

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
November 19, 2020
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, November 19, 2020. For everyone's safety, the Borough Council meeting was held with the absolute minimum number of individuals gathered in person, employing both mandatory masks and maximum physical distancing measures. In person participants included Tom Shaud, Phil Clark, J. Neil Ketchum Jr., Borough Manager Rebecca S. Denlinger, Police Chief Ed Cunningham and Mayor Mummert. The remaining members of Borough Council including Jeff McCloud, Bill Troutman 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. Council President J. Marc Hershey was absent.

Vice-President Ketchum called the meeting to order at 7:00 p.m.

Public Comment

There was no public comment.

Approval of Meeting Minutes

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

1. Budget Meeting - October 8, 2020
2. Public Meeting - October 15, 2020
3. Budget Meeting - October 22, 2020
4. Work Session - November 5, 2020

Reports

1. The Financial Report was unanimously approved after a motion by Clark and second by McCloud.
2. EPD Chief Cunningham stated for the monthly report there wasn't anything to highlight and that officers had recently been trained for the Advov Mediation Program. A one-page flyer had been developed for residents as well. He added that posters and social media reminders will be posted concerning vehicle theft when cars are left running and unattended. There were no questions on the report.
3. There were no questions on the Code Enforcement report.
4. The Fire Company responded to 39 calls during the month of October, of which 10 were in the Borough, with an average response time of 4 minutes 44 seconds.

5. Northwest EMS responded to 672 calls during the month of October, of which 90 calls, 13%, were within the Borough. Year to date Northwest EMS has responded to 6010 calls and 851 within the Borough.
6. There were no questions on the Elizabethtown Area Water Authority Report.
7. There were no questions on the GEARS Financial Report.

Old Business

1. Vice-President Ketchum asked if there was any public comment on Proposed FY2021 Budget. Resident Richard Sheidy commented that staff and council should be commended for the good job that was done to put together the proposed budget.

New Business

1. Borough Manager Denlinger introduced Resolution 2020-09 to update the Right to Know Policy. The resolution would designate Borough Manager Denlinger as the Agency Open Records Officer (AORO) for the administrative side and Chief Ed Cunningham as the AORO for the police side. The Borough will also designate an Assistant who could then manage RTKL requests when either the manager or chief are out of the office. Councilmember Shaud asked if there were any other changes with the right to know law. Denlinger added that the Office of Open Records is evaluating fee updates and those would need to be incorporated if altered.

It was motioned by Shaud, seconded by Ketchum, to approve Resolution 2020-09 to update the Right to Know Policy Motioned passed unanimously.

2. Borough Manager Denlinger stated that Resolution 2020-10 for records disposal is a resolution for housekeeping and disposal of the records listed is in accordance with the PHMC Records Retention Manual. Motioned passed unanimously.
3. Planning and Zoning Director Pam Roberts provided an overview of the Elizabethtown Church of the Brethren Zoning Hearing Board application. She stated that the applicant is requesting a variance at 777 S Mount Joy Street to reduce the clear sight triangle in relation to the revised parking lot layout for their proposed project. The existing parking lot entrance off of E Cedar Street does not meet current zoning but is considered a legal, non-conforming use. By creating a new entrance, zoning relief is required. The Zoning Ordinance requires a 100-foot clear sight triangle from all access points onto a property. The applicant is proposing an access point onto E Cedar Street that has a clear sight triangle of approximately 39 feet. The variance being requested is 61 feet.

Councilmember McCloud asked is the variance would be for the street or parking lot. Roberts responded that it would be for the parking lot. Councilmember Clark asked if the shorter distance would make it easier to see in the parking lot. Roberts responded that

from the material provided it does not appear to be much different then conditions currently existing on the property .

Councilmember McCloud suggested that council not take a position on the application. There were no objections. Vice-President Ketchum stated to Planning and Zoning Director Roberts that Borough Council takes no position on the application.

4. Planning and Zoning Director Pam Roberts provided an overview of the 31 N Spruce Street Zoning Hearing Board application. She stated that the applicant is requesting ten variances to renovate an existing structure into office space and short-term lodging accommodations within the R-1 Low-Density Residential District. The most recent uses of the existing structure have been legally, non-conforming. The ten variances related to ordinances for short-term lodging accommodations, setback and lot area requirements, buffer yards and screen plantings, and off-street parking.

Vice-President Ketchum stated that the variance requested for short-term lodging accommodations undermines the intent of the ordinance. He stated that he supports redevelopment but when it is appropriate use of space and zoning requirements. Councilperson Shaud stated that it would have been nice to have more information on use of space and type of short-term businesses that would be using the office space.

Ketchum followed up an asked if Borough Council were to take a position how would that be stated to the Zoning Hearing Board. Roberts responded that either the Borough Solicitor would make a statement on behalf of Borough Council or she, as the Borough's Zoning Officer, could make a statement on behalf of Borough Council.

Councilmember Troutman asked if the variance request was accurate for the ordinance if the short-term lodging accommodations was intended for owner-occupied, not done through a lease, and 150 days, not 365 days. Roberts responded that the changes they are requesting are for the short-term lodging ordinance. Councilmember Clark asked if the office space would be temporary work spaces or permanent offices and if there was available street parking in the residential area. Roberts responded that unfortunately she does not have information on the type of offices. Clark followed up and stated that if approved the uses of the office space should be specified.

Vice-President Ketchum asked Roberts to follow-up with Borough Solicitor. Borough Manager Denlinger added that if Borough Council had concerns and given all of the unknowns Borough Council could choose to have a statement made by the Borough Solicitor to defend the intent of the short-term lodging ordinance and if commercial uses should be specified. Councilmember McCloud agreed with following up with the Borough Solicitor as there is a need to balance the concerns highlighted and redevelopment in the borough.

Roberts stated that she would follow-up with the Borough Solicitor to discuss the short-term lodging concerns and the need to specify commercial space and parking limitations in the R-1 zone.

Bills Payable

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

General Fund	\$713,940.61
Sewer Fund	\$108,424.85
Construction Projects Fund	\$1,840.00
Train Station Fund	\$982.24
Subdivision Escrow Fund	\$5,351.11
Health Insurance Fund	\$141,001.55
Parks Fund	\$18,392.06
Debt Service Fund	\$155,176.67
	\$631,045.51

The motion carried unanimously.

Adjourn

Prior to adjourning the meeting Borough Manager asked Councilmember Clark to select four slips to identify the gift certificates that the Borough would purchase for a giveaway at the upcoming GEARS reverse parade. The gift certificates would be a way to support downtown businesses. The four slips that were selected included BCS Applicant Inc, Ardor & Sage Hair Studio, Highlanders Cleaners and Elizabethtown Coffee Company.

Following a motion by Shaud, seconded by Troutman, the meeting unanimously adjourned at 7:40 p.m.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager