

ELIZABETHTOWN BOROUGH COUNCIL
WORK SESSION MEETING
September 2, 2021
Minutes

The public meeting of Elizabethtown Borough Council was held on Thursday, September 2, 2021 at the Borough Office. Present were Councilmembers Tom Shaud, Phil Clark, Bill Troutman, Jeff McCloud, J. Neil Ketchum Jr. and J. Marc Hershey. Also, present were Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Planning and Zoning Director Pamela Roberts, Public Works Director Jeff Kinsey, Police Chief Ed Cunningham, and Mayor.

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

Public Comment

There was no public comment.

Old Business

1. Borough Manager Denlinger reviewed with council the changes that were made following their previous review of Resolution 2021-04 regarding Financial Policies Governing Various Borough Funds. She added that the draft has been reviewed with the auditors with Trout and they were comfortable with the language. There were no other changes discussed.

Denlinger then began a review of the draft Capital Improvement Program. She stated the material was in draft form and a work in progress. Vice-President Ketchum asked why some of the projects for 2022 were listed as zero and if they were being planned.

Denlinger responded the cost of the project is still being developed. Ketchum suggested instead of being listed as zero it should be listed as TBD. Councilperson Clark asked if anything would be included for 56 N. Market Street. Denlinger responded there will be something included for 56 N. Market Street as well as 600 S. Hanover Street and 101 E. Plum Street. She added that staff is working with Gordian to develop a cost proposal for all three locations.

Vice-President Ketchum asked about the amount listed for the vehicle replacement program. Assistant Borough Manager Roda responded staff evaluated the vehicle replacement program and are suggesting a revision to the program. Ketchum asked for more information to understand why there is a need to alter the program.

Councilperson Troutman added he had remarks for councilpersons to consider regarding deferred maintenance and its impacts to infrastructure. His remarks were:

“Deferred maintenance – waiting for future budget funds to become available – will create costly consequences and increase the chances of significant problems down the road.

Postponing repairs on real property (infrastructure) and personal property (machinery/equipment) in order to save costs or meet unrealistic funding levels along with the failure to perform needed repairs will lead to asset deterioration and ultimately asset impairment.

Here are 10 mistakes of deferred maintenance:

- 1. Create extensive, long-term costs*
- 2. Reduced efficiency*
- 3. Possible entire system failure*
- 4. Safety & Health risks*
- 5. One problem escalates out to many or larger problems*
- 6. Less maintenance equals shorter life cycle*
- 7. Emergency repairs are much more costly*
- 8. Deferred maintenance will cause more Down-time and compounds at 7% a year*
- 9. Project waste comes with "Wait"*
- 10. Paralyzes growth in many ways"*

Denlinger responded that staff will revise and expand the Capital Improvement Program based on the feedback received. Another version of the Capital Improvement Program will be provided as part of the Fiscal Year 2022 Budget Discussion.

2. Motioned by Councilperson Clark, seconded by Councilperson Troutman, to approve Resolution 2021-04, a resolution of the Borough of Elizabethtown Instituting Financial Policies Governing Various Borough Funds. Motioned passed unanimously.
3. Assistant Borough Manager Roda stated following a recent presentation on the Refuse & Recycling Program a revision to the residential fee is needed to have revenue cover expenditures. She added a program modification concerning Kraft Bags is also being suggested. The fee analysis includes the sale of kraft bags instead of making them available at the Scout house.

Vice-President Ketchum asked if the proposed rate of \$216 provided a buffer for future years growth in expenses. Denlinger responded the rate did not provide a significant buffer for an increase in future expenditures. President Hershey suggested staff review the analysis and look at least 2-3 years out for potential expenditures.

New Business

1. Planning and Zoning Director Roberts asked Council to consider the appointment of John E. Barnhill to the Elizabethtown Borough Zoning Hearing Board as an alternate member effective immediately to fill a vacant term that expires on December 31, 2021. Roberts shared that Mr. Barnhill lived in West Donegal Township for many years before moving south upon his retirement. He and his wife recently moved back to the area and are currently living in the Borough. She added that Mr. Barnhill worked in the construction field and feels that he has knowledge that would serve the community well if he were to be

appointed to the ZHB.

Councilperson Shaud asked if anyone had familiarity. With no familiarity identified, President Hershey asked Roberts if Mr. Barnhill could come to a future meeting for a brief introduction. Roberts responded that she would follow up with Mr. Barnhill to arrange for the introduction.

2. Planning and Zoning Director Roberts stated that Borough staff has been contacted about the possibility of expanding the short-term lodging accommodation program. The ordinance language is quite specific that a dwelling unit to be used as a short-term lodging accommodation must be owner-occupied. There are property owners who operate commercial businesses in the CBD that would like to rent out an apartment above the store on Airbnb or a similar service. Because the property owner is not living within the unit to be rented, it is not permitted. Roberts added that the existing ordinance language works quite well for single-family dwellings in lower density zoning districts but may be a bit too restrictive for certain situations, especially within the downtown.

Roberts stated the ordinance could be revised to allow short-term lodging accommodations to be within a structure that is owner-occupied in any capacity. This would allow a property owner who lives in a three-unit home to rent out one of the other units on Airbnb or allow an owner who operates a business to have an Airbnb within the building. It was suggested that adding language to the ordinance would prohibit short-term lodging accommodations from being permitted on the ground floor of a building in the CBD or Mixed-Use zoning districts.

Councilperson Shaud asked if a rental license would still be required and Troutman raised concern about downtown parking. Roberts responded that rental licenses would still be required and the revision would not address downtown parking. Vice-President Ketchum asked about the definition and how the variation would be defined. Borough Manager Denlinger suggested that a new definition be developed to have a distinction between the two terms.

Councilperson Clark asked if short term lodging is allowed in the mixed-use zone. Roberts responded short term lodging is allowed in mixed-use as long as it is a residence. Councilperson Troutman asked how the borough knows the short-term timeframe is followed and Councilperson Shaud followed with a question in how this is different than 31 N. Spruce Street. A discussion on short-term leases, hotel definitions and property restrictions took place. Roberts added that she could review other boroughs, such as State College, to determine how they define and handle short term uses.

President Hershey added that he is not opposed to starting to draft language. Denlinger responded that the discussion tonight would be incorporated as it could and proposed ordinance language would be reviewed by the Borough Solicitor before presenting to council.

3. Borough Manager Denlinger stated that the Borough and Elizabethtown Police Officer

Association have worked together to come to the terms outlined in the Act 111 Term Sheet dated August 25, 2021. It was added that this agreement, once contract documents are signed, will result in a new five-year Collective Bargaining Agreement for the officers of the Elizabethtown Police Department.

Motioned by Councilperson Clark, seconded by McCloud, to approve a tentative settlement for a successor police contract conditioned on final language of contract being acceptable to both Counsel for the Police Association and Special Counsel for the Borough. Motioned passed unanimously.

After a motion by Troutman, seconded by Shaud, the meeting was adjourned at 8:12 p.m.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager