

MINUTES  
New Holland Borough Council  
September 5, 2017

New Holland Borough Council met on Tuesday, September 5, 2017 at 7 p.m. in Borough Hall. All members were present: President Donald J. Herrington, Vice-President Todd C. Burkhart, Patrick K. Morgan, James S. Bailey, Terry S. Mohler, John A. Armbrust and John A. Styer. Also present were Manager/Secretary J. Richard Fulcher, Mayor Wilbur G. Horning, Solicitor Bradford J. Harris and Police Chief William D. Leighty. Others in attendance included Borough water consultant Jeff Bologna of Becker Engineering, Borough MS4 consultant Mark Harmon of ARRO Consulting and Borough residents Bill Kassinger, Diana Morgan, Mike Kurtz, Dave Lutz and resident/representative of the ELANCO Library, Mike Ireland and reporter Carole Deck.

President Herrington opened the meeting, asking for action on the Minutes of the last meeting.

Patrick Morgan made the motion that the Minutes of Council's meeting of August 1, 2017, be approved as distributed. This was seconded by Todd Burkhart and passed.

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

President Herrington then noted that the next portion of Council meeting is to serve as a public hearing for the Borough's MS4 Pollution Reduction Plan for the period 2018 – 2023 as required to be submitted to PA DEP, to meet federal and state law. The Borough's consultant for MS4 requirements is present this evening should there be comments or questions.

Mr. Harmon reported that this Hearing portion of Council meeting is to meet PA DEP and EPA requirements related to the MS4 Stormwater law and regulations, which must follow the federal law and EPA in its processes. The current requirement is for the Borough, and other municipalities, to submit a Five-Year Plan, referred to as the Pollution Reduction Plan (PRP), for the years 2018 through 2023. This is similar to the five-year Permit process a municipal wastewater plant has to go through every five years for an NPDES Permit. In response to a question from President Herrington, he noted that the Borough's MS4 PRP must show a literal or physical reduction of at least 10 percent from its current stormwater flows

from the Borough's outfalls. There are numerous alternative possible actions outlined in the Plan which the Borough can review and analyze as to the best approach to accomplish this before 2024. The Plan is flexible in that sense and an annual status report has to also be submitted.

Mayor Horning stated he heard that street sweeping can reduce some of the volume load. Being at the downtown Museum on many occurrences, it seems there is a constant layer of dust from traffic. He inquired if additional sweeping of Main Street be of assistance towards the reduction effort.

Mr. Harmon replied that the current sweepings are counted and any additional sweeping would have some type of impact but it would be very small as to the amount involved. It would probably not make any real or a minimum difference unless the sweeping was very inexpensive.

In response to a question from Councilman Bailey, Mr. Harmon reminded members that the federal and state laws behind this relate to the Chesapeake Bay cleanup initiative as well as maintaining clean and safe water supplied. On behalf of the EPA, PA DEP has been inspecting municipalities across the state, some of which have been fined by the EPA. The Borough went through this last year and no issues or problems were identified; just suggestions as to additional things that could be considered. He has been working with New Holland for the past eight years or so on this and it is far out ahead of many other boroughs and townships. Streets, Parks, Maintenance Supervisor Buzzard has been highly involved and he has included some of his other staff to become familiar with these laws and regulations. He and Manager Fulcher have been very helpful with this. They have been doing a good job meeting the requirements.

Police Chief Leighty then briefly reviewed the monthly Department Report. Some of the major items included that there were 12 felony or misdemeanor arrests; 8 summary offences; 2 reportable and 4 non-reportable accidents; 33 traffic citations and 28 warnings. Officer Beideman completed vehicle Inspection Violation School. He and Lt./Dt. Heisse attended seven community activities during the month and he attended an additional six.

Police Committee Chairman Burkhart then made the motion that Council approve the extension of the participation of Officer Deshong as part of the county's Drug Task Force, through December 2017. This was seconded by John Armbrust and passed.

Finance Chairman Morgan made the motion that the budgeted second half of the year tax contribution of \$7,250, be approved for payment to the Eastern Lancaster County Library. This was seconded by Todd Burkhart and passed.

Councilman Bailey stated for information purposes that during the Labor Day Fiddler's Picnic, Captain Brower of the Fire Police thought there would be less of a parking issue if the second grass area south of Jackson Street, below the pool was redone so the grass was not so wide. Mr. Bailey noted that there seemed to be a few extra Fire Police Officers present and he wondered why they were not assisting with the parking areas so these things were monitored.

Councilman Mohler stated that as President of the Dolphins Swim Team, he is aware of this and it is not a problem if staff monitors it and it only occurs two or three times per year. It does not justify spending on some type of relocated lane.

Streets Chairman Mohler reported he had no action items for this evening but did have a request from the Garden Spot Fire Rescue organization, in a letter to Council and the Borough Authority. Following a regular meeting with the municipal representatives and members of the fire company's financial group, he was presented with the letter (on September 4, 2017) and asked to present it to Council this evening. The letter basically asks Council to encourage the Borough Authority, which owns the wastewater treatment plant property, where they had been previously allowed to conduct fire and rescue practices, to not take any action towards the removal of the former practice structure before the end of 2017. This involves the Authority as owner and Council as water system operator and the hazardous materials spill by GSFR in March; as well as the Notice of Violation from PA DEP related to the Authority's South Custer Avenue well. GSFR would like to see if they have any options under the laws involved for the Authority to possibly allow them to continue this activity. They have not and are not using the facility since the spill. Their letter also has a page of items from a consultant they utilized relative to its opinion of the situation.

Councilman Bailey inquired why the Fire Company is continuing to pursue this practice at this location with the water and stormwater liabilities; why aren't they using the county training facility?

Councilmen Mohler and Armbrust indicated that the location is closer and more convenient for training purposes and they would have to coordinate their timing with the training center's schedule.

It was the consensus of the members for Manager Fulcher to relay Council's understanding of the request as reasonable, as long as they are not using it, to the Authority; as Manager Fulcher is also responsible as Manager/Recording Secretary of the Authority.

Manager Fulcher stated he is not aware of any plans by the Authority to remove the structure before the end of the year but will relay the letter's request and Council's feelings on the matter.

Councilman Burkhart noted that since both consultants Mr. Harmon and Mr. Bologna are present this evening, he asks their thoughts on the situation and letter. They both were provided copies of the fire company's letter.

Mr. Harmon stated that he was made aware of the situation since the time of the reported spill earlier in the year. He stated as far as this activity is concerned there is significant liability for the Authority and Council members as well as Borough staff. The sooner it is completely eliminated the better. Once you are on record aware of the potential hazard and consequences, you cannot let it continue.

Councilman Mohler noted that in the Fire Company's consultant's list of items, included with the letter, number 19 indicates their consultant talked with DEP employee Ryan McGovern, who indicated there are no additional enforcement actions pending since there is full cooperation and the spill was mitigated, with no known additional willful neglect.

Mr. Harmon replied that is only a small part of the situation. The spill was properly mitigated but the Notice of Violation remains open-ended and that he is only referring to the reported spill. Potentially allowing this to happen again would show the willful neglect he refers to. He noted that DEP is made up of many departments and the fact that this person or department is satisfied with a spill response does not change the picture going forward and what other DEP departments or staff could do; or the EPA itself. There are no waivers.

Consultant Bologna stated that the South Custer Avenue Well No. 3 produces over one-half million gallons of water per day for the Borough's system. As noted in the letter, when the well was installed there was no formal Zone 1 well head protection area requirement; however, today's minimum standards would require a Zone 1 well head protection radius of approximately 200 feet. This does not include the much larger Zone 2 well head protection area (zone of contribution) for the well. He agrees with Mr. Harmon about the potential stormwater violations as

well, the liability related to a public water supply is tremendous; not including the other possible violations of other laws involved. He noted for example it only takes a very small amount of benzene, a component of gasoline, to pollute a great amount of water, e.g. one gallon of benzene can pollute about 250 million gallons of water; and if it gets into the underground groundwater system, it would be devastating to the supply well.

Mayor Horning reported the fines received through the Police Department for the past month as: \$824.50 from the District Justice's office; \$315 in parking fines; and \$100 from fingerprinting. On some community activities, he noted that the Labor Day Fiddler's Picnic put on by the Summer Arts Program had a good weather day and was very well attended. The annual Farmers Fair is the next major item on the schedule. Also, the citizen delegation from Sister City, Longvic, France, will be here October 26 through 29<sup>th</sup>.

Manager Fulcher gave a brief update on the Board of Community Memorial Park's current Capital Campaign to raise funds to replace two pavilions (Rotary, Hart), separate the electrical building from the Hart pavilion and also replace the former pool locker room/restrooms; all of which are in seriously deteriorated condition. The Campaign is about halfway through its projected schedule and has received about one-half of its \$55,000 goal. It is hoped that the demolition of the old structures will be able to be done sometime after the Fair. The replacements should then be able to be under construction; depending on the weather this could carryover until next spring. There was a Campaign banner recently donated by the business Eye Catchers of Blue Ball. This is now on display at the Park, with a thermometer type legend.

Mike Ireland, representing the ELANCO Library Thanked Council for approving its second half of the 2017 tax contribution to the Library this evening. He is aware next year's budgeting plans come up soon and he also appreciates Council's continued concern. He also wants to mention that the Library had another successful Summer Reading program; 961 children between 1-19, of 1300 who started, completed the program. In response to a few questions, he noted that the Library budget generally goes up about 3 percent a year; of its \$285,000 budget, the local Library has to raise about \$185,000 of it. The annual Auction has been holding somewhat steady but is not able to meet its peak from a few years back. Additional consideration by the Board each year includes salary adjustments, additional circulation items and possible new programs. The Board has also decided to take over the responsibility of the Terre Hill Shoe Fly Run.

There being no further business or public comment, the meeting was adjourned at 7:49 p.m.

October 3, 2017

Date Approved