

MINUTES  
New Holland Borough Council  
September 7, 2021

New Holland Borough Council met in regular session on Tuesday, September 7, 2021 at 7 p.m. in Borough Hall. All members were present: President Donald J. Herrington, Vice-President Todd C. Burkhart, Patrick K. Morgan, John A. Styer, Bryant J. Glick, Michael H. Kurtz and Harry M. Klinger. Also present were Manager/Secretary J. Richard Fulcher, Mayor M. Timothy Bender, Solicitor Bradford J. Harris and reporter Carole C. Deck. Others in attendance included Borough water consultant Jeff Bologa of Becker Engineering, Darrell Becker, planning and stormwater consultant of ARRO Consulting, Bill Arrowood representing the film Braving the Dark, and residents Mike Ireland, Rebekah Brown, Ken Wright, residents of the 500 block of West Conestoga Street, Barry Nolt, Barbara Nolt, Nancy Middlekauff, Jane Hibshman, Tom Watson, Lee Roy and Martin; resident of the 500 block of Westfield Drive, Doug Martin and resident of West Broad Street, Kirk Middlekauff; residents of the 300 block of West Spruce Street Deb Brubacher, Terry Graham, Gladys Maldonado and Amanda Maldonado; and Samantha Trago of 230 Stoever Drive in Heritage Estates; Bruce Bolick of Narvon and with him Stacey Bolick and Stephanie Bender.

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

Patrick Morgan made the motion that the Minutes of Council's meeting of August 3, 2021 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 Harry Klinger and passed. Members Burkhart and Styer abstained to avoid any appearance of conflict with any business they may own.

Police Chairman Burkhart reported that Police Chief Leighty could not be here this evening so Mayor Bender will be presenting the Chief's monthly summary Report.

In reviewing the Report, Mayor Bender noted there was a total of 386 incidents. There were 23 total arrests of which 19 were felonies or misdemeanors. There were 14 non-traffic summary offenses and one DUI. Of the 17 total accidents, 11 were reportable. Thirty-seven citations and 13 warnings were issued. There was

one juvenile matter which was referred to District Court. The third page lists the main community meetings and activities of the Department personnel during the month.

Mayor Bender then presented his formal Mayor's report of the monies received through the Police Department the past month as: from the District Justice's office \$1,051.62; \$165 from accident reports; \$10 in parking fines; and \$150 from fingerprinting.

Police Chairman Burkhart then made the motion that Council approve proposed Ordinance #594, which establishes a two-year Deferred Retirement Option under the Police Pension Plan as reviewed by the Solicitor. This was seconded by John Styer. The roll was:

Patrick Morgan—Yes

John Styer—Yes

Harry Klinger—Yes

Todd Burkhart—Yes

Bryant Glick—Yes

Don Herrington—Yes

Mike Kurt—Yes

The motion passed. Ordinance #594 was adopted.

Finance Chairman Morgan made the motion that Council approve payment of the second half budgeted amount for 2021, \$8,250 to the ELANCO Library. This was seconded by Harry Klinger and passed.

Streets Chairman Kurtz noted there were a number of street closure requests for consideration this evening. He then made the motion that the request of the Latin American Alliance for the closing of East Jackson Street between South Kinzer Avenue and Park Avenue on Saturday, September 18, from 11 a.m. to 8:30 p.m. for its annual Latin American Festival be approved. This was seconded by Bryant Glick. It was noted this is the first time for this activity in New Holland. The motion then passed.

Chairman Kurtz next made the motion that the request of all the residents affected on Hiester Avenue, to approve the closing of the dead-end section of Hiester Avenue from the north side of Warren Street and the west end of State Street, on Sunday, September 26 from 3 p.m. to 7 p.m. for a neighborhood on-street gathering and dining fete, be approved. He noted that the group is providing the required Certificate of Insurance to the Borough. This was seconded by Patrick Morgan and passed.

Chairman Kurtz then made the motion that the request of the independent film company Bluestone Road, which is making the movie Braving the Dark, for the closing of East Main Street, from the east side of Railroad Avenue, east to the west side of the Main/Brimmer intersection, on Sunday, October 17, beginning 6 p.m. through Monday, October 18, 2 a.m. for the filming of a movie about a period of time in the life of former Garden Spot High School Theater Arts Director Stan Deen, be approved. This was seconded by Harry Klinger. The motion passed.

Bill Arrowood, representing the Braving the Dark group, stated the request is due to that there will be numerous scenes shot involving the former Kauffman Hardware building. Other locations will include Garden Spot High School and Yoder's Market. Filming is scheduled to take place mid-September through October. They are aware of the requirement of reimbursing the Borough and other agency costs involved. They have already provided a Certificate of Insurance to the Borough and will continue to keep in close communication with the Borough and its police department. He thanked Council for its support.

President Herrington then inquired who is present to speak for a group of residents from the 500 block of West Conestoga Street. He reported these folks have provided a 62-page collection of many pictures from instances of flood waters impacting the area of the 500 block of West Conestoga Street around particularly 539 and 543. He also noted that discussion and questions following comments will be with the Borough's stormwater engineer.

Barbara Nolt of 539 West Conestoga stated she will speak for herself and husband Barry and their immediate neighbors around their property. They are here because as in the past, they would like the Borough to do something to address the flooding on that section of the street when these short, intense rains occur. They still have the original corrugated metal pipe handling this water between their property and Mrs. Middlekauff's next door. They have a drawing which indicates it is marked as a reinforced concrete pipe. They think it is old enough and is not doing its job properly of removing the water from the street fast enough. They would like it replaced. Maybe two pipes could even be put in. They also feel that some of the water which used to run northward along North Hoover Avenue now goes up the west side of West Conestoga Street from a repair patch made by UGI on the east side of North Hoover where it meets West Conestoga Street. The letter they received from the Soil Conservation District says they feel it is an MS4 issue. They are concerned with their property values with the situation.

Nancy Middlekauff of 543 West Conestoga stated she lives next to the Nolts and she has spent over \$16,000 treating her basement because water gets in it. With

these flooding rains it comes up over the curb, up their driveways some before it goes into the overflow swales around their houses. The large drainage pipe fills where the water goes into the farmer's field. They also believe ponding in the farmer's field is a source of mosquitoes.

Lee Roy Martin of 544 West Conestoga Street stated it seems ever since the damaging storm of July 2011, there have been more of these types of flooding storms. He asked if Council would have its engineers take another look at it.

Kirk Middlekauff who lives at 589 West Broad Street, which is above this area of West Conestoga Street where his mother Nancy lives, presented pictures of his mom's house, explaining how her sump pump failed during the storm of August 22<sup>nd</sup>. He is curious if this involves the Borough's MS4 plan.

Bruce Bolick of Narvon inquired if he could speak to someone about a police-related matter. He and Mayor Bender then went elsewhere for a discussion.

Gladys Maldonado of 221 West Spruce Street in Ashlea Village stated that when the water overflows the basin at Ashlea Condos, it then also adds water to the street in front of her house and it gets above the curb and starts up her driveway before going around the house. People drive through the water on the street which pushes the water up the driveway more.

Deb Brubaker of 223 West Spruce Street which is just to the west of Mrs. Maldonado stated she agrees with what Mrs. Maldonado said. The street gets high water on it and it becomes a problem with these types of storms. When people drive thru the water, it causes ripples in the water up their property. They appreciate the Borough providing barricades to warn people about the water on the street but people still go through it. The upper section of Ashlea above them only has two ways in and out. The street floods even worse on the western end across Mentzer. She is worried fire or ambulance equipment could not get thru when it is like this. When people drive through, it causes their water to move further into their yards. She also appreciates that the Borough provides top soil when they repair their swale; however, she is aware of one property owner who does not properly take care of their portion of the main swale through Ashlea.

Terry Graham of 223 West Spruce Street stated this flooding causes property value concerns and the Borough should do something. Kids play in the flood waters.

Samantha Trago of 230 Stoever Drive in the Heritage Estates development stated she lives uphill in the development, but she can see the pond that forms at the bottom of the development on Zwecker Circle while it is waiting to get into the

basin at the low spot. Until it drains, this goes around the houses through their yards. She observed one of the drains in the development shooting water upwards like it was not working.

Manager Fulcher explained that when water is coming with high velocity from different directions, the flows will splash together, but the drain continues to work.

Member Burkhart asked Manager Fulcher to have the Streets staff re-check this drain to see if the flooding somehow clogged it.

Borough stormwater engineer Darrell Becker noted that in response to an earlier comment about the MS4 program, MS4 is more of a pollution prevention process related to keeping pollution and debris out of waters that flow downstream. It is separate from stormwater control regulations.

He agrees there have been a few more of these brief intense storms over the past month, a couple getting close to the storm impacts of July 7, 2011. Some of these were the result of hurricanes. The holding basins and the drainage systems are designed to hold and release so much water and normally release it at a certain required maximum allowed rate. They are not designed to directly handle flood waters. When this occurs, the system is designed to overflow over the streets, basically following the same locations above ground as the drainage system to the low spot where it empties out. With these types of flooding rains, it will pond up at the low spots until it drains. It is designed to go around the houses at a certain level. Even at a higher elevation, many basements get water in them. These systems were put in according to state and county law. There is no system built to handle flash flooding. Larger pipes would discharge more water than allowed.

Council member Glick asked engineer Becker where the Borough's system stands at this time.

Engineer Becker stated that the Borough's system appears to be functioning properly; however, when the area experiences the high intensity flooding storms the surface water will follow the designed overflow paths.

Member Glick then made the motion that the engineers be authorized to study the areas mentioned this evening, the 500 block of West Conestoga Street including the UGI street patch on North Hoover Avenue and the concern with the swale in the Ashlea Condos and that section of flooding in the 300 block of East Spruce Street. Councilman Burkhart noted this should also include checking the basin area in Zwecker Circle, Heritage Estates. This was seconded by Harry Klinger and passed.

Manager Fulcher noted that such studies will also include the reasons for excess water besides flooding storms. This will include such things as roof areas, driveways, downspouts. For example, on the 500 block of West Conestoga Street, any downspouts emptying onto the street should be directed away into a yard. On the south side this would be things like being sure they empty onto the grass or into a french drain. On the north side all spouting should be switched to drain directly onto the backyards instead of the street. This keeps it off the street. The same thing should be done on Westfield and West Broad. All of those downspouts also add to the water which ends up in front of the Nolt's and Mrs. Middlekauff's homes. The study will look at these types of things also.

Amanda Maldonado thanked Council for listening and for anything they can do or suggestions they may have for the owners in this situation.

Mike Ireland, Treasurer of the ELANCO Library Board, stated on behalf of the Board, its thanks for Council's contribution and support.

Council then convened into Executive Session for a police personnel matter.

Upon reconvening the meeting, Todd Burkhart made the motion that the request of the officer temporarily assigned to the County's Drug Task Force to be recognized as a Detective under the Borough's Collective Bargaining Agreement, be denied. This was seconded by Bryant Glick. It was noted he is a patrol officer temporarily assigned to the Drug Task Force and would return to the Borough as a patrol officer. By way of roll call, the action was:

Patrick Morgan—Yes

John Styer—Yes

Harry Klinger—Yes

Todd Burkhart—Yes

Bryant Glick—Yes

Don Herrington—Yes

Mike Kurtz—Yes

The motion passed.

There being no further discussion or public comment, the meeting adjourned at 9:10 p.m.

October 5, 2021

Date Approved