

MINUTES  
New Holland Borough Council  
January 4, 2022

New Holland Borough Council met in regular session on Tuesday, January 4, 2022 at 7:00 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 Michael N. Martin. Also present were Manager/Secretary J. Richard Fulcher, Solicitor Bradford J. Harris, Mayor M. Timothy Bender, Police Chief William Leighty and reporter Carole Deck. Others attending included Borough residents LeeRoy Martin, Vicki Martin, Jesse Viscuso, Nick Viscuso, Barry Nolt, Barb Nolt, Tom Watson, Mike Ireland, Ken Wright, Kirk Middlekauff, Nancy Middlekauff, Susan Burke and Ralph Hess, Earl Township residents Gordon Lash, Sue Lash, Bob Winegardner and Bill Hunter; and Ryan Long from the Leola area on behalf of his father who owns property in the Borough.

President Herrington opened the meeting, asking for action on the Minutes of Council's meeting of December 7, 2021.

Bryant Glick made the motion that the Minutes of Council's meeting of December 7, 2021 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 Bryant Glick and passed. Members Burkhart, Martin and Styer abstained to avoid any appearance of conflict with any business they may own.

Police Chief Leighty then reviewed his monthly summary Report. He noted this Report also has the total year end information on it. There was a total of 10 arrests, of which 3 were felonies or misdemeanors, 4 non-traffic summary offenses and 3 DUIs. There were 11 total accidents, of which 9 were reportable. There were 14 citations and 2 warnings. The total of four incidents with juveniles involved two referred to Juvenile Court and two to District Court. In reference to a homicide which took place in the Borough a few months back, for which there was a recent arrest, he wants to note that Detective Bitner did an excellent job with the investigation and handling of this. The community can be proud of the dedication and effort he performed with it.

Police Chairman Burkhart stated he, and he feels Council feels the same, thank and commend Detective Bitner for the great job he did concerning the homicide. He also wants to note that he also appreciates the results of the concern with DUIs of some of the officers.

Councilman Glick asked the Chief what the status of the recently hired new officers was.

The Chief responded that one officer, Officer King, has started and is in the second of four orientation steps. The others should be starting in the next few weeks.

Chairman Burkhart made the motion that Resolution #528, which identifies 5 percent as the police officer contribution into the Police Pension Fund for 2022, be approved. This was seconded by Patrick Morgan and passed.

Chairman Burkhart made the motion that Resolution #529, which approves Fire Police participation in non-emergency events for 2022, be approved. This was seconded by Mike Kurtz and passed.

Finance Chairman Morgan made the motion that Resolution #530 be approved. This Resolution recognizes the appointment of the county Treasurer's office as a Deputy Tax Collector by the duly elected Borough Tax Collector Richard Fulcher, beginning in 2022, for the collection of the Borough's and County's real estate taxes in the Borough of New Holland, during his term of office. This was seconded by John Styer and passed.

Chairman Morgan next made the motion that Resolution #531, which is an update of a number of items in the Borough's Fee Resolution, be approved. He noted this only involves three items. The first is to increase the every three years or property ownership changes, Rental Unit Inspection Fee from \$30 to \$40; the second is to increase the Inspection fee for motel inspections from \$10 to \$15 per room; and the third is to establish a \$10 cancellation fee for those that do not cancel within 24 hours of appointment, allowing for emergencies. This was seconded by Todd Burkhart.

In response to a number of related questions, Manager Fulcher noted this is the first time for a cancellation fee so how effective it is will be monitored. He does not have an up-to-date number of cancellations without notice but is aware of it occurring more frequently over the past year or so. In reference to the charge of

\$.50 per yard waste bag, the cost to the Borough varies each year with a more recent cost being around \$.42 per bag.

The motion then passed.

Property Chairman Styer made the motion that Council approve the continued use by the Park Board of Council Chambers for its meetings in 2022. This was seconded by Patrick Morgan and passed.

Wastewater Chairman Glick reported he had no action items for this evening but did want to report on a positive community note for those who are not aware yet, a new business opened in the Borough on Diller Avenue. He has a one-page information sheet on it for anyone interested.

Streets Chairman Kurtz stated he has a number of items for Council consideration this evening. The first involves some minor updates to the Borough's traffic ordinance. One element is to clarify that no truck may exceed 20,000 pounds on a No Trucks street, except for local deliveries; the second is to update the allowed weight of vehicles able to be parked on street parking areas to 16,500 pounds. The current weight is 2,000 pounds. These have been reviewed and recommended by the Police Chief.

Chairman Kurtz then made the motion that proposed Ordinance #595 be adopted, as reviewed and prepared by the Solicitor. This was seconded by Todd Burkhart.

Bob Winegardner, a resident of Earl Township, asked and was granted approval to speak to the Borough's business. He read the following:

"I would like to comment on the proposed Ordinance No. 2022-595. Why would the Council decide it is no longer a danger to operate a dual wheel vehicle on N. Kinzer Avenue? If it was dangerous on 1/7/2014, why is it no longer a danger today?"

Throughout the New Holland Borough Code, Chapter 15 (Motor Vehicles & Traffic), the Borough refers to "Pennsylvania Statutes Title 75 PA.C.S.A. Vehicles 4902. Restrictions on use of highways and bridges" (section a) as authority for making and enforcing restrictions.

The same statute states that you may impose restrictions only when they are determined by an engineering and traffic study. Was an engineering and traffic study done? Has anyone asked the offenders of the current code to park their vehicles in their driveways instead of violating the current code by parking their vehicles in the street? What is the penalty for violation of the current code? Why has it not been enforced?"

He stated he is actually upset about a red pickup truck which parks on North Kinzer Avenue. He noted that two cars cannot pass each other at the same time

because of vehicles parked across from each other at places on that street. He feels this pickup vehicle could be nine feet wide. He is concerned that a fire truck would have to stop to let somebody go past.

Borough resident Jesse Viscuso stated they are the owners of the pickup truck being referred to. They have lived in the Borough for five years. Neighbors across the street currently have six vehicles which can be home at the same time. They park many of those on the street. Other nearby neighbors also park on the street. The street is narrow and traffic does have to use caution and often someone will pull over to allow others to go through when vehicles are parked across from each other.

Council member Morgan noted that based on his experience with driving trucks, he believes the maximum width of the types of vehicles is eight feet. Wider than eight feet involves other regulations and problems not involved with this situation. Council is not reducing anything with the parking allowance update.

Police Chief Leighty confirmed that the red pickup is not a situation involving vehicles over eight feet wide. There are also other laws and sections which apply to local oversight and control other than Mr. Winegardner's citing Title 75 and his opinion on the Borough needing to do an engineering study.

Gordon Lash, also of Earl Township was permitted to comment. He stated his concerns are who decides who has to pull over to wait to allow the other drivers to pass. He feels it is a safety concern.

Council member Burkhart stated he uses this area often and studied it more closely recently. The Fire Company has never complained about these types of streets or parking situations in the Borough. He feels those who wish to use that street and others similar to it are aware they have to be cautious around vehicles parking across from each other. There are many similar parking situations in the Borough.

Borough resident Bill Kassinger noted that when he is riding his bike and coming out onto North Kinzer at State Street, though he does not stop at the stop sign, it can be difficult to see looking south at that intersection if vehicles are parked there.

Council member Glick asked the Viscusos if they have room to park the vehicle off the street.

Mrs. Viscuso stated they have widened their driveway and the truck is sometimes able to use it, though often times the other family vehicles are using it.

Mayor Bender stated he lives nearby and though it can be difficult looking south coming out of State Street when there are vehicles parked along North Kinzer, there are many similar situations particularly on the older, narrower streets where this occurs in the Borough. If people have problems or concerns using Borough streets like North Kinzer there are wider alternatives which are available, for example Main Street west from South Kinzer, to North Railroad Avenue can be used.

Nick Viscuso stated that they also stop for other vehicles when it occurs while on North Kinzer. Whether it is his truck or not, the more crowded on-street parking in his area of the street still occurs. It also slows traffic speed down which is good because North Kinzer is used by many as a short cut street.

President Herrington then called for a roll call on the Ordinance amendment #595:

Patrick Morgan—Aye	Mike Kurtz—Aye
John Styer—Aye	Mike Martin—Aye
Bryant Glick—Nay	Todd Burkhart—Aye
Don Herrington—Aye	

The motion passed. Ordinance #595 was adopted.

Chairman Kurtz then made the motion that the request of the New Holland Business Association to use and close various sections of streets in the Borough for its Christmas on Main activity on Saturday, December 3, 2022, with the street closings of Main Street between Railroad and Custer and the closing of North Roberts Avenue, Main to Towne Centre Lane, from noon until 5 p.m.; as well as the closing of South Roberts Avenue, Main south to Franklin from 8 a.m. to 5 p.m., be approved. This was seconded by Bryant Glick and passed.

Chairman Kurtz next made the motion that the street use and closure request of the Garden Spot High School Cross Country team to hold its Farmers 5k on Saturday, April 9, 2022, closing East Jackson Street from South Kinzer, east to Ranck Road, from 7:30 a.m. to 11 a.m., be approved. This was seconded by Todd Burkhart and passed.

Mayor Bender reported the monies received through the Police Department for the past month as: \$636 from the District Justice's office; \$120 from Accident reports; and \$213 from Fingerprinting. He echoes the comments of Council to commend

the Chief and Detective Bitner, as well as others involved for their good work investigating and handling of the homicide case.

Manager Fulcher reported for information purposes that the organization Aaron's Acres, because of the loss of use of the closed Manheim Borough pool, will be working with the Borough to utilize Community Memorial Park for its Summer Day Camp this year, beginning around June 20 and running through early August. Activities will probably involve two pavilions. It is weekdays only.

Member Burkhardt stated he would like to note the recent passing of long-time Borough resident, Joan Delp. Mrs. Delp served as Tax Collector at one time, then on Borough Council. She remained interested in the community and was a long-time volunteer with the Farmers' Fair Association.

There being no further business or public comment at this time, Council adjourned into Executive Session with Solicitor Harris. Mayor Bender and Manager Fulcher also attended.

Following the reconvening to regular session there was no action or public comment. The meeting then adjourned at 8:55 p.m.

February 1, 2022  
Date Approved