

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
August 21, 2014
Minutes

The regular meeting of Elizabethtown Borough Council was held on Thursday, August 21, 2014 at 7:00 p.m. at the Borough Office. Present were Councilmembers Phil Clark, J. Marc Hershey, Jeff McCloud, Tom Shaud, Dr. C. Dale Treese and J. Neil Ketchum, Jr. Also present were Borough Manager Roni Ryan, Assistant Borough Manager Cindy Foster, Planning & Zoning Director Rodney Horton, Police Chief Jack Mentzer and Mayor Chuck Mummert.

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

1. Regular Meeting—July 17, 2014
2. Work Session Meeting—August 7, 2014

Public Comment—None

Reports

1. The Financial Report was unanimously approved after a motion by Clark, second by Shaud.
2. The Code Enforcement Report was provided as an informational item.
3. The Fire Company responded to 48 calls during the month of July, 22 of which were in the Borough, with an average response time of 5 minutes 30 seconds.
4. Northwest EMS responded to 128 calls in the Borough during the month of July bringing the year-to-date total for Borough calls to 847.

Old Business

1. Motion by Clark, second by Treese, to approve Ordinance No. 958 amending portions of Chapter 15, Motor Vehicles and Traffic, Part 4, General Parking Regulations, of the Code of Ordinances of the Borough of Elizabethtown to institute parking restrictions on the south side of East High Street in sections between School Lane and Hickory Lane and for a section on the west side of Hess Avenue at its intersection with West High Street. After a roll call vote, the motion carried unanimously.
2. Motion by Hershey, second by McCloud, to approve Ordinance No. 959 authorizing the Borough to enter into an intergovernmental agreement to establish the Elizabethtown/West Donegal/Mount Joy Township Zone Emergency Management Agency (EMA). After a roll call vote, the motion carried unanimously.

New Business

1. Motion by Treese, second by Shaud, to approve Resolution 2014-14 instituting financial policies governing various Borough Funds. Motion carried unanimously.
2. Motion by Shaud, second by Treese, to authorize advertisement of an ordinance amending Chapter 5, Existing Structures and Property Maintenance, of the Code of Ordinances of the Borough of Elizabethtown to create a “quick-ticket” option for Code Enforcement Officials of the Borough. Motion carried unanimously.
3. Motion by Treese, second by McCloud, to approve Resolution 2014-15 approving an additional funding request from the Elizabethtown Area Chamber of Commerce in the amount of \$10,000 to promote Elizabethtown and its downtown as a destination. In response to a question raised by Hershey, it was noted that the Chamber will provide Council with quarterly progress reports. Motion carried unanimously.

4. Motion by Shaud, second by Clark, to approve modification requests for the Conoy Crossing Phase 2A Final Subdivision Plan and authorize execution of accompanying revised Land Development Agreement.
 - a. Waiver Requests
 - i. Modification of the requirements in Chapter 21, Section 503.14.B—Design Standards of Right-of-Way, requesting a modification from the required right-of-way at sixty (60) feet for a section of right-of-way at fifty-two (52) feet to accommodate the location of existing gravesites.
 - ii. Modification of the requirements in Chapter 21, Section 103.1.F, H, & I – Grass Strip, requesting a modification from the required grass strip between the curb and sidewalk for a section to accommodate the construction of a four-foot sidewalk and retaining wall adjacent to the gravesite.
 - b. Conditions
 - i. Applicant shall construct a sidewalk and retaining wall as proposed in the plan dated August 7, 2014.
 - ii. Applicant shall approve a revised Land Development Agreement including the revisions to the plan and attach the gravesite plan submitted and dated August 7, 2014 as Exhibit A.
 - iii. Applicant shall approve a revised Stormwater Management Agreement and Declaration of Easement and Sidewalk Agreement including the revisions to the plan and attach the gravesite plan submitted and dated August 7, 2014 as Exhibit A.
 - iv. Applicant shall provide a Letter of Credit as financial security for the proposed improvements or provide for no further reduction in the amount of existing financial security until the amount of financial security exceeds 110% of the remaining improvements on the Phase 2A plan plus 110% of the cost of installing the retaining wall and sidewalk.
 - v. Applicant shall provide revised stormwater management plans and a revised stormwater management agreement as required per engineering review.
 - vi. The August 21, 2014 review comments from Hanover Engineering are addressed.
- Motion carried unanimously. McCloud noted that this action was taken to help the developer keep intact a small cemetery discovered on the property.

Public Comment:

Linda Reheard, 649 Hershey Avenue, Lancaster stated she is a distant relative and asked why Council deliberated this issue when she has been told that the Borough has nothing to do with the cemetery. She felt that the developer should not have been allowed to construct the road in its current location. Ketchum explained that Council does not regulate gravesites; the issue tonight relates to the land development plan. He noted that once the gravesite was discovered construction ceased. He suggested Reheard pursue other arenas to voice her concerns.

Kendra Nissley, 1306 Pecks Road, Middletown, asked what the correct forum would be to voice these concerns. Treese suggested submitting written concerns to Borough staff to be forwarded to a Borough Solicitor for guidance and feedback. It was noted that the Borough utilizes several solicitors to prevent potential conflicts of interest.

Kehn LeFever, 1319 Greystone Road, Manheim, addressed Council as a representative of a group dedicated to protecting gravesites and speaking for those who cannot speak for themselves. Based on the action taken tonight, LeFever thanked Council for allowing the family plot on this site to rest in peace.

5. Motion by McCloud, second by Clark, to approve Requisition 2014-8 dated August 21, 2014, for the Elizabethtown Pedestrian/Bicycle Pathway Project in the amount of \$144,894.84 payable to Horst Excavating. Motion carried unanimously.

Bills Payable

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

Approve the list of monthly bills as presented:

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|-------------------------------|--------------|
| General Fund..... | \$184,302.81 |
| Sewer Fund | \$136,156.93 |
| Capital Reserve Fund | \$32,813.41 |
| Subdivision Escrow Fund | \$544.11 |
| Parks Fund | \$3,569.95 |

Motion carried unanimously.

Following a motion by Treese, second by McCloud, the meeting unanimously adjourned at 7:30 p.m.