

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
March 21, 2019
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, March 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, Public Works Director Jeff Kinsey, and Planning and Zoning Director Pam Craddock. Absent was Mayor Chuck Mummert. Josele Cleary, Borough Solicitor, attended the meeting through to the conclusion of the Conditional Use Hearing.

President Hershey called the meeting to order at 7:00 p.m. and noted that council held an Executive Session at 6:00 p.m. to discuss a legal matter.

Conditional Use Hearing

The conditional use hearing for 701 East Willow Street (Village Green Apartment Complex) was called to order at 7:01 p.m. Josele Cleary, Solicitor for Borough Council from the firm Moran, Hallgren, Croswell & Kane explained the procedures for the hearing in detail. Tony Seitz with High Associates, Mark Stanley with McNees Wallace & Nurick, and Jeff Shyk K&W Engineering presented the components and requests contained in the conditional use application for 701 E Willow Street. There are currently 128 units on the property, mainly consisting of two-bedroom apartments. High Associates sought approval to construct an additional 64 dwelling units by the addition of eight buildings, each containing eight apartments.

Council sought answers to questions on parking, sidewalk and pedestrian walkways, timeline of project and projected rental costs. Borough staff questioned the orientation of the buildings, access to green space and bike storage. Following the discussion Mr. Stanley presented a set of proposed conditions for consideration and Ms. Cleary suggested the addition of two additional conditions.

There was no public comment, and at 7:58 p.m. a recess was held to discuss the application and conditions. At 8:05 p.m. the meeting reconvened and subsequently closed.

Action Item:

It was motioned by Clark, seconded by Troutman, to approve the conditional use request from High Associates with the following conditions:

1. Applicant shall enter into a Storm Water Management Agreement with the Borough which shall be recorded prior to or simultaneously with Applicant's final plan. The Storm Water Management Agreement will apply to the proposed development area.
2. Applicant shall clearly define all storm water BMP areas in the proposed development area. The Applicant shall maintain, inspect and record all required activities to maintain

BMPs and all other storm water management facilities and provide annual reports of such inspections and maintenance to the Borough.

3. Applicant shall provide the Borough with mapping of all on-site storm water outfall facilities to enable the Borough to meet its MS4 requirements. The format of such mapping shall be acceptable to the Borough.
4. The Borough may record this Decision at the expense of the Applicant. Upon request of the Borough, Applicant shall execute all documents necessary or beneficial to enable recording of the Decision. The Decision shall be recorded prior to the recording of any subdivision and/or land development plan for the Property. In the alternative, the Applicant may record a Memorandum of Zoning Conditions in form and content acceptable to Borough and the Borough Solicitor.
5. 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.
6. Applicant shall provide financial security to secure the completion of storm water management facilities and other proposed development area improvements shown on Exhibits A-1 and A-2 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 of the final subdivision/land development plan by the Borough.
7. 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.
8. Applicant shall, at all times comply with and adhere to the evidence presented to Borough Council at the hearing held on March 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. The project is subject to final engineering and existing site conditions which play a major role in the design and development of the site. Provided the final land development proposal is in general compliance and conformity to the Application, such revisions shall not necessitate the amendment of this Decision or the submission or approval of any new or revised conditional use application or plan.
9. All architectural rendering submitted by Applicant as part of the Application are conceptual in nature and were provided solely for illustrative purposes to demonstrate massing, visual structural break and potential streetscape. Provided any revision is in general compliance and conformity with the renderings, Applicant may make revisions to the final architecture and elevations of the proposed structures during the course of

construction, and such revisions shall not necessitate the amendment of this Decision or be deemed a change or revision to the Application. The architecture of the new buildings at Village Green shall contain certain of the features generally depicted on the rendering submitted as part of the Conditional Use.

10. Applicant shall install sidewalk or a pedestrian path along all portions of the Radio Road and Beechwood Lane street frontages which do not currently have concrete sidewalk unless Borough Council waives the requirement to install such sidewalk as part of the land development approval process. Applicant shall install sidewalk or a pedestrian path, acceptable to Borough Council, to provide a connection from the termination of the sidewalk on Beechwood Lane along the western and northern property lines to connect with the sidewalk on Radio Road. The land development plan shall include all sidewalk and/or pathways required by this Condition.
11. The Applicant shall comply with Section 616 of the Borough Subdivision and Land Development Ordinance entitled "Dedication of Park and Recreation Land" or, at Applicant's option, make other arrangements acceptable to the Borough as part of the land development phase of the project.
12. Applicant, subject to receipt of applicable Borough approval, shall work with the Fire Chief to incorporate the additional fire hydrant and certain mountable curb into the final land development plan.
13. 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.
14. The foregoing conditions shall be binding upon the Applicant, its successors and assigns.
15. Applicant shall work with staff at the land development plan stage to address pedestrian safety including, but not limited to, the pedestrian paths on Exhibit A-1 that terminate at parking spaces and force pedestrians to walk between cars.
16. Applicant shall work with staff at the land development plan phase to evaluate the provision of bicycle parking and storage.

Motion carried unanimously.

Public Comment

1. Jocelyn Gehamn, 402 E. High Street, spoke on behalf of several neighbors and herself concerning the intersection of E. High Street and S. Mount Joy Street. She remarked on accidents that occur at that intersection and the speed at which drivers drive down High Street. She also noted there to be visibility issues at E. High Street and Chestnut Street, due to the parked cars on E. High Street. She asked what could be done to improve the intersections and if the responsibility is not with the borough then asked who she should

Speak with next.

Approval of Meeting Minutes

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

1. Regular Meeting – February 21, 2019
2. Work Session Meeting – March 7, 2019

Reports

1. The Financial Report was unanimously approved after a motion by Ketchum and second by Troutman.
2. There were no questions on the Code Enforcement report.
3. The Fire Company responded to 52 calls during the month of February, 21 of which were in the Borough, with an average response time of 5 minutes 34 seconds.
4. Northwest EMS responded to 94 Borough calls during the month of February bringing the total year to date calls to 216.

Old Business

1. It was motioned by Shaud, seconded by Ketchum, to approve the 2018 Annual Audit as presented by Trout, Ebersole & Groff. The motion carried unanimously.

New Business

1. It was motioned by Troutman, seconded by Clark to approve the advertisement of an ordinance amending the Borough's Code of Ordinances, Chapter 21 Streets and Sidewalks addressing specifications for curb and sidewalk installation and Chapter 15 Motor Vehicles and Traffic addressing truck restrictions on certain streets in the Borough. The motion carried unanimously.
2. It was motioned by McCloud, seconded by Troutman, to approve the 2019 Paving Contract from Pennsy Supply Inc. in the amount of \$336,160.00. The motion carried unanimously.
3. It was motioned by Troutman, seconded by Shaud, to approve the 2019 Stone Contract from RE Pierson Materials in the amount of \$30,730.00. The motion carried unanimously.
4. It was motioned by Troutman, seconded by McCloud, to approve the 2019 Concrete Contract from Doug Lamb Construction, Inc. in the amount of \$58,430.00. The motion carried unanimously.

5. It was motioned by Clark, seconded by Troutman, to approve the 2019 Sanitary Sewer Replacement Project from MacMor Construction. In the amount of \$141,813.01. The motion carried unanimously.
6.
 - a. It was motioned by Clark, seconded by McCloud, to approve the amount of \$497,170.81 to eciConstruction, LLC for work performed on the Elizabethtown Public Works Garage (Invoice No. 30.18062.5). The motion carried unanimously.
 - b. It was motioned by Troutman, seconded by McCloud, to approve Change Order #6 for the Elizabethtown Public Works Garage Project in the amount of \$6,612.00 for environmental services performed by Advantage Engineers. The motion carried unanimously.

Bills Payable

Motion McCloud, second by Troutman, to pay the bills and budgeted transfers as presented:

General Fund.....	\$250,972.96
Sewer Fund	\$82,459.29
Subdivision Escrow Fund	\$8,416.79
Capital Reserve Fund	\$519,819.20
Train Station Fund	\$1,121.13
General Vehicle Sinking Fund	\$51,227.16
Health Insurance Fund	\$83,454.11
Parks Fund	\$6,423.00

The motion carried unanimously.

Adjourn

President Hershey noted that following the meeting council would hold an Executive Session to discuss a police personnel matter

Following a motion by Clark, second by Troutman, the meeting unanimously adjourned at 8:27 p.m.

Respectfully Submitted,

Roni Ryan
Borough Manager