

**ELIZABETHTOWN BOROUGH COUNCIL  
WORK SESSION MEETING  
March 5, 2020  
Minutes**

The Work Session Meeting of Elizabethtown Borough Council was held on Thursday, March 5, 2020 at the Borough Office. Present were Council members Tom Shaud, J. Neil Ketchum Jr., J. Marc Hershey, Phil Clark and Jeff McCloud. Also present were Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Public Works Director Jeff Kinsey, Planning and Zoning Director Pamela Roberts, Chief Cunningham and Mayor Chuck Mummert. Absent from the meeting was Bill Troutman.

President Hershey called the meeting to order at 7:00 p.m. and stated that prior to the meeting council met in Executive Session to discuss a personnel matter to discuss a labor agreement.

Public Comment

No public comment.

Police Department

1. Chief Cunningham presented the monthly report for the month of February. There was nothing within the report noted to be an unusual incident. The Chief added that the nice weather has given the officers the opportunity to be more proactive with residents in several neighborhoods. There were no questions on the report.
2. Chief Cunningham stated that in pulling together the grant application that it was determined that the grant would be \$125,000 total for the three-year period and not \$125,000 each year. This was a revision from his earlier presentation. Chief Cunningham noted that while the grant is quite lower than previously discussed it would be a significant savings. Borough Manager Denlinger added that in year one the position cost would be roughly 43%, year two would be roughly 45%, year three would be roughly 48% and year four would be 100%. President Hershey asked if this changed the ability to move people and positions around within the Department. Chief Cunningham responded that it would not but that the Department could not be decreased in size over the four years. President Hershey asked if this change impacted the previous decision of council. No comments were made by individual councilmembers so the Chief was informed to proceed with the grant application.
3. Chief Cunningham discussed the need to replace the radios that are currently in use. The existing radios were purchased in 2014 and have a service life of 5-7 years. The radios are listed to be replaced next year within the capital improvement plan however the radios are failing and the costs listed in the plan is not adequate. Chief Cunningham reviewed a quote that was received and recommended the purchase of the Harris Brand radio which is the brand other departments, such as NWEMS and Lancaster City PD, are switching to as radios are replaced. The Harris brand has a service life of 7-10 years.

Shaud asked if the new radios would work with other older equipment. Cunningham responded that the radios would not work with older equipment. Ketchum and Hershey each asked a similar question on buying as a group if more departments were switching. Cunningham responded that the price already is with the Co-Star price and a county discount.

President Hershey asked if there was any value in having radios shared between officers. Cunningham responded that individual radios is the trend and with the shifts worked and the varying directions officers go throughout a shift there may be issues with batteries and the microphones will be keyed to each office with a GPS locator. The Mayor asked if the radios would allow for communication between Police departments. Cunningham indicated that it would be the same radio system just different hardware. Ketchum asked about the timeframe of the purchase and how the radios would compare or duplicate with the cell phones in use. The purchase would be as quickly as practical and the radios and not all officers have cell phones so there would be limited duplication.

President Hershey noted that for future replacements this purchase is set up similar to the vehicle purchase. He also asked if the purchase could be staggered over a couple of purchases. Cunningham replied that it could be possible if that is the direction they would like to proceed with. McCloud made mention that the quote is good for 60 days and would support the replacement of the radios. Ketchum also stated support for the radios but would like some time to review the quote and the budget. President Hershey asked for the topic to be placed on a future agenda.

#### Administration

1. Eric Brinser, Rettew Associates, provided an overview of the land development plan since the Conditional Use Hearing that was held on November 21, 2019. Daniel Lenz, with Mars Chocolate NA, was also in attendance to answer questions. Mr. Brinser noted that many of the changes were related to plan notes and administrative items and they requested a waiver of the preliminary plan requirement. Mr. Brinser also stated that Mars Chocolate had received approval for the NPDES permit.

Ketchum asked about the overflow parking lot and if it would be stone or asphalt. Mr. Brinser stated that the overflow parking lot will remain gravel. Lines will be painted directly onto the gravel. Mars Chocolate understands that there will be ongoing maintenance to maintain the lines on the gravel lot. Due to the location on the property, Mars Chocolate feels that it is best for the lot to remain unpaved and only gravel.

2. Thomas Nehilla with Barley Snyder was present to review a Zoning Ordinance text amendment proposal for the Mixed-Use District. He noted that prior to the meeting a side by side comparison of the proposal was provided following the presentation made on February 6, 2020.

Ketchum asked for clarification on parking spaces and Hershey followed asking about parking for the Lofts at Savoy and if the plans covered both parking needs. Attorney Nehilla responded that they are anticipating 0.75/1.75 per dwelling unit, with units being 1-2 bedrooms, so rounding up would be 1-2 spaces possibly for each unit. Attorney Nehilla

added that the plan does not include parking for Lofts of Savoy.

A question was asked if they had determined if the building would be 4 or 5 stories. The developer is considering 4 with no parking in the building. President Hershey questioned what the next steps would be since this was not a formal submission yet. Attorney Nehilla stated a formal submission would be made for the ordinance revision in about 2-3 months. Planning and Zoning Director Roberts added that the submission would be sent to the Planning Commission and the County Planning Commission for review.

Clark commented on the potential affect this potential amendment would have in other mixed-use zones within the Borough. Ketchum asked if this amendment could be segmented to mixed use by the train station. Planning and Zoning Director Roberts responded that it could possibly be an overlay district but that would be a different proposal since it would be a text amendment and a zoning map change. Borough Manager Denlinger added that council could consider rezoning now and then under the revision of the comprehensive plan the overlay could be further defined. President Hershey indicated that updates such as the overlay should be done holistically as part of the comprehensive plan.

3. It was motioned by Shaud, seconded by Clark, to approve the Conoy Crossing Phase 4 & 5 Final Land Development Plan with the following modifications and conditions:
  - Modifications
    - Chapter 17, Section 302.A(1) – Volume Control
    - Chapter 17, Section 303.C – Rate Control Dewatering Time
    - Chapter 22, Section 303 – Preliminary Plan
    - Chapter 22, Section 606.1.C – Clear Sight Triangle
  - Conditions
    - Response and compliance with the comments of Hanover Engineering dated March 4, 2020.

Motion passed unanimously.

As an introduction to the agenda item Planning and Zoning Director Roberts stated that since the February 20, 2020 meeting Conoy Crossing submitted a revised version of the Phase 4 & 5 Land Development Plan which no longer contains the lot add-on to the Espenshade property. The owner of the Espenshade property will no longer be required to sign the Phase 4 & 5 Land Development Plan. She also stated that a note was added to state that the existing driveway is for agricultural use only.

President Hershey asked Jake Olweiler, project developer, if there would be anything that would prevent the development from complying with the modifications and conditions. Olweiler responded no.

4. Assistant Borough Manager Roda stated four proposals were received for the Phase 1 Environmental Assessment request. These proposals were received from Reliance Environmental, Liberty Environmental, RETTEW and Hanover Engineering. Each proposal outlined similar work tasks and work product but they varied in completion time and cost. It was motioned by Clark, seconded by McCloud, to have staff sign the proposal from Reliance

Environmental and the Phase I Environmental Site Assessment completed. Motion passed unanimously.

5. President Hershey noted that he asked Borough Manager Denlinger to place this topic back on the agenda. Denlinger added that the positions listed are those that have current vacancies. She added that the by-laws for IDA do not say that you cannot have more than one council member so for this vacancy a council member could be nominated. Ketchum indicated he would serve in this capacity unless there were another nominee. It was motioned by Clark, seconded by McCloud, to appoint J. Neil Ketchum to the Elizabethtown Industrial Development Authority. Motion passed unanimously with Ketchum abstaining.

Denlinger stated that borough staff will place the vacancy for the Zoning Hearing Board and Vacancy Board on the website, Facebook and in the upcoming newsletter for interested volunteers.

6. Gary Weaver and Erika Parker, with Tippets Weaver, and Matt Twomey, with Capital Construction Management, were present to review the bid results that were received. Chis Gibbons, with Concord Public Financial Advisors Inc., was also present to discuss the financing of the project along with refinancing the public works garage debt service.

Weaver stated upon detailed review of the bids and upon receiving further legal advice, the project team determined that only Wagman Construction, Inc.'s bid was a responsive bid. This bid included the bid form, bid bond, qualification statement and a construction schedule meeting the completion schedule outlined in the bid documents. The other bids submitted were missing one or more of these required bid requirements. Wagman Construction Inc. bid was in the amount of \$2,820,000 with eight alternates to consider.

Weaver outlined possible options and risks to consider for the project. These included: review the alternates and accept the responsive bid; reject all bids and rebid the project; or, reject all bids, redesign the project and then rebid. Weaver then walked through the bid alternates.

President Hershey asked how the bids were submitted not including all documentation. Weaver responded that the issue came about as it relates to the use of PennBID and the bid form. The addendum outlined 300 days and the bid form included a space for days to be written in. The bid form wasn't submitted with the bid amounts just submitted through PennBID. Hershey followed up asking if the base bid includes contingency and soft costs. Weaver responded that the bid amount was just construction cost and did not include soft cost or likely a contingency amount.

The project team walked through the alternates that were included in the bid material. Questions were asked about roofing material and stone wall height. It was determined by council to keep all alternates part of the base bid.

Chis Gibbons provided council with an overview and results from the request that Concord Public Financial Advisors Inc. conducted related to financing. Twenty proposals were

received with the most efficient proposal being submitted by Webster. With the financing all work would need to be completed within the next three years. President Hershey asked if the project were to be rebid if that would impact anything with the timing associated with the financing. Gibbons responded that it likely would not have an impact if the bid were done now versus a few months from now. McCloud stated he is reluctant to rebid the project as it is not a sure thing that bids will be received.

It was motioned by Clark, seconded by Ketchum, to reject all received bids and advertise the project with no alternates. Motioned passed with McCloud opposing.

President Hershey added that for the project financing that it should look to include the refinancing the public works 2018 financing, construction of 56 N. Market Street and design of EPD expansion at 600 S. Hanover Street.

After a motion by Shaud, seconded by McCloud, the meeting was adjourned at 9:17 p.m.

Respectfully Submitted,

Rebecca S. Denlinger  
Borough Manager