

ELIZABETHTOWN BOROUGH COUNCIL
PUBLIC MEETING
December 16, 2021
Minutes

A public meeting of Elizabethtown Borough Council was held on Thursday, December 16, 2021. Present were Councilmembers Tom Shaud, Bill Troutman, Jeff McCloud, Phil Clark, Vice-President J. Neil Ketchum Jr., President J. Marc Hershey, and Mayor Mummert. Also in attendance were Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Public Works Director Jeff Kinsey, Planning and Zoning Director Pamela Roberts, and Police Chief Ed Cunningham.

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

Public Comment

There was no public comment.

Approval of Meeting Minutes

After a motion by Councilperson McCloud, second by Councilperson Troutman, Borough Council voted unanimously to approve the December 2, 2021 Public Meeting minutes.

Reports

1. The Financial Report and PLIGT Report were unanimously approved as submitted after a motion by Vice-President Ketchum and second by Councilperson Troutman.
2. Chief Cunningham stated that there wasn't anything unusual to report for monthly activity. He noted calls are being received regarding stolen packages and he reminded residents to be mindful of their package deliveries and to retrieve them in a timeline fashion to reduce potential theft. Chief Cunningham added that at the annual meeting with EPD he had the pleasure to award two bravery awards and the Officer of the Year award to Officer Riehl.
3. There were no questions on the Code Enforcement Report for November 2021.
4. The Fire Company responded to 61 calls during the month of November 2021, of which 18 were in the Borough, with an average response time of 6 minutes 37 seconds. It was noted that members of the Fire Company have provided over 8,000 hours of service to the community.
5. Northwest EMS responded to 838 calls during the month of November 2021, of which 125 calls, 15%, were within the Borough. Year to date Northwest EMS has responded to 8,440 calls of which 1,341 (16%) were within the Borough.
6. There were no questions on the Elizabethtown Area Water Authority Reports for November 2021.

7. There were no questions on the September 2021 report from GEARS.
8. There were no questions on the October 2021 report from the Elizabethtown Area Community Services Authority.

Old Business

1. President Hershey stated that after months of negotiations and many Executive Sessions final contract terms have been reached with the Elizabethtown Police Officer Association. Upon motion by Councilperson McCloud and second by Councilperson Troutman, Borough Council voted unanimously to approve a contract with the Elizabethtown Police Officers Association contingent on a final contract incorporating all the terms agreed to by the parties in a form acceptable to labor counsel.
2. Borough Manager Denlinger provided an update on several projects planned by PennDOT on Market Street.

Related to PennDOT's SR 230 Section 041 Bridge Replacement project over the Unnamed Tributary to Conoy Creek the borough has been notified that PennDOT is in final design. The bridge is located in Mount Joy and West Donegal Townships and Elizabethtown Borough, Lancaster County. The project will be constructed during four (4) stages of construction. In each stage one (1) lane of traffic in both directions will be maintained and the center turn lane will be temporarily removed during Stages 1 through 3. Construction is anticipated to begin in April 2023 and will take approximately three months to complete, provided no unforeseen circumstances. Denlinger added that it has been explained by PennDOT that resurfacing of the Market Street will be completed to the limits of construction for the bridge replacement and then following bridge construction the remaining portion of the road will be resurfaced.

Denlinger stated for the resurfacing project, the borough has received several documents for review and concurrence. These documents include utility clearance (Form D-419), Consultant Approval Letter and Request for Incorporation. For the utility form, President Hershey suggested adding an OptiCom system to the red light at Giant. Police Chief Cunningham stated he would add to the utility form.

It was added that HRG provided a cost share offer letter that they received from PennDOT. Denlinger stated the letter may allow for 75% reimbursement from PennDOT for the Borough's expenses related to the sewer manhole replacement costs along Market Street. In order for the borough to request this reimbursement, this letter and an accompanying Resolution are required to be submitted to PennDOT on December 16, 2021 to meet their submission schedule. She added that staff reviewed these documents and also had them reviewed by the Borough Solicitor and no concerns were identified.

Upon motion by Vice President Ketchum and second by Councilperson Clark, Borough Council voted unanimously to approve Resolution 2021-13 authorizing submission of a reimbursement request to the Pennsylvania Department of Transportation for changes to the

sewer system of this Borough.

Denlinger requested Borough Council to consider authorizing the Borough Manager to execute any documents that do not directly require Borough Council review and signatures. The reason for the request is the speed documents are received and response for when they need to be acted upon.

Upon motion by Councilperson McCloud and second by Councilperson Shaud, Borough Council voted unanimously to authorize the Borough Manager to submit any future forms that may require approval in accordance with PennDOT requirements for the SR230-051 Market Street Resurfacing Project.

New Business

1. Police Chief Cunningham stated that an increasing number of Police Chiefs are working with the PA Chiefs Association, Mayors Association, and PSAB to have the State Legislature remove the Civil Service process requirement for Boroughs when hiring Police Officers. The Civil Service process was written in 1934 and has not been revised. He stated that the process is not a requirement of all Municipality types in Pennsylvania and it puts Boroughs at a competitive disadvantage with talent acquisition. It can take a borough 2.5 to 3 months to hire for an officer versus 1 month for other municipality types. If successful there would still be a hiring process but it would not be to the degree of what is currently required.

Upon motion by Councilperson Clark and second by Vice-President Ketchum, Borough Council voted unanimously to approve Resolution 2021-12 calling for the Pennsylvania State Legislature to remove the Civil Service process requirements in Chapter 11, Subchapter J from PA General Assembly Title 8.

2. Borough Manager Denlinger stated that there has been recent outreach from Lancaster County to advise that the Commonwealth of PA, through the Attorney General's office, is now in the final stages of a settlement with Johnson & Johnson and other parties regarding the opioid crisis. The AG's office has asked counties to help with communication and coordination of required approvals and paperwork by all municipalities in their counties with a population of 10,000 and above. It has been stated that Lancaster County may stand to gain up to \$15.7 million dollars in the settlement for dealing with addiction and treatment. Denlinger added that settlement participants must complete the necessary documents on or as close as possible to January 2, 2022.

Denlinger stated that guidance from Borough Solicitor was received that if the Borough participates, it may get some funds and if it elects not to participate, it will not get any funds unless it brings a separate action against the Opioid manufacturers. Denlinger added that based on guidance from the Solicitor, opting in to the settlement is relinquishing the right to sue. She added that the Borough is not likely to bring a separate suit; therefore, there is no reason not to participate.

Councilperson Troutman asked if it states how funding would need to be spent and Councilperson Shaud asked about smaller communities and why the size is set at a population of 10,000 and above. Denlinger responded that she did not have direct answers to the questions as information is still being provided.

Upon motion by Councilperson Clark and second by Councilperson McCloud, Borough Council voted unanimously to authorize the Borough Manager to complete the online documents that will allow Elizabethtown Borough to opt in to the National Opioid Settlement.

3. Assistant Borough Manager Roda stated that the Borough has received a request for a 179D Study, from Alliant Group, on behalf of Beers & Hoffman Architects. From information received a tax credit for energy efficiency for the design of the Elizabethtown Borough Public Works Garage may be available and Alliant is requesting the Borough allocate the tax deduction to Beers & Hoffman. Roda added that questions were asked of Alliant and the Borough's auditors to understand the request. It was understood that by signing off there is no implications for the Borough, any liability falls on the taxpayer beneficiary (Beers & Hoffman) and that it does not limit the ability to use the building or modify the building in the future. One item that is unknown is what the deduction amount would be. Alliant stated that they won't know the deduction amount until they have completed the study. They stated that the deduction amount can range between \$0.60/square foot to \$1.80/square foot.

President Hershey asked if there was a value to the tax credit that could be negotiated for, if there was a market rate for the tax credit. He also asked if other municipalities have completed 179D Study's and what their experience has been. Roda replied that she would complete additional research and provide more information at a future meeting.

4. Borough Manager Denlinger stated that the Elizabethtown Economic Development Corporation (EEDC) is looking to cease being an entity. As part of their work to close down operations, they must assign a judgement they currently hold. It is staff's understanding that the Elizabethtown Chamber of Commerce cannot accept the Assignment since they are a 501(c)(6) organization and the EEDC is asking if the Borough can accept the assignment. Based on guidance from the Borough Solicitor and the Auditor if the Borough accepts the judgment, on a personal property, there is the potential for collecting \$75,000, but depending on the balances of the mortgages there is also the potential for collecting less or even \$0. There would be a cost of perhaps \$200 every five years to keep the judgment current and not lose the priority of being first behind the mortgages. As far as financial reporting because the Borough reports on a cash basis, nothing happens until the money is collected.

President Hershey suggested that if the judgement is assigned and if it ever were to settle any received funding should go towards a community project.

Upon motion by Vice-President Ketchum and second by Councilperson Clark, Borough Council voted unanimously to accept an assignment of the judgement if the Elizabethtown Economic Development Corporation and its attorney prepare and execute all documents necessary to assign the judgment to the Borough.

Bills Payable

Upon motioned by Councilperson McCloud and second by Councilperson Troutman, Borough Council voted unanimously to approve the list of monthly bills as presented:

General Fund	\$143,728.22
Sewer Fund	\$77,214.74
Debt Service Fund	\$156,260.20
Capital Reserve Fund	\$111,699.00
Train Station Fund	\$1,032.72
Subdivision Escrow Fund	\$1,933.81
Health Insurance Fund	\$72,300.30

Prior to adjourning the meeting President Hershey stated that Borough Council will meet on Monday, January 3, 2022 at 6:00 PM for a required Reorganization Meeting.

After a motion by Councilperson Clark, seconded by Vice-President Ketchum, President Hershey adjourned the meeting at 7:29 PM.

Respectfully Submitted,

Rebecca S. Denlinger
Borough Manager