

MINUTES
New Holland Borough Council Workshop
January 30, 2019

New Holland Borough Council met in regular Workshop session on Wednesday, January 30, 2019 at 7 p.m. in Borough Hall. Members present were: President Donald J. Herrington, Vice-President Todd C. Burkhart, Patrick K. Morgan, John A. Styer and Abby L. Keiser. Members absent were James S. Bailey and Terry S. Mohler. Also present were Manager/Secretary J. Richard Fulcher, Mayor M. Timothy Bender, Borough property inspector and code/zoning enforcement assistant Don Getz, Borough planning consultant Darrell Becker of ARRO Consulting, Borough residents Ken Wright and Seth Bender and residents and members of the Borough's Planning Commission Chairman Bill Kassinger, Vice-Chairman Charles Kidhardt, Don Reed, Carl Hess and Bill Seiple.

President Herrington opened the Workshop asking Manager Fulcher to proceed with any information items.

Manager Fulcher reported that following the regular January Council meeting, he, code staff Don Getz and resident Ken Wright, who retired recently from the Lancaster City Fire Department, met with Council member Mohler to review his thoughts on the small burning container updates draft as prepared by Solicitor Harris. A main concern was the inclusion of propane or natural gas cookers which once shut off should not have a remaining hot cinders concern. These are now suggested to be removed. It was also suggested that the future ones approved for use should include the statement "and as listed by a consumer protection agency." This will be clearer so that all future small cooking containers have a grill or mesh type screen for when in use as well as a cover for when not in use. These modifications will be reviewed with Solicitor Harris as to final wording. It will probably then be scheduled for the March meeting.

Mr. Getz stated that the updates are an attempt to help enforce situations when things such as a five- or six-foot homemade burning area with no cover using things like a as large truck wheel rim. Barrels are also being used. Some are also burning other waste, not food items. There are also occasional smoke issues due to being too close to a property line. There are a few larger food cooking stove containers but they are not a problem.

Councilman Burkhart noted that it seems like the larger open pit or large container fires are the main issue.

President Herrington thanked Mr. Getz and Mr. Wright for their assistance in reviewing the potential update and addressing the concerns.

Borough Planning Commission Chairman Bill Kassinger then presented an overview of the process and activities of the Commission over the past year or more in preparing the proposed updated zoning ordinance. The no longer applicable items and sections such as old subdivision and stormwater regulations, propane tanks and satellite dishes were removed. Then the various items dealt with separately by Council over the years such as Continuing Care Retirement Communities and Air BnBs/VRBOs, were added. Sections were clarified and more updated language used, the enforcement language was brought up to date and the definition section was updated. They did not start from scratch and rewrite the old ordinance but attempted to eliminate any conflicting or what were considered subjective elements. Along with other assistance, consultant Becker helped bring numerous definitions into more updated consistency with other municipalities. One of the few modifications which might be considered a “major” change, though it is only a minor change is the recommendation to allow an additional 10 foot in building height in the Commercial districts and 5 feet in the Manufacturing district, as long as all other requirements are met. They can already do this under the old ordinance if they have additional open yard space to use but this would allow them to have the additional floor by right.

Member Keiser inquired if this presented any issues with fire suppression concerns and what are the Commission’s thoughts in support of this element.

Chairman Kassinger stated it should not cause any new fire concerns as this still maxes out at four stories at a normal average of 10 feet per floor. The reasoning behind the recommended change is that the Borough boundaries are limited and not likely to expand so, again assuming all other requirements are met, the value of the land increases in the Borough; as well as potentially allowing more residential density.

Council member Burkhart noted this also goes along with the goal of the county that municipalities try to build up, not out whenever possible; and as noted possibly resulting in some increased housing density which is its goal. He asked Chairman Kassinger if items such as detached garages, metal shipping containers and some of those other things people have expressed concern with over the years were also clarified. For example, he had a garage issue a number of years ago when there was no definition included for what a single-story garage was. The code people at the time identified it as a maximum clearance of six feet so it may

not be used as a dwelling unit. He does not see the difference in a six-foot ceiling or a seven- or eight-foot ceiling. A person could still rent to someone less tall, though he realizes if the lot is not large enough for an additional dwelling unit it would be illegal to do this.

Chairman Kassinger replied that is correct. The number of dwelling units allowed on a lot are based on the size of the lot and this is to also avoid a potential future dwelling unit situation. There is also a concern for neighborhood esthetics. This was further clarified in the updated ordinance so the previous confusion is eliminated. Metal storage trailers and a strong concern for avoiding additional signs along Main Street were also strengthened in the process. No district boundaries are proposed for change; no changes were made to yard requirements. Again, much of the existing ordinance as previously applicable was maintained but more clearly stated. It has been reviewed by the Zoning Board's attorney as well as the Borough Solicitor, both of which provided some comments as well as updated enforcement language. It is prepared as a recommended replacement ordinance versus an extensive amendment approach because of all the removing of the no longer applicable sections, adding the ones changed by Council over the years, the sectional and definition updates and the like, all of which caused an extensive process of things like re-indexing and re-numbering. It was a long, intensive process of review, then rereview and so on. They hope it is the best for now though court rulings can change things and things may develop in society which are unknown now. A zoning ordinance is always open to challenge. He wants to recognize and thank Zoning Officer Fulcher and Assistant Paula Walsh, who had extensive lists of items to be addressed and consultant Becker for their assistance through the process.

President Herrington noted that he was on the Planning Commission when the last comprehensive update of the ordinance was undertaken, so he is aware of the work and challenges performed by the Commission members. He thanked Chairman Kassinger and the members for their work.

Council member Morgan stated as a realtor he is often involved with checking zoning ordinances from many other municipalities and he feels the Commission did a very good job with the update. Council member Keiser also stated her appreciation to Chairman Kassinger and the Commission members for their extensive work put into this project and their interest in protecting the community.

Manager Fulcher then continued with informational items reporting that Eagle Disposal, which has been our long-time low bid contractor has, like all waste and

recycling haulers been caught in the quickly evolving changes in the market of recycled materials. From what used to be a minor profit program for them, has in the past year or so become a high cost loss. The cost of recycling per ton is still less than regular waste, which is \$76/ton. The cost per ton for recycled materials at this time for Eagle is \$25/ton. They have been absorbing this cost. They have asked Council consideration of reimbursing this cost as it was not included in the current contract; which still has about two and one-half years to go (through 2021) with three one-year options after that. Even as materials approved for recycling continue to be reduced, municipalities are required to maintain a recycling program. In the discussions with Eagle, the mutual approach discussed is to reimburse Eagle up to the \$25 per ton, after copies of the drop-off slips are provided to the Borough. Based on past history, this should cost the program about \$12,000 additional per year. This action will not cause an increase in the current user fee.

Manager Fulcher reported that the Garden Spot Village Retirement Community is planning to move forward with its planned 40 unit Dementia facility in Earl Township on the west side of South Kinzer Avenue, closer to the Airport Road intersection. In order to make better use of the property involved, Garden Spot has requested to be allowed to relocate the Borough Authority's water line which is currently about 40 feet into this property, to the east, closer to South Kinzer. This should not be an issue.

Council member Burkhart stated he had one miscellaneous item and that is that Wastewater Department employee Kirk Neidermyer told him that in the initial startup testing of the new bio-solids machine, there has been circumstances when it did not work properly. He wants to be sure the manufacturer has this straightened out before they leave.

Manager Fulcher noted that particularly due to the separation of installation parties, startup glitches were anticipated. The manufacturer and dealer are responsible to get it operating properly and some equipment adjustments may still be needed.

Member Keiser stated she has been approached by around 10 people who like the old Christmas wreath decorations and prefer them over the new LED snowflake variations. She is wondering how this is handled and if there are any grants available to support things like this for downtown.

Manager Fulcher reported that he and staff generally try to replace the old wreaths with about three new LED snowflake variations a year. The older wreaths are used for parts for the ones still in use. New ones, depending on style can cost around \$550 each. The goal is to replace the old wreaths on a continuing annual basis. In the interim, there will continue to be a mix of them. The old wreaths can be sold to individuals cheaply if they would like one. Interestingly, there has been many compliments on the newer decorations but none related to the old wreaths. As he is aware there are very few grant possibilities remaining other than recreation trail types that the Borough qualifies for or otherwise apply to the Borough.

The other members indicated the comments they have received were also favorable to the new LED decorations. Council member Burkhart noted that it is very difficult to try to please everybody with these types of activities.

Mayor Bender stated that to his knowledge, the only other main grants for something applicable for a small municipality are for low income housing or related to a business who wants to get involved with them because they are creating a significant amount of new jobs.

There being no further discussions or public comment, the meeting was adjourned at 8 p.m.

February 5, 2019
Date Approved