

MINUTES  
New Holland Borough Council  
December 7, 2021

New Holland Borough Council met in regular session on Tuesday, December 7, 2021 at 7 p.m. in Borough Hall. Members present were: President Donald J. Herrington, Vice-President Todd C. Burkhardt, John A. Styer, Bryant J. Glick, Michael H. Kurtz and Harry M. Klinger. Member Patrick K. Morgan was absent. Also present were: Manager/Secretary J. Richard Fulcher, Mayor M. Timothy Bender, Police Chief William Leighty and reporter Carole C. Deck. Others in attendance included residents Mike Martin, Ken Wright, Jonathan Brown, Rebekah Brown, Kirk Middlekauff, Tom Watson, Florence Smith, Dale Smith, Bill Kassinger, LeRoy Martin, Vicki Martin, Barry Nolt, Barbara Nolt, Jane Hibshman, Doug Martin and non-resident Ryan Long.

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

Bryant Glick made the motion that the Minutes of Council's last meeting, held November 2, 2021, be approved as distributed. This was seconded by John Styer and passed.

Harry Klinger made the motion that the monthly Financial Report be accepted and the bills paid as prepared. This was seconded by Bryant Glick and passed. Members Burkhardt and Styer abstained to avoid any appearance of conflict with any business they may own.

Police Chief Leighty then reviewed his monthly summary Report. There was a total of 340 incidents. Of the 19 total arrests, 10 were felonies or misdemeanors, the remainder were summary offenses. There were 7 reportable and 9 non-reportable accidents; with 20 citations and 3 warnings. There was a high number of juvenile contacts, 14, of which 6 had to be referred to Juvenile Court, 8 to District Court. He is pleased to report that this year's Shred It event, which was held a little later than in the past, was a big success. This year's activities included a separate activity of accepting old flat screen TVs, as well as Cross Net providing a drop off location for non-perishable food items for the local Food Bank; and the Kiwanis Club's Chicken Bar B Q. It is already being planned for next year. In response to a question, the Chief noted he was not involved with the officers' plan to preorder model police vehicles for emergency service persons, and he does not know if the other officers plan to proceed with it.

Police Chairman Burkhart expressed thanks to the Chief and the participating officers and volunteers who helped make the event a success.

Member Klinger, noting he is in his last regularly scheduled meeting as a Council member, expressed his appreciation to the Chief for leading the Department and many police officers. Though he remains a member of the Civil Service Commission, he has learned a great deal about policing operations as well as the laws that govern them as well as a local municipality.

Chairman Burkhart then made the motion that Council approve the replacement of the recently totally damaged police vehicle when it was hit by someone, with a new 2021 Ford Police Interceptor under the state bid package through New Holland Auto Group, at \$34,675; as well as any new equipment needed. He noted these costs should be covered by insurance, less deductibles. This was seconded by Harry Klinger and passed.

Member Burkhart stated as a member of the New Holland Business Association, he wants to thank Manager Fulcher, Streets Supervisor Petersheim and the crew for the assistance and work put into helping the Business Association continue to have a successful Christmas on Main event.

Member Styer, representing Finance Chairman Morgan, stated he will be presenting the items needed for final approval of the 2022 Borough budget. Since there is no real estate tax increase, these can be done by Resolution.

John Styer then made the motion that Resolution #525, which adopts the previously approved preliminary budget as the final budget for 2022, be approved. This was seconded by Todd Burkhart. President Herrington asked for a roll call.

Harry Klinger—Yes  
Bryant Glick—Yes

Mike Kurtz—Yes  
John Styer—Yes

Todd Burkhart—Yes  
Don Herrington—Yes

The motion passed. Resolution #525 was approved.

John Styer next made the motion that Resolution #526, which adopts the 3.25 mills real estate tax millage for 2022 to support the approved 2022 budget be approved. He noted that this is the third year in a row for no tax increase and he wants to recognize the Manager, Police Chief and staff for their efforts in helping keep costs as low as possible. This was seconded by Bryant Glick. President Herrington asked for a roll call.

Harry Klinger—Yes  
Bryant Glick—Yes

Mike Kurtz—Yes  
John Styer—Yes

Todd Burkhart—Yes  
Don Herrington—Yes

The motion passed. Resolution #526 was approved.

President Herrington noted that it is often overlooked how hard the Borough staff works to make it possible not to have a tax increase for extended periods.

Chairman of the Personnel Committee Styer then reported it is the month of the year Council recognizes those employees who have reached certain work year milestones with the Borough. This year these staff members are:

Financial Assistant/Accounts Manager Robin Parker, 35 years  
Assistant Water Supervisor James Hartranft, 20 years  
Police Department Sergeant Mark Willwerth, 15 years

The service and experience of these individuals as well as the other long-time employees is sincerely appreciated.

There were no Property, Water or Wastewater action items.

Streets Chairman Kurtz made the motion that the new three-year Agreement, 2022, 2023 and 2024, with West Earl Township to utilize the Township's compost facility for yard waste, leaves and Christmas trees be approved. This was seconded by John Styer and passed.

Chairman Kurtz then asked stormwater engineer Darrell Becker to present his Report on the flooding storm concerns as outlined at the September meeting.

Engineer Becker provided those present with copies of a seven-page Report, dated December 7, 2021. He then proceeded to review the Report. The first three pages identified the drainage area, from a small section of the 500 block of West Main Street (south most), north to the discharge end wall at 539 West Conestoga Street, (northernmost point). There was then two pages describing pipe capacities, inlet capacities and pipe conditions for this drainage area. The last two pages reviewed were in narrative form, focusing on the northwest drainage basin ending at 549 West Conestoga; as well as observations for the low roadway area at 218 Mentzer Avenue; the flooding storm flow along West Spruce Street near Walnut Lane which overflows from the basin on the Ashlea condos; and a note on the discussion efforts underway by the Borough with the adjacent landowner in Earl Township

for a possible small flow improvement in the swale through his field south of Heritage Estates.

The pipe sizes vary as expected with the older ones being smaller than the newer ones. The general condition of the pipes is good. Inlet drains and pipe sizes can be changed to the 25-year storm, but the same flooded street situation will occur for those intense rains above that. This would take the water from the top—West Broad and Westfield down to the low spot on West Conestoga that much faster. The current corrugated metal pipe from the final street drains on West Conestoga can be studied for a possible larger pipe but it will still not completely handle flooding conditions. The collateral water from the neighbors' properties will also get to West Conestoga Street quicker; then to the field drainage point where it can back up in flooding rains. The bottom line is that larger pipes can be installed to take water off the street faster, but it also gets it downhill faster. The slope in the field where the water discharges will still remain at its small percent drainage flow level. It is true that relocation of roof down spouts on the streets above, West Broad, Westfield and including the others on West Conestoga would reduce the volume of water being collected on the street. He noted that this drainage area and the low spot is not new and has been in existence for many, many years.

Member Klinger stated as a reminder that land outside the Borough where the waters flow to, cannot simply be changed by the Borough because it wants its flood waters to get off the street and go away faster.

Member Styer asked what happens to the water after it gets behind the Nolt's property on West Conestoga.

Engineer Becker replied that it discharges onto the neighboring farmer's property in Earl Township, where it flows northwestward at a small degree of slope. In the right flooding conditions, it could back up further into the rear yards in that northside section of West Conestoga Street if more flow is added at a quicker pace.

Kirk Middlekauff of West Broad Street stated that severe storms also flood the upper streets which flow downward to the Nolt's and his mother's house next door to the Nolt's.

Engineer Becker noted that is correct, the water from above flows to the street in front of the Nolt's and his mother's before being drained to the field from the last discharge pipe.

Doug Martin of Westfield Drive stated he has observed the runoff flowing through the field and feels it could handle more water without causing an issue in the back yards on the north side of West Conestoga.

Member Glick inquired if this type of mixed piping situation is similar to other municipalities and is the 25-year storm part of new requirements.

Engineer Becker replied that this type of piping and flooding situation is similar to most municipalities and cities. The older sections were built to whichever requirements existed at the time years ago. Newer developments have to be designed to whatever the new standards are. These types of street flooding situations are not unusual with those types of intense storms. The 25-year design is the current standard under state law and the county and Borough's stormwater ordinances. This also involves the requirements to retain your water on your own property, can involve detention basins which are also designed as infiltration basins, and so on.

Tom Watson of West Conestoga Street asked what was going to be done about all the water which instead of continuing northward on North Hoover Avenue, now flows westward onto West Conestoga due to a UGI patch on the east side of Hoover Avenue. He asked Engineer Becker if he has been at that intersection when it was flooding. He has also seen it bubbling at the surface drains in the rear yards on the south side of West Conestoga Street when these flooding rains occur.

Engineer Becker replied he has not been at that intersection location in heavy rains.

Barry Nolt stated he was told by surveyors recently that the Borough is not in compliance with MS4 requirements.

Engineer Becker replied he is not aware of any issues with the MS4 program and the Borough. That is a different program related to pollution of water.

Manager Fulcher stated he would like to refocus on the main concern of the Nolt's which is the flood water which collects on the street in front of their house until it drains and the possible removal of that water on the street to some faster extent to their backyard; possibly by a new plastic type interior pipe to move water faster from the street. Perhaps the existing 30 inch can be replaced with two 16- or 18-inch pipes; though the area involved is restricted by the below ground and above ground elevations, as well as space between the two houses. As stated earlier by Engineer Becker relocating the downspouts that also ultimately flow to this area, to

flow over grass areas will help during most storms in removing a good amount of water from the street. That section of West Conestoga Street is also about due for repaving, which can be planned after any possible work impacting the street near the Nolt's and Mrs. Middlekauff's is completed. This should also address the flow direction confusion at the North Hoover intersection. The Borough has videos of the actual flow at this location. He asked the Nolts if they felt a new pipe with a plastic or rubber inside would address their concerns; and if they had any concerns about additional water backing up into their backyard due to more water being sent to the field faster.

Mrs. Nolt stated that is not a concern and they would be satisfied if the pipe is replaced. She asked if anything can then be done at the discharge point the way they like to see it.

Barry Nolt stated the old corrugated pipe has rust on it, and he was told that when it rains there is an air gap at the top when it is full and is offset a few inches. He would like to see it replaced.

Kirk Middlekauff stated he also feels it should be replaced to help the water run off the street faster.

Member Styer noted to be clear, if the water is moved off the street faster to the field, could this cause the water to backup more into the Nolt's and other's backyards in that area.

Engineer Becker stated yes it could under intense storm conditions.

Manager Fulcher replied that unless the Nolts would like the pipe shortened in length so it discharges for example 10 feet on their property, they would then control that area; or they could buy land from the farmer to maintain it as they would like. The Borough will be communicating with the farmer about the field as it has in the past about these things but it remains the farmer's land and responsibility.

Mrs. Nolt said they would not want to do this.

Member Glick then made the motion that the engineer be directed to work with the Manager to do a study and cost estimate for replacing the existing old 30 inch outlet pipe between 539 and 543 West Conestoga Street, possibly include the potential for additional drains in the street at that location; as well as identify

possible approaches for the property owners in the 500 blocks of West Broad Street, Westfield Drive and West Conestoga, to relocate their downspouts to yard grass areas rather than onto the street, and report at Council's February 1, 2022 meeting. This was seconded by Harry Klinger and passed.

West Conestoga resident LeRoy Martin asked if this would also include looking at the south side of West Conestoga as to the possible addition of another drain.

Manager Fulcher stated it will.

Ryan Long stated he was present on behalf of his father who is a resident and owns 218 Mentzer Avenue where during flooding rains the water collects in the street in front of his home; and when people drive through this too fast, it splashes against the house's garage door. Some water can get into the garage under the door because of this. This concern is not noted in the engineer's report. He would like this concern included in the engineer's closer review of this situation.

Manager Fulcher stated this will be included with the additional review of the situation by the engineer.

Engineer Becker then continued, reporting in reference to the small basin on the Ashlea condo's property. They have been unable to identify the original design elevations for this. It is designed to slow the flow, then in flooding rains it will go over its emergency spillway point, crossing West Spruce to get to the main swale in Ashlea. This is not a large facility and it is not an infiltration type basin. If the design elevations can be identified and a significant concern identified, the condo group could be made to clean it out. He believes however the net improvement in flood conditions would be nominal. He noted that he is aware of the low spot in Heritage Estates where the water collects, then drains to the final basin behind 220 and 224 Zwecker Circle. He is also aware the Borough is communicating with the adjoining farmer and one of the basin owners, about the farmer possibly being able to provide an adjustment in his swale facilities to move a little more water through his field more quickly.

Mayor Bender then reported on the monies received through the Police Department the past month as: \$1,585.08 from the District Justice's Office; \$105 from accident reports; \$30 from parking fines; and \$333.43 from fingerprinting. He commends the Chief and participating officers and volunteers for another successful Shred-It event. He also thanks the New Holland Business Association and all the businesses and persons who helped make Christmas on Main another

successful event. He also takes the opportunity to thank those long-term employees of the Borough noted this evening, as well as the many others. And lastly, to thank Council member Klinger for his service to the Borough serving on Council.

Manager Fulcher reported that if the weather allows, the New Holland Area Historical Society plans to re-enact an old picture of Christmas activities from what appears to be the late 1940's, taken in front of the former Kauffman Hardware building. This is to take place on Sunday, December 19, around 2 p.m. It may cause a brief delay of traffic for a few minutes around that location.

Todd Burkhart then made the motion that Resolution #527, appointing Charlene B. Richardson to a three-year term on the Zoning Hearing Board beginning in 2022, be approved. This was seconded by Harry Klinger and passed.

Bryant Glick made the motion that William H. Kassinger and Joshua Stauffer be appointed to four-year terms on the Borough's Planning Commission, beginning 2022. This was seconded by Mike Kurtz and passed.

Mike Kurtz made the motion that Ernest M. Orr be appointed to a five-year term on the Borough Authority, beginning 2022. This was seconded by Harry Klinger and passed.

Member Klinger then stated it has been his privilege to serve on Council and work with the other members, Mayor, Manager and Chief. Even with his background in county government he gained tremendous knowledge about the framework, operations and laws related to local government. Most citizens are not aware of all of these elements, legal requirements and liabilities related to local government activities. As mentioned earlier, he plans to remain a member of the Borough's Civil Service Commission and an interested resident.

President Herrington expressed thanks to Mr. Klinger on behalf of Council and the community. He was impressed and grateful for the experience and interest he brought to Council from his first day of service. He wishes him well.

There being no further business or public comment, the meeting adjourned at 8:48 p.m.

January 4, 2022  
Date Approved