

**ELIZABETHTOWN BOROUGH COUNCIL**  
**REGULAR MEETING**  
**October 17, 2019**  
**Minutes**

The regular meeting of Elizabethtown Borough Council was held on Thursday, October 17, 2019 at 7:00 p.m. at the Borough Office. Present were Council members Bill Troutman, Tom Shaud, J. Marc Hershey, Phil Clark and Jeff McCloud. Also present were Borough Manager Roni Ryan, Assistant Borough Manager Ann Roda, Police Chief Ed Cunningham, Public Works Director Jeff Kinsey and Mayor Chuck Mummert. Absent from the meeting was J. Neil Ketchum Jr.

President Hershey called the public hearing on the Comcast Franchise agreement to order at 7:00 p.m. There was no public comment. Bill Troutman had a borough council comment regarding the length of the agreement and ability for other cable providers to service Elizabethtown Borough. President Hershey closed the hearing at 7:03 p.m.

President Hershey called the regular meeting to order at 7:04 p.m.

Public Comment

1. Trudy Johnston, 138 N Poplar St, commented on the Nutrient Trading Program and the benefit it could have for the borough. She provided copies of a powerpoint presentation and provided an overview of the Nutrient Trading Program in PA. She reviewed the benefits potential nutrient credits, generated by the wastewater treatment plant (WWTP), could mean to the borough economically and the benefit it could have for purchasing WWTPs. She stated the City of Lancaster is in need of credits and stated they would be willing to work with the borough to purchase credits by November 28, 2019. There were no questions from council.

Approval of Meeting Minutes

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

1. Regular Meeting – September 19, 2019
2. Work Session Meeting – October 3, 2019

Reports

1. The Financial Report was unanimously approved after a motion by Troutman and second by McCloud.
2. There were no questions on the Code Enforcement report.
3. The Fire Company responded to 50 calls, during the month of September, 13 of which were in the Borough, with an average response time of 6 minutes 25 seconds.

4. Northwest EMS responded to 94 calls within the Borough during the month of September bringing the total year to date calls to 964.

#### Presentation

1. Heather Hohenwarter, Executive Director of the Elizabethtown Area Chamber of Commerce updated Borough Council on the work completed by the Chamber throughout 2019. She thanked council for their continued support and focused her update on the measures of success that were achieved with programming, operations, marketing and membership. The presentation also included benefits that businesses in the borough are receiving from the Chamber. And, she touched on their work for travel tourism and the new effort of Discover Elizabethtown in which they are highlighting the opportunities and activities planned in the Elizabethtown region. Following the presentation, there were no questions.

#### New Business

1. It was motioned by Shaud, seconded by Troutman, to approve a request from the Elizabethtown Area Chamber of Commerce to cover all the parking meters downtown for the holiday shopping season from December 8, 2019 through January 1, 2020. The motion carried unanimously.
2. It was motioned by Clark, seconded by McCloud, to approve Resolution 2019-11 outlining Elizabethtown Borough's intent to allocate funds to Northwest EMS through the years 2020-2023. The motion carried unanimously.

Borough Manager Ryan noted that the resolution does not commit future borough council to the specific budget amount but states that intention to allocate funds. McCloud noted the importance of supporting the EMS for the services they provide.

3. Public Works Garage
  - a) It was motioned by McCloud, seconded by Troutman, to approve payment in the amount of \$25,930.25 to eciConstruction, LLC for work performed on the Elizabethtown Public Works Garage (Invoice No.30.18062.13). The motion carried unanimously.
  - b) It was motioned by Troutman, seconded by McCloud, to approve Change Order #13 in the amount of \$1,800.00 for electrical work at the public works garage project. The motion carried unanimously.

Assistant Borough Manager Roda stated that the change order was to correct the indicator lights that lost functionality when the electrical revision was made.

4. It was motioned by Clark, seconded by Troutman, to approve Resolution 2019-12 authorizing the disposal of records in accordance with the Municipal Records Manual as amended July 23, 2009. The motion carried unanimously.

5. Zoning Hearing Board application by AutoZone Development LLC at 1235-1237 S. Market Street for variances to the Borough's Zoning Ordinance.

Planning and Zoning Director Pamela Roberts stated that AutoZone has submitted an application to the Zoning Hearing Board for two variances in relation to the Preliminary/Final Land Development Plan at 1235-1237 S Market Street and a hearing on the application will be held on November 13, 2019. She added that the two variances included:

- 1- Section 1321.A(1) – Buffer Yard: AutoZone is proposing a side buffer yard of 6ft. 8in. and a rear buffer yard of approximately 2 ft. The ordinance requires where a commercial or industrial use adjoins a residential district a buffer yard of not less than 15 feet in width shall be provided along the lot lines in addition to the yard required for the district in which it is located.
- 2- Section 1604.1.A – Shade Trees in Parking Lots: The application does not specifically state the amount of shade trees that are to be provided but AutoZone states that due to the unique shape and topography of the property, installation of interior tree planting within the parking area is not possible without adversely affecting the integrity of the planned stormwater facilities and reducing the number of parking spaces to below the minimum required under Section 1602.A.18 of the Zoning Ordinance. The ordinance requires, the interior parking area shall be landscaped with sufficient shade trees to provide fifty-percent shade within 15 years of installation. Roberts noted that not having the adequate shade coverage will increase the temperature of runoff.

McCloud voiced concern about the extreme buffer yard variance request and was not in support of that request and would want to further understand the significance of the trees. President Hershey noted that the trees would not provide the sound and light buffer for residents as well as have other potential MS4 impacts. Shaud pointed to concerns with traffic and asked about PennDOT approvals. Roberts responded that approvals from PennDOT have not been received yet and that additional information was needed.

Troutman asked how long the property had been empty and noted that the interest in the lot would bring additional taxation. Clark added that there have been no structures on the property. President Hershey noted that he understood the point on revenue base but questioned the value and impacts to the surrounding residents. Clark agreed with the points raised by Hershey regarding the impacts to the neighborhood.

Ryan asked what the application stated to be the hardship for the variance request. Roberts responded that the hardship is due to the grade and size of the lot and the need for parking lot spaces.

Following the discussion council chose to oppose both variances. Planning and Zoning Director Roberts will report back to the Zoning Hearing Board that:

- For Section 1321.A(1) council opposes this variance request. The zoning ordinance requires a 15 ft buffer yard between a commercial use and a residential district as a

way to lessen the potential impact on neighboring properties. Council is concerned that residents will notice a detrimental impact on their quality of life if the buffer yard is significantly reduced.

- For Section 1604.1.A council opposes the variance. The reduction of the required shade tree coverage would almost certainly cause a rise in the temperature of stormwater runoff after the project is completed. Elizabethtown Borough has a MS4 permit and is actively trying to improve local waterways. The creek directly downstream of the subject property could be negatively impacted by this variance request.

6. Borough Manager Ryan stated that three firms responded to the Request for Proposals for construction manager services for the 56 N. Market Street renovation project and that the proposals and fee information was provided to council for their review. She added that staff interviewed and checked the references for one of the firms and that staff's recommendation was to award to Capital Construction Management due to their stated experience with construction in historic buildings. The firm will act as the owner's representative and will take the lead working with the group to complete construction documents, gather bid and be on site through construction and post construction. The fee proposal of \$77,040 was also just below what the architect estimated.

It was motioned by Clark, seconded by Troutman, to award the construction manager contract to Capital Construction Management, LLC for the 56 N. Market Street project in the amount of \$77,040. The motion carried unanimously.

7. War Memorial Discussion

A discussion, lead by Clark, was had on options for a War Memorial that would recognize WWII veterans. Clark explained that at one time there was memorial of WW II Veterans Honor Roll that was taken down. Clark noted that he has had general discussions with no commitments with several service clubs as well as veteran and historic groups on creating a permanent memorial area within the park system. The memorial could be similar to the other interpretive boards that have been created. It was discussed that Clark should continue the development of the concept and begin talking with other groups about costs and support.

Bills Payable

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

General Fund	\$147,814.89
Sewer Fund	\$62,272.98
Capital Reserve Fund	\$54,557.18
Construction Fund	\$27,952.95
Train Station Fund	\$1,554.56
Subdivision Escrow Fund	\$10,075.50
Health Insurance Fund	\$72,209.20

Parks Fund	\$4,120.90
------------	------------

The motion carried unanimously.

Prior to adjourning the meeting, President Hershey made note that two budget meetings are scheduled for October 30, 2019 and November 14, 2019. He also stated that council would be holding an executive session following the meeting to discuss a legal matter.

### Adjourn

Following a motion by Clark, seconded by Troutman, the meeting unanimously adjourned at 8:10 p.m.

Respectfully Submitted,

Roni Ryan  
Borough Manager