

MINUTES  
New Holland Borough Council  
May 3, 2016

New Holland Borough Council met in regular session on Tuesday, May 2, 2016 at 7 p.m. in Borough Hall. Members present were: President Donald J. Herrington, Vice-President Todd C. Burkhart, Patrick K. Morgan, James S. Bailey, John A. Styer and John A. Armbrust. Member Terry S. Mohler was absent. Also present were Manager/Secretary J. Richard Fulcher, Solicitor Bradford J. Harris, Mayor Wilbur G. Horning, Police Chief Donald L. Bowers, Jr. and reporter Dave LeFever. Others in attendance included Borough stormwater consultant Darrell Becker of ARRO Consulting, Borough water consultant Jeff Bologna of Becker Engineering, local Surveyor Roger Fry of Fry Surveying for the subdivision of 228 East Main Street, Dave Keener of G. D. Keener Consulting for the Goodville Mutual development plan, and residents Bryant Glick, Larry and Patricia Smith.

President Herrington opened the meeting, asking for action on the Minutes of Council's prior meetings.

Jim Bailey made the motion that the Minutes of Council's meeting of April 5, 2016, be approved as distributed. This was seconded by John Styer and passed.

Todd Burkhart made the motion that the Minutes of Council's Workshop of April 27, 2016, be approved as distributed. This was seconded by Patrick Morgan and approved.

Patrick Morgan made the motion that the monthly Financial Report be accepted and the bills paid as prepared. This was seconded by Jim Bailey and passed.

Police Committee Chairman Burkhart then asked Police Chief Bowers to review his monthly Report of Department activities.

Chief Bowers reported that arrests, crashes and even alarms were down last month. Some of the activities of the officers during the month included Officers Fritz and Specht doing a bike safety program along with Officer Friendly; Officers Jed Custer and Josh Beideman received "Atta boy" recognition from an Earl Township resident, thanking them for their promptness to a call from Greentree Road; the school district nurses expressed their Thanks to himself and Officer Fritz for the presentation by them on heroin and Nalaxon; the Department hosted the county-wide computer/tech meeting on the 7<sup>th</sup>. A Bike Safety Rodeo was held on the 30<sup>th</sup>

at Garden Spot Fire Rescue, with Officers Young, Bitner, Achenbach, Sergeant Willwerth and himself participating. A Drug Take Back program was held on the 30<sup>th</sup> at Garden Spot Village. They took in about 100 pounds. This is less than previous ones but the Drop Off box in the Borough building is heavily used, so this probably accounts for much of the difference. Garden Spot Village held its annual Marathon on the 9<sup>th</sup>. This was the first one where it snowed. Over 1,300 runners took part. There were five police officers assigned to it from two Departments and 36 Fire Police assisted. This is what helps make the event safe for the runners and the public. He also noted that the First Quarter Report from the county's Drug Task Force was included with the month's Department Report.

Finance Chairman Patrick Morgan then made the motion that Council approve the payment of the budgeted donation of \$500 to the United Veterans Council in support of its Memorial Veterans Council in support of its Memorial Day activities. He noted Council has increased its support with this from the previous \$310 to the \$500. This was seconded by Todd Burkhart and passed.

On behalf of the Streets Committee, Todd Burkhart made the motion that Resolution #486, which formally designates Secretary Fulcher as Authorized to Execute the necessary documents for the Federal Emergency Management Agency related to the declaration of the late January snowstorm as an officially recognized Disaster, be approved. He noted that since the storm was declared an official Disaster, municipalities can be reimbursed for some storm related costs. The motion was seconded by Patrick Morgan and passed.

Dave Keener of G. D. Keener Associates, representing Borough business Goodville Mutual Insurance Company reviewed the request for a Waiver related to the planned expansion of the business and current stormwater regulations. Due to the closeness to the surface of much of the rock under the stormwater basins, there is not enough earth to meet requirements. Though there is a section in the Ordinance which mentions 24 inches, they are identifying the section which requires 48 inches of soil between the bottom of the basin and any rock surface beneath it. The section they are asking for waiver approval of is the minimum 48 inches is where such conditions exist; in lieu of the 48 inches.

Borough stormwater consultant Becker noted that he has reviewed this along with the Borough's Planning Commission and the circumstances justify granting of the Waiver and overall the drainage situation will still improve significantly. The Planning Commission also recommends approval.

The members then briefly reviewed the access location change involved with traffic use between the Mennonite Church to the east and Goodville, as well as the identification of the existing right of way the Church currently has running n/s at the northwest edge of its property onto West Conestoga Street. There is a note on the plan as to future public access potential.

Todd Burkhart made the motion that the Waiver request of Goodville Mutual for the 24 inch minimum of earth beneath the bottom of the stormwater basins when necessary be approved. This was seconded by John Armbrust and passed.

Todd Burkhart next made the motion that the Final Plan, single lot subdivision of 228 East Main Street, for Gene and Craig Lowry be approved, noting that the Borough's Planning Commission has reviewed it and it meets all requirements. He noted, Surveyor Roger Fry is here this evening representing the owners should there be any questions. Patrick Morgan seconded the motion which passed.

Todd Burkhart then made the motion that the request of the Cross Connection for the partial closing of West Franklin Street, mainly in front of the properties of the Cross Connection for what it is calling a Block Party, on Wednesday, June 29 from 11 a.m. to 3:15 p.m. be granted. He noted that though this does not meet the usual Borough closing guidelines it appears that allowing the closure will be much safer for the number of youngsters involved. Both he, on behalf of Franklin Street Garage and the owner of the nearby MFG Manufacturing are aware of the request and though inconvenient, both will have access to their businesses, one to the east, the other to the west of the event. This was seconded by Jim Bailey and passed.

Todd Burkhart made the motion that the request of the Cross Connection for the closing of West Franklin Street between South Roberts and South Custer, on Monday, October 30, from 5 p.m. to 8 p.m. for its annual Halloween Trunk or Treat Night, be approved. This was seconded by John Armbrust and passed.

There were no Personnel, Property, Water or Wastewater action items presented.

Mayor Horning reported the fines received through the Police Department last month were: \$1,351.86 from the District Justice's office; \$180 from Accident Reports; \$20 in Fingerprinting; \$10 from Parking fines. He then read the following Mayoral Proclamation, related to National Police Week, May 15-21 and May 15, Police Officer's Memorial Day; a good time to Thank a police officer for the job they do.

### **2016 National Police Week Proclamation**

**WHEREAS**, the Congress and President of the United States have designated May 15th as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

**WHEREAS**, the members of the law enforcement agency of NEW HOLLAND Police Department play an essential role in safeguarding the rights and freedoms of the citizens of EARL TOWNSHIP AND NEW HOLLAND BOROUGH; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**WHEREAS**, the police department of NEW HOLLAND has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

**NOW, THEREFORE**, I, Mayor WILBUR HORNING, call upon all citizens of EARL TOWNSHIP AND NEW HOLLAND BOROUGH and upon all patriotic, civil and educational organizations to observe the week of May 15th through 21st, 2016, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

**I FURTHER** call upon all citizens of EARL TOWNSHIP AND NEW HOLLAND BOROUGH to observe Thursday, May 15, 2016, as Peace Officers Memorial Day in honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the BOROUGH OF NEW HOLLAND to be affixed.

Solicitor Harris reported that an owner who recently sold his townhouse on South Whisper Lane apparently had the subdivision requirement of being responsible for the electric of one of the two private sewer pump stations removed from his deed without Borough approval. This may cause issues with the Borough in the future and the maintenance responsibilities of this pump station. He has been in communication with the person's, Larry Burkholder, attorney to have this corrected but he is apparently ignoring it. He would like formal Council authorization to pursue this matter through legal channels if necessary.

Todd Burkhart made the motion that the Solicitor be authorized to take the necessary actions to have this owner's actions related to his removing of the deed restrictions and responsibilities properly restored or otherwise legally transferred, meeting the subdivision requirements. This was seconded by Patrick Morgan and passed.

Manager Fulcher reported that there was another group meeting at the Diller Avenue Railroad Crossing, called by Penn DOT and attended by the Borough, Norfolk Southern, the PUC, and all utilities but Comcast. The net result was that in recognizing a number of practical issues, along with the need for a number of

the utilities to raise the height of their working wires in the nearby utility poles, the project will again be delayed. Frontier Communications needs to replace two existing poles it owns with higher ones due to the design of the signal crossing gates. He also noted in response to a question from Vice-President Burkhart, that the beginning of the project has been given an extension to Norfolk Southern though the end of the year. The next step is for Frontier to replace the two designated poles.

There being no further business or public comment, the meeting was adjourned at 7:35 p.m.

June 7, 2016

Date Approved