

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
November 21, 2019
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, November 21, 2019 at 7:00 p.m. at the Borough Office. Present were Council members Bill Troutman, Tom Shaud, J. Neil Ketchum Jr., J. Marc Hershey, Phil Clark and Jeff McCloud. Also present were Borough Manager Roni Ryan, Assistant Borough Manager Ann Roda, Police Chief Ed Cunningham, Planning and Zoning Director Pam Roberts, Public Works Director Jeff Kinsey, Mayor Chuck Mummert and Borough Solicitor Josele Cleary.

President Hershey called the regular meeting to order at 7:04 p.m. and noted that an executive session was held prior to the meeting to address a personnel matter. It was also noted, due to a traffic accident on 283, the agenda would be adjusted and the conditional use hearing would begin when the applicant and other representatives arrived.

Conditional Use Hearing - 295 S. Brown Street, Mars Chocolate NA

The conditional use hearing for 295 S. Brown Street, Mars Chocolate NA was called to order at 7:13 p.m. Josele Cleary, Solicitor for Borough Council from the firm Moran, Hallgren, Crosswell & Kane explained the procedures for the hearing in detail. Helen Gemmill with McNees Wallace & Nurick, Daniel Lenz with Mars Chocolate NA, and Brian Spray with Rettew presented the components and requests contained in the conditional use application for 295 S. Brown Street, Mars Chocolate NA. Council sought answers to questions on parking, stormwater controls, building height and noise. There was no public comment or questions from Borough staff, and at 7:54 p.m. a recess was held to discuss the application and conditions. At 7:59 p.m. the meeting reconvened and subsequently closed.

Approval of Meeting Minutes

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

1. Regular Meeting – October 17, 2019
2. Cable Franchise Renewal Public Hearing – October 17, 2019
3. Budget Meeting – October 30, 2019
4. Work Session Meeting – November 7, 2019
5. Announcement: Borough Council held executive sessions on November 14, 2019 and November 18, 2019 to address a personnel matter.

Reports

1. The Financial Report was unanimously approved after a motion by McCloud and second by Troutman.
2. There were no questions on the Code Enforcement report.

3. The Fire Company responded to 65 calls, during the month of October, of which 19 were in the Borough, with an average response time of 5 minutes 12 seconds.
4. Northwest EMS responded to 89 calls within the Borough during the month of October bringing the total year to date calls to 1060.

New Business

1. It was motioned by Ketchum, seconded by Clark, to approve the Conditional Use application by Mars Chocolate NA for 295 S. Brown Street with the following conditions deemed necessary to preserve and protect the surrounding neighborhood.
 1. Applicant shall install screening and landscaping in accordance with the Zoning Ordinance and Borough Subdivision and Land Development Ordinance, including Zoning Ordinance Section 1516.K.
 2. Applicant shall obtain all other required permits and approvals including, but not limited to, Uniform Construction Code permit.
 3. Applicant shall enter into a Storm Water Management Agreement with the Borough which shall be recorded prior to Applicant's final plan for the Addition. The Storm Water Management Agreement will apply to the proposed development area.
 4. Applicant shall obtain all necessary approvals or waivers of any necessary approvals under the Elizabethtown Borough Subdivision and Land Development Ordinance and the Elizabethtown Borough Storm Water Management Ordinance.
 5. Applicant shall provide financial security to secure the completion of storm water management facilities and other proposed development area improvements shown on Exhibits A-3 and A-4 and as indicated on any final subdivision or land development plan approved by the Borough Council. Such financial security shall be in an amount acceptable to the Borough Engineer and a form acceptable to the Borough Solicitor and shall be provided prior to the execution 5 of the final subdivision/land development plan by the Borough.
 6. Applicant shall reimburse the Borough for all attorneys' fees incurred in the review of the application, communications with representatives of Applicant, attendance at the conditional use hearing, preparation of the legal advertisement and decision, and communication with Borough representatives relating to the application.
 7. Applicant shall at all times comply with and adhere to the evidence presented to Borough Council at the hearing held on November 21, 2019, including, but not limited to, the Finding of Fact set forth in this Decision subject to such revisions Borough Council may subsequently approve as part of the preliminary and/or final subdivision and land development process.
 8. Any violation of the conditions contained in the Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.
 9. The foregoing conditions shall be binding upon the Applicant, its successors and assigns.

Motion carried unanimously.

2. It was motioned by Ketchum, seconded by Shaud, to approve a 120-day time extension for review of the AutoZone Land Development Plan for a revised review expiration date of March 30, 2020. Motion carried unanimously.

President Hershey asked if there was an option to approve an extension for a lesser amount of time. Planning and Zoning Director Roberts stated that council could elect a shorter time extension but it is likely AutoZone would request additional time due to the remaining work needed on the land development plan.

3. Planning and Zoning Director Roberts stated that Conoy Crossing has submitted an application to the Zoning Hearing Board for four variances in relation to the Conoy Crossing Phase 4 & 5. She provided an overview of the four variances that were being sought. These variances focused on: maximum lot coverage of 50%; requirement of a 100 foot clear sight triangle; requirement that driveways shall not connect to a public street within 40 feet of the right of way lines of intersecting streets nor within 3 feet of adjoining lot lines; and, the requirement that a variance shall expire if the applicant fails to obtain a zoning permit within one year from the date of authorization. The Zoning Hearing Board will meet on December 9, 2019 to review the application.

Councilmembers discussed the requested variances and took a position on the variance requested for the sight triangle and driveways. It was noted that a 3-way stop should be considered rather than just a 2-way stop. No other positions were stated.

4. It was motioned by Clark, seconded by Troutman, to approve the resignation of Dieter Ott from the Zoning Hearing Board effective immediately. Motion carried unanimously.
5. It was motioned by McCloud, seconded by Troutman, to approve the appointment of:
 - a) Eric E. Kopp II as a member of the Zoning Hearing Board effective immediately to fill an unexpired term until December 31, 2020.
 - b) Rebecca Hostetler as an Alternate member of the Zoning Hearing Board effective immediately to fill an unexpired term to December 31, 2021.Motion carried unanimously.
6. It was motioned by McCloud, seconded by Troutman, to approve three payments to eciConstruction, LLC for work performed on the Elizabethtown Public Works Garage. These payments were for: Invoice No.30.18062.14 in the amount of \$79,383.15; Invoice No.30.18062.15 in the amount of \$8,051.58; and, Invoice No.30.18062.16 in the amount of \$99,583.75. Motion carried unanimously.
7. It was motioned by Troutman, seconded by Shaud, to approve a Titan Gas and Power Energy Service Agreement for a 24-month term at \$0.44p per Ccf for natural gas at the Borough's Public Works Garage, 810 S. Market Street. Motion carried unanimously.

Bills Payable

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

General Fund	\$248,194.77
Sewer Fund	\$653,564.06
Capital Reserve Fund	\$292,861.96
Construction Fund	\$208,114.38
Liquid Fuels Fund	\$317,892.98
Train Station Fund	\$4,199.79
General Vehicle Sinking Fund	\$26,003.12
Subdivision Escrow Fund	\$1,729.26
Health Insurance Fund	\$66,919.56

The motion carried unanimously.

Public Comment

1. Trudy Johnston, 138 N Poplar St, discussed the Nutrient Trading Program and provided handouts to council. Following her remarks on potential credits, buyers and revenue she was informed that at the October 17, 2019 meeting council voted to not participate in the Nutrient Trading Program in 2019 but staff would evaluate participation in 2020.

Prior to adjourning the meeting President Hershey noted that council would hold an executive session following the meeting to discuss a personnel matter.

Adjourn

Following a motion by Shaud, seconded by Clark, the meeting unanimously adjourned at 8:24 p.m.

Respectfully Submitted,

Roni Ryan
Borough Manager