seconded the motion. Borough Council unanimously voted to release financial security for the Village Green Land Development Plan in the amount of \$11,258.50 with a remaining balance of \$2,806.25.
4. Planning and Zoning Director Roberts stated the applicant, in the Zoning Hearing Board application, is seeking a variance at 300 Groff Avenue to increase the amount of allowed impervious coverage on the property. During the stormwater approval process, the applicant's site layout has changed, which has resulted in issues related to impervious coverage. Councilmembers discussed concerns regarding the application. Given the complicated nature of the project, Borough Council expressed favor for having both land development and stormwater management plans for the development.

Bills Payable

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

General Fund	\$268,628.22
Sewer Fund	\$128,459.19
Capital Reserve Fund	\$26,470.03
General Vehicle Sinking Fund	\$57,492.82
Subdivision Escrow Fund	\$2,248.00
Park Fund	\$9,150.07

Mayors Remarks

Mayor Mummert stated Chief Cunningham will be on WGAL on Saturday, July 23, 2022 for an interview on police preparedness.

Council Remarks

- Councilperson Moss asked if Chief Cunningham got any responses from his post regarding police preparedness.
- Councilperson Hynicker noted that after his travels, he is encouraged by Borough Council's interest in making the downtown the best it can be.
- Councilperson Shaud said if residents knew how much money the staff is bringing in through grants they would be amazed and should thank our staff for their efforts.
- Vice President Clark thank staff for their efforts.

Adjourn

Upon motion by Councilperson Shaud and second by Councilperson McCloud, and without objection, the meeting was adjourned by President Hershey at 9:51 PM.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager