

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
September 15, 2016
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, September 15, 2016 at 7:38 p.m. at the Borough Office. Present were Councilmembers Phil Clark, J. Neil Ketchum, Jr., Jeff McCloud, Tom Shaud, Dr. C. Dale Treese and J. Marc Hershey. Also present were Borough Manager Roni Ryan, Assistant Borough Manager Cindy Foster, Public Works Director Wayne Devan, Planning & Zoning Director Rodney Horton, Police Chief Jack Mentzer, Mayor Chuck Mummert, and Borough Solicitor Jim Diamond.

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

1. Regular Meeting—August 18, 2016
2. Work Session Meeting—September 1, 2016

Public Comment

1. **Carol Witmer, 129 N Maple Street**, spoke in opposition to any proposal to permit AirBnB establishments in the Borough citing safety concerns, the importance of inspecting rental properties, and the need to comply with business licensing requirements. She noted that she is in the process of gathering signatures of like-minded neighbors.
2. **Geralyn Frascella, 130 Maple Street**, noted she addressed Council at the last meeting and reiterated her opposition to any proposal to permit AirBnB establishments in the Borough. She stated she has collected about 50 signatures to date supporting her position.
3. **Joe Ulrich, 362 Aberdeen Road**, relating to the AirBnB issue, felt that rental units in residential neighborhoods should be shut down.
4. **Shaun Hostetter, 520 South Market Street**, expressed concern with the deteriorating condition of Peach Alley between the fitness center and Bainbridge Road. Hostetter requested additional signage, speed tables, and enforcement in that area as well.

Reports

1. The Financial Report was unanimously approved after a motion by Clark, second by McCloud.
2. The Code Enforcement Report was provided as an informational item.
3. The Fire Company responded to 68 calls during the month of August, 29 of which were in the Borough, with an average response time of 5 minutes 3 seconds.
4. Northwest EMS responded to a total of 121 calls in the Borough during the month of July and 151 calls in the Borough during the month of August bringing the year-to-date total for Borough calls to 881.

Old Business

1. Motion by Ketchum, second by Treese, to approve the Conditional Use application request filed by Mark Jordan to allow a ground floor dwelling unit in the Central Business District at 3 South Market Street with the following conditions:
 - a. The double-wide garage parking:
 - i. must be exclusive for the occupants of the dwelling unit and their guests;
 - ii. must not be assignable or waivable by the occupant;
 - iii. cannot be rented or licensed for use by any person other than the dwelling unit occupants; and
 - iv. stacked parking of vehicles, one behind the other, will not be considered as compliant.

- b. The dwelling and property must at all times comply with all other codes and ordinances, including but not limited to the requirements of Chapter 5 of the Elizabethtown Code of Ordinances, Part 1, Existing Structures and Property Maintenance Code; Part 2, Uniform Construction Code; and, if applicable, Part 3, Residential Rental Units Regulations.

Motion carried unanimously.

2. Council considered the Young Center Final Land Development Plan submitted by Elizabethtown College. **Caroline Lalvani, One Alpha Drive**, representing the College responded to questions concerning the timeline for the project, installation of crosswalks and sidewalk on Campus Road, and general pedestrian safety.

Motion by Ketchum, second by McCloud, to approve the Elizabethtown College Young Center Final Land Development Plan with the following conditions:

- a. compliance with Hanover Engineering's final review comments; and
- b. installation of approximately 200 feet of sidewalk along Campus road, appropriate placement and construction materials to be determined following review by Borough staff, to be completed within the project timeline.

Motion carried unanimously.

3. Amphitheater Renovation Project Discussion—**Chris Brown of Derck & Edson** reviewed the process to date and provided cost estimates to either rebuild the existing 700 square foot structure or replace it with an open design of approximately 1,100 square feet. He noted that both scenarios would move the building out of the floodplain. After much discussion it was agreed that the open design would be preferable. Brown agreed to return to the October 20th meeting with refined drawings, firmer costs, and a construction schedule considering completion in the spring. At Mentzer's suggestion he will also take vandalism resistant products into consideration.
4. Motion by Shaud, second by Clark, to approve Resolution 2016-12 certifying that property located at 28 East Hummelstown Street is blighted. Motion carried unanimously.
5. Motion by Treese, second by Clark, to approve Resolution 2016-13 outlining the terms and conditions and authorizing the sale of 616 South Market Street to the sole bidder, Rene Maldonado d/b/a The Yankee Builder for \$135,000.00. Motion carried unanimously.
6. Bed and Breakfast Ordinance Update—Ryan recapped the issue, public comment received, and discussions with legal counsel and reported that there is no ordinance in place to regulate these establishments. She stated that it is staff's recommendation that a closer review of the matter be undertaken prior to action. Hershey noted that while the process could take some time, Council will be looking to begin by creating a committee to study the matter with the goal of finding a resolution to bring these establishments within the confines of Borough ordinances.

New Business

1. Ryan reported that the Minimum Municipal Obligation (MMO) for police and non-uniformed employee pension plans for 2017 is \$382,244.00 and \$81,925.00, respectively.
2. Motion by Clark, second by McCloud, to approve transfer of a 1993 GMC TopKick C7000 single-axle dump truck to the Elizabethtown Area Water Authority for the sum of \$10,000.00. Motion carried unanimously with the exception of Shaud who abstained as he is an Authority employee.
3. Motion by McCloud, second by Ketchum, to approve an Electricity Supply Agreement with Constellation NewEnergy, Inc. for a four-year term at the fixed rate of .05696/kWh. Motion carried unanimously.

4. Ryan reviewed the Market Street Manhole Frames and Covers project and provided staff's recommendation that Council reject all bids to allow re-evaluation with the goal of lowering costs and rebidding or pursuing a Costars purchase.

Motion by Ketchum, second by McCloud, to reject all bids for the Market Street Manhole Frames and Covers Project. The following bids were received:

- a. Trenchless Line Company, Inc., Bridgeport PA \$100,433.00
- b. Doug Lamb Construction, Inc., Elizabethtown PA \$223,378.00
- c. DeTraglia Excavating, Inc., Mechanicsburg PA \$231,150.00
- d. Shiloh Paving & Excavating, Inc., York PA \$318,250.00
- e. Michael F. Ronca & Sons, Inc., Bethlehem PA \$328,300.00
- f. Kinsley Construction, Inc., York PA..... \$353,749.95

Motion carried unanimously

5. Pre-budget Capital Improvement Plan Projects Overview—Ryan reviewed Council's Guiding Priorities before highlighting proposed capital projects for 2017 through 2021 for the following funds: General, Parks, Liquid Fuels, Capital Reserve, and Sewer. She reported that the proposed projects are those expected to cost \$10,000 and above and she promised further updates throughout the 2017 budget process.

Bills Payable

Motion by McCloud, second by Ketchum, to pay the bills as presented:

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| General Fund..... | \$118,394.80 |
| Sewer Fund | \$246,158.02 |
| Capital Reserve Fund | \$5,245.85 |
| Subdivision Escrow Fund | \$1,030.95 |
| Parks Fund | \$1,023.95 |

Motion carried unanimously.

Following a motion by Shaud, second by Clark, the meeting unanimously adjourned at 9:32 p.m.