

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
August 19, 2021
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, August 19, 2021. Borough Council members in attendance included Tom Shaud, Bill Troutman, Phil Clark, Jeff McCloud, Vice President J. Neil Ketchum Jr., and President J. Marc Hershey. Also in attendance were 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.

Conditional Use Hearing

Borough Solicitor Josele Cleary called the hearing to order and provided an overview of the Conditional Use hearing process. Parties to the hearing were the Borough of Elizabethtown and applicant. The applicant was represented by Paul Minnich with Barley Snyder, LLP and Joe Eisenhower with Inch's Properties, LLC.

Minnich provided an overview of the project and the request for the hearing. It was stated that the applicant, Inch's Properties, LLC, was seeking approval to construct apartment dwelling units in the R-3 High-Density Residential District at 448 S. Market Street. The application is relative to Chapter 27, Part 8, §805.A "Conditional Uses" and Chapter 27, Part 15, §1504 "Apartments (Garden Apartments/Apartment Houses)".

Following the overview of the project and application Minnich and Eisenhower answered questions from Borough Council on the project and previously approved conditions for the property.

Motioned by Councilperson Ketchum, seconded by Councilperson Clark, to adopt the administrative proceedings of previous hearings for the property. Motioned passed unanimously. Borough Council took a short recess to discuss the application and proposed conditions. When council returned from recess, Council President Hershey stated that the first agenda item under New Business "Consider the application for 448 S. Market St, Elizabethtown, PA 17022" would be considered during the hearing. Motioned by Councilperson Clark, seconded by Councilperson Troutman, to approve the conditions outlined by Borough Solicitor. Motioned passed unanimously.

Borough Solicitor Cleary closed the public hearing at 7:52 p.m.

Public Comment

There was no public comment.

Approval of Meeting Minutes

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

1. Public Meeting – July 15, 2021
2. Work Session – August 5, 2021

Reports

1. The Financial Report and PLIGT Report were unanimously approved as submitted after a motion by Councilperson Troutman and second by Councilperson Clark.
2. Chief Cunningham stated activity level is as expected given the time of year. The Chief added that EPD was gearing up for the fair week and concluded by recognizing Mayor Mummert for his recent award in which he was named Pennsylvania Mayor of the Year.
3. There were no questions on the Code Enforcement Report.
4. The Fire Company responded to 49 calls during the month of July, of which 14 were in the Borough, with an average response time of 4 minutes 38 seconds.
5. Northwest EMS responded to 744 calls during the month of July, of which 117 calls, 15.7%, were within the Borough. Year to date Northwest EMS has responded to 4,939 calls of which 735 (14.9%) were within the Borough.
6. There were no questions on the Elizabethtown Area Water Authority Report for July.
7. There were no questions on the GEARS Report.
8. There were no questions on the Elizabethtown Area Community Services Authority Report.

Old Business

1. Assistant Borough Manager Roda stated the properties that did not complete needed curb and sidewalk repairs, the Borough is working with Gordian and their contractor Lobar Associates to develop a price and work proposal. Lobar will complete the work by August 27. When the work is complete, an invoice for the cost of repair (plus 10% administrative fee) will be sent to the property owner. There are 9 properties in which Lobar will complete the work.

Vice-President Ketchum asked if residents are aware of the work that needs completed and the subsequent bill. Public Works Director Kinsey responded residents should be aware of the work as they have received at least 3 letters from the Borough and he tried to follow-up with residence that still needed to complete work.

2. Regarding Fiscal Year 2022, Borough Council did not discuss the revised draft Resolution 2021-04 (Financial Policies Governing Various Borough Funds) in detail. President Hershey asked councilmembers to review the current draft as it will be an agenda item for the September 2, 2021 meeting. Borough Council began a discussion on FY2022 Goals. It was noted there are some goals relating to downtown and MS4, from 2021 that should carry over to 2022. President Hershey asked for the next meeting staff be prepared to discuss the residential rate for trash collection and capital projects.
3. Borough Manager Denlinger updated Council that PennDOT provided official notification and response forms to be completed for a highway improvement project is scheduled on SR 230, Section 051 (Seg.0050 Off. 1555 to Seg. 0130 Off. 0424). The anticipated improvements include milling, asphalt resurfacing, base replacement, new signs and new pavement markings. Subject to availability of funding, construction is anticipated during the summer of 2022. Denlinger updated Borough Council that PennDOT's Lancaster County Maintenance Office will not be able to complete any milling work as an interim solution for Market Street in preparation for the 2021/2022 winter season.

Councilmembers asked several questions regarding scheduling of work and coordination with other utilities. Denlinger responded staff will follow up with PennDOT to understand how the improvements at the bridge by Giant will be scheduled in relationship with the roadwork and to understand the coordination efforts.

New Business

1. The conditional use application for 448 S. Market Street was approved with conditions during the Conditional Hearing that was held earlier that night.
2. Planning and Zoning Director Roberts presented several changes to the Residential Rental Program to keep the program current. The specific modifications include: Rental applications will be sent in November 2021 and will be due by December 31, 2021. The rental license will be for the 2022 calendar year. For 2022 rental licenses, the fee will increase to \$72.00/per unit. For applications not paid by December 31, a \$15.00 late fee/per unit would apply. Residential rental licenses will only be issued to property owners who are current on real estate taxes, sewer fees, code enforcement fees, and trash collection fees for each residential rental unit. Councilmembers supported the modifications and staff being consistent with the application of the ordinance requirements. President Hershey asked for the modifications to be outlined to property owners prior to receiving the rental application in November 2021.
3. Assistant Borough Manager stated the contract with E.K. Services, Inc. was awarded on March 18, 2021 for a low bid amount of \$46,390. Based on in-field conditions the final contract amount increased to \$48,580. Approval was sought to pay the increase of \$2,190 for the work that was completed on Groff Avenue. Public Works Director Kinsey explained additional lateral connections were necessary when the sewer line was replaced.

Motioned by Councilperson Troutman, seconded by Councilperson McCloud, to approve the increased contract amount for the work completed on Groff Avenue. Motioned passed unanimously.

4. Motioned by Councilperson Troutman, seconded by Councilperson McCloud, to approve Resolution 2021- 05 outlining the disposal of certain records in accordance with the Pennsylvania Historical and Museum Commission Municipal Records Manual as amended March 28, 2019. Motioned passed unanimously.
5. Motioned by Councilperson Ketchum, seconded by Councilperson Shaud, to hire Kenneth E. LeFever and Wade T. Gernert as probationary police officers with the Elizabethtown Police Department effective September 7, 2021. Motioned passed unanimously.
6. Planning and Zoning Director Roberts provided an overview of a Variance Application that was received for 1605 S. Market Street (Market Street Square Shopping Center). She stated the applicant is seeking variances at 1605 S. Market Street to subdivide the property into four separate lots, which would allow for potential development. Borough Council did not have any questions or comments on the variance application for the Zoning Hearing Board to consider. The ZHB will review the application in September. Roberts added a similar application was submitted to Mount Joy Township as well.

Bills Payable

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

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|-------------------------|--------------|
| General Fund | \$164,671.15 |
| Sewer Fund | \$128,403.13 |
| Train Station Fund | \$1,746.96 |
| Subdivision Escrow Fund | \$3,601.00 |
| Health Insurance Fund | \$144,234.84 |

Motioned passed unanimously.

President Hershey announced Borough Council will hold an Executive Session following the meeting concerning an Elizabethtown Police Department personnel matter.

After a motion by Councilperson McCloud, seconded by Councilperson Troutman, the meeting was adjourned at 7:49 p.m.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager