

MINUTES
New Holland Borough Council
March 3, 2020

New Holland Borough Council met in regular session on Tuesday, March 3, 2020 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, Bryant J. Glick and Michel Kurtz. Member Terry S. Mohler was absent. Also present were Manager/Secretary J. Richard Fulcher, Solicitor Bradford J. Harris, Mayor M. Timothy Bender and Police Chief William Leighty. Others in attendance included Auditor representative Shawn Strauss of the audit firm Maher-Duessel, Jeffrey Bologna, water consultant of Becker Engineering, Darrel Becker, planning consultant of ARRO Consulting and residents Rebekah Brown, Ragen Burns, Mike Ireland, Bill Kassinger, David Lutz, Diana Morgan and Ken Wright.

President Herrington opened the meeting asking for action on the Minutes of Council's previous meeting. Todd Burkhart made the motion that the Minutes of Council's meeting of February 4, 2020 be approved as distributed. This was seconded by Bryant Glick and passed.

Patrick Morgan made the motion that the monthly Financial Report be accepted and the bills paid as prepared. This was seconded by Mike Kurtz. President Herrington asked for a roll vote.

John Styer—stated his vote is a yes to the other bills; noting however that it is an abstention as to any payments related to any business he may have an association with.

Todd Burkhart—stated that his vote is a yes to all other bills; noting however that it is an abstention as to any payments related to any business he may have an association with.

Mike Kurtz—Yes
Bryant Glick—Yes

Patrick Morgan—Yes
Don Herrington—Yes

The motion passed.

Shawn Strauss of the audit firm Maher-Duessel reviewed the 2019 Audit of Borough general and proprietary funds. There were no negative findings. The audit received the highest or cleanest category, referred to as Unqualified Opinion.

There were no issues. As noted in the past and is used by smaller municipalities, the Borough operates on a cash basis of accounting. There is no outstanding indebtedness. The Water Fund supported the purchase of the property to the immediate west of Borough Hall, for possible future use purposes; and the rental from the property is paying back the Fund. Concerning the identified auditor's concern of job duties and the many responsibilities of the Financial Assistant, the Manager will be formally reviewing and signing the monthly bank statements and the monthly Financial Report. He expresses the auditors thanks to the Manager and staff for their diligence and assistance with these matters.

Finance Chair Morgan made the motion that the audit for the Borough for 2019 as prepared by the firm Maher-Duessel, be accepted. This was seconded by John Styer and passed.

Patrick Morgan then made the motion that Council approve payment of the first half budgeted donation to the Eastern Lancaster County Library, \$8,000. This was seconded by Bryant Glick and passed.

Police Chief Leighty briefly reviewed his monthly summary Report of Department activities. There was a total of 282 incidents during the month. Of the 13 total arrests, 8 were felonies or misdemeanors. There were four DUI's. There were eight reportable accidents, and one non-reportable. Twenty-four citations were issued, as well as 12 warnings. The only juvenile contact did result in referral to Juvenile court.

Police Chair Burkhart stated it was nice seeing the positive letter received concerning officers Bitner, Metzler and Weaver. The letter writer related to a poor past behavior and a current path of avoiding bad behavior in the future, and recognized the officers for helping them get to this point.

There were no Property or Personnel action items for presentation.

Water Chair Mike Kurtz stated he had no action items for presentation but as an informational note, the Water Department with the assistance of the Street Department staff recently repaired two water leaks, both in the same general area of the 500 block of East Main Street. Another was repaired on Meadow Lane about a month ago and the Mill Creek Trailer Park repaired one on its system a few weeks ago. The Department suspected more than usual leakage due to higher than average readings. It will take a few days to determine if this seems to have

addressed the major concern or not. In the meantime, they will be continuing extra searching for possibly more.

Wastewater Chair Glick stated there were no action items to report he did however want to note Council's recognition by letter of Choice Windows, Doors and More for its 25th Anniversary. He was also pleased to learn of the Borough's practice of sending out recognition and congratulatory letters when these types of events occur.

Patrick Morgan then made the motion that the bid for the street overlay work planned for 2020 be awarded to New Enterprise Lime and Stone at the price of \$83,357.54; noting that four bids were received and properly opened on February 26th. The cost is less than the budget estimate. This was seconded by Todd Burkhart and passed.

Patrick Morgan next made the motion that the following street use and closure requests be approved by Council, noting that the requesting organization is responsible for obtaining proper traffic control:

a. The request of Garden Spot Village for the short term/interim use of Brimmer Ave., from Linden Ave. south to Phillip Rd. (@1,000'); Saturday, March 28 (initial group crossing @8:40 a.m.; returning runners at differing times, ending @noon; for its ½ Marathon. b. the NH Sales Stables for its annual Special Sale Day, Friday, July 3, 6 a.m. to midnight; S. RR to S. Custer. c. the NH Band for its Antiques Car Show, Sunday, July 12, 8 a.m. to 4 p.m.; E. Jackson between S. Kinzer, east to Park Ave. This was seconded by Bryant Glick and passed.

Mayor Bender reported the monies received through the Police Department for the past month as: \$1,100.96 from the District Justice's office; \$135 from Accident reports; and \$25 from fingerprinting. He also expresses his appreciation to the Chief and officers for the continuous effort in performing outreach to the community. He agrees with Police Chair Burkhart's earlier comments concerning the positive letter from a person trying to maintain a higher level of behavior as they move forward with their life; and the past issues they had with the police and how those officers helped them moving forward.

President Herrington stated that the Public Hearing for the proposed Update to the Borough's Comprehensive Plan, which is currently recommended by the Borough's Planning Commission, will now take place.

Planning Consultant Darrell Becker then outlined the types of updates made to the Borough's Comprehensive Plan with the Borough's Planning Commission. This was last done in 2008. Since the Borough is to a good extent built-out most of the narrative changes involved updating or eliminating outdated portions. The numerous charts and graphs also needed to be updated with current information. It was also reviewed to be in general compliance with the county's comprehensive plan, currently known as Places 2040.

There were no other public comments.

John Styer then made the motion that proposed Resolution #512, which approves the Updated Comprehensive Plan, be approved; noting this is as recommended by the Planning Commission. This was seconded by Mike Kurtz. The roll was:

John Styer—Yes	Patrick Morgan—Yes
Mike Kurtz—Yes	Bryant Glick—Yes
Todd Burkhart—Yes	Don Herrington—Yes

Resolution #512 was approved.

Resident Mike Ireland, Chairman of the Board of the Eastern Lancaster County Library reported that the replacement roof project is scheduled to get underway in the next few days. He also thanked Council for its action this evening in approving the first half budgeted amount for 2020 to the Library.

Council member Glick noted his children love using the Library and getting books to read and enjoying the activities.

Resident Ragen Burns spoke next, saying he owns and resides at 376 East Jackson Street and has lived in the Borough 57 years. This past August he was visited by Borough staff about the condition of his yard and things in it. He received a formal Notice of various zoning and other Borough ordinance violations concerning the collection of things in his yard and the need to remove them in October. He did talk to Zoning Officer Fulcher about extending his time to do this; which was granted. He was doing this as time allowed. He has some receipts to prove it; however, on February 12th the Borough people entered onto his property and removed those things which the Borough called junk, debris and hazardous materials. To him not everything they took was junk. One of the items stored outside were old bead boards. They even moved a vehicle from his driveway to make room to access things. He thought a man's property was his to do as he

wished. Apparently, a property owner has no rights in this town. His property situation was the cumulation of five years of various things happening in his life, including the loss of his previous job. His property used to be pristine, but a lot of things have happened. He then presented some pictures of his property to the Borough Solicitor.

Mr. Burns and the Solicitor then reviewed the pictures. The Solicitor noted things such as the condition prior to cleaning; how would fire or other emergency personnel access the property safely. He violated at least three different Borough ordinances. A right to temporarily store things outside does not extend to the accumulation of this type of junk or debris situation. Once a person chooses to violate the ordinances and not comply, the materials and junk can be removed by the Borough at the owner's expense.

Mr. Burns stated he better not find out that a Borough employee has taken his things. If he could he would sell his house and move out of town. He then thanked Council for listening to him.

There being no further business or public comment, the meeting was adjourned at 7:40 p.m.

April 7, 2020
Date Approved