

MINUTES
New Holland Borough Council
March 1, 2022

The New Holland Borough Council met in regular session on Tuesday, March 1, 2022 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, Michael H. Kurtz and Michael N. Martin. Member Bryant J. Glick was absent. Also present were Manager/Secretary J. Richard Fulcher, Mayor M. Timothy Bender, Police Chief William Leighty and reporter Carole Deck. Others in attendance included Borough water consultant Jeff Bologna of Becker Engineering, Borough Stormwater consultant Andrew Tuleya of ARRO Consulting, residents Bill Kassinger, Rebekah Brown, Barry Nolt, Barbara Nolt, Tom Watson, LeRoy Martin, Vicki Martin, Kirk Middlekauff, Doug Martin, Lee Vescovich and Doris Martin.

President Herrington opened the meeting asking for action on the Minutes of Council's meeting of February 1, 2022.

Todd Burkhart made the motion that the Minutes of Council's meeting of February 1, 2022, be approved as distributed. This was seconded by John Styer 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 and passed. Members Burkhart and Styer abstained to avoid any appearance of conflict with any business they may own.

Stormwater consultant Andrew Tuleya then made his presentation for the MS-4 program related elements. The Borough has a five-year National Pollution Discharge Elimination System (NPDES) Permit, under various rules, regulations and procedures similar to the water and wastewater operations. The current Permit runs from July 2018 through June 2023. There are annual updates required; as well as reporting of any spill incidents involved with MS-4 requirements. This relates to the national Clean Water Act and is overseen by PA DEP. These Permits require the municipality to properly implement and enforce the programs for controlling its stormwater discharges. It must effectively prohibit pollutants in its stormwater system or otherwise address other pollutant spills. The Borough does include a number of resources on its website related to stormwater management and assisting in pollution prevention.

In response to a question from Mayor Bender, Mr. Tuleya noted that the Borough's annual plan update and activities are classified by DEP under its Acceptable category. The only other category it uses is Unacceptable. The staff is very cooperative and knowledgeable about the program and the procedures and compliant requirements. The Borough is in very good shape with these requirements.

Police Chief Leighty then briefly reviewed his monthly Report. There was a total of 298 incidents. There was a total of 24 arrests, of which 19 were felonies or misdemeanors. There were five DUI arrests. Of 11 total accidents, 4 were reportable. Twenty-one citations were issued, along with six warnings. There were seven incidents involving juveniles; four of which were referred to Juvenile court; three to District court. The list of main officer participation events is shown on the fourth page.

Police Chairman Burkhart complimented the officers on the number of DUI arrests.

Finance Chairman Morgan then made the motion that Council approve payment of one-half of the budgeted donation to the Eastern Lancaster County Library, \$8,500. This was seconded by Todd Burkhart and passed.

Resident and ELANCO Library Board member Lee Vescovich stated on behalf of the Library Board, thanks to Council for its support.

Personnel/Property Chairman Styer reported he had no action items but did want to recognize and commend the staff involved with assisting the well-known service organization Aaron's Acres and its coming to the Community Memorial Park this summer for its camp program. This includes Administrative Assistant Paula Walsh, Pool Manager, Park staff Leo Ward and Manager Fulcher. The Borough received a very nice letter recognizing these staff and expressing its thanks to the Borough for welcoming it to its facility. They will be using the pool a small portion of most days. The pool is undergoing some recaulking when needed and replacing the filter at the Baby pool.

Water Chairman Mike Martin, reporting also for the Wastewater Committee, stated there was no action items for presentation this evening.

Streets Chairman Kurtz made the motion that Council award the low bid for the 2022 street overlay work to New Enterprise Stone and Lime of Ephrata at a cost of \$99,282.28. This was seconded by John Styer and passed.

Chairman Kurtz next made the motion that the updated Memorandum of Understanding between the Lancaster County Conservation District and the Borough, be approved. This is the procedural process requirement of the District. The updated Memorandum does not change the process as used in the past. This was then seconded by Todd Burkhart and passed.

Chairman Kurtz reported that since last month's Council meeting when a stormwater improvement project was approved by Council in the area of 539 and 543 West Conestoga Street, a request was received by the nearby residents for a small change. One of the minor elements of this plan, as suggested by the consulting engineer, was to include a section of new 15-foot pipe with new culvert box on the north side in front of the Nolt's property along a portion of 539 West Conestoga Street. This was to collect some of the water going west along the north curb line flowing west to the main drain on West Conestoga on the west side of the Nolts. The Nolts and their neighbor to the west have provided the Borough with a letter stating they support not including this small section of additional collection and drain in the main project. They feel the smaller amount of water can simply continue along the curb line to the main collection point at the new drains to be installed in the street.

Manager Fulcher reported he has checked this suggestion with consulting engineer Becker to see if removing this element was a major concern. The engineer explained that it was not. It was just intended to catch some of the water running along the curb before it collected at the main drainage location. He suggested getting the request in writing from these two main owners involved; which was provided to the Borough by them.

Chairman Kurtz then made the motion that the initially identified additional section of 15-inch pipe with drain box that was to run along the north curb in front of the property currently owned by the Nolts at 539 West Conestoga, be deleted from the initially approved plan. This was seconded by Mike Martin.

Member Morgan asked Manager Fulcher what he thinks eliminating this element would reduce the cost of the project.

Manager Fulcher replied his estimate would be about \$6,000.

The motion then passed four to two. President Herrington noted members Burkhart and Morgan voted against.

Chairman Kurtz then made the motion that the request of the New Holland Band to close East Jackson Street between South Kinzer Avenue and Park Avenue, on Sunday, July 9 from 8 a.m. to 4 p.m. He noted the organization is responsible for obtaining proper traffic control. This was seconded by John Styer and passed.

Chairman Kurtz next made the motion that the request of the Farmer's Fair Association to hold its annual Fair and parade be granted with the following street use for the Fair: from Tuesday, September 27, 2022 at 1:00 p.m., until 8 a.m. Sunday, October 2, 2022; for the use of Main Street between Custer Avenue and Railroad Avenue; South Roberts; North Roberts Avenue from Main, north to Broad Street; and Franklin Street between South Roberts and South Railroad Avenue; and for the parade, to be from 6 p.m. to 10 p.m., on Wednesday, September 28, the use of Jackson Street from Ranck Road, west to South Custer Avenue, then north on Custer to Broad Street, then east on Broad to North Railroad; then south to Main; then east on Main to Kinzer Avenue. This was seconded by John Styer and passed.

Mayor Bender reported the monies received the past month as: \$494.83 from the District Justice's office; \$120 from accident reports, \$10 from parking fines and \$228.71 from fingerprinting. He noted that he will be providing a Mayoral Proclamation to recognize the 100th Anniversary this year of American Legion Post 662 which is in New Holland. On a different item, he also states publicly as required that as Mayor, similar to his first term, he will not be performing marriage ceremonies. This was also provided in writing to Council.

Manager Fulcher reported as an information item learned late this afternoon that in conjunction with some of the activities of the Legion during its anniversary year, a Vietnam era Huey helicopter is planned to land and be on display at the Legion ballfield on June 30th. This is being done by the Liberty Warbirds. This will be handled by the Legion and more details should be available later.

Mrs. Nolt inquired if the date of the stormwater improvement project to be on West Conestoga has been identified yet.

Manager Fulcher stated that the major items have been ordered but they do not identify a delivery date, so the work date is not able to be set. Once everything is finalized and able to be coordinated, he will let them know.

Mrs. Nolt stated she also just wanted to follow up with the earlier discussion about eliminating the short section of 15-inch pipe that was proposed to be in front of her house. They felt that with the street resurfacing planned for next year which will reduce the amount of water which over-flows from North Hoover Avenue along that curb, will make this extra pipe unnecessary. Mr. Nolt was also concerned that for the little benefit gained there is a chance his water line could freeze because of it.

Tom Watson of 540 West Conestoga Street, across from the Nolts and Mrs. Middlekauff, stated he knows the new plan for the street will improve the drainage flow at that location however he still feels the inlet at the corner of his and his neighbor's properties and the pipe it is connected to should be looked at. A larger inlet here with a larger pipe would collect much of the surface flood water in the backyards of this area. This is inlet 13 which is the one between his and his neighbor's property.

Member Burkhart noted that this was discussed last meeting and it was decided and agreed that the first priority of concern would be with the on-street low spot drainage area and the system discharge pipe from that point.

Mr. Watson stated he has a video of one of those flooding storms and how the surface water flows through his yard. Anyone is welcome to see it. He is willing to pay one-half of the costs of an improvement project on his property, including the engineering study costs. He feels this type of situation takes Council out of its comfort zone.

Vickie Martin of 544 West Conestoga Street, the property to the east of Mr. Watson's, stated when there are those heavy rains it runs ok through their property but on Mr. Watson's it can get close to entering his house.

Manager Fulcher suggested he could communicate with the consulting engineer for his feedback and any prior information he may have developed with this area. There may be some less involved ways to address it. There are similar and worse situations in town during a flooding rain.

Council member Morgan stated he takes issue with Mr. Watson's comment about Council being afraid to step outside its comfort zone when dealing with these types of situations. He noted Council is not paid and tries to keep taxpayer costs down for the entire Borough and has to consider the whole Borough when discussing matters. They use the consulting engineer when needed to provide guidance on

these matters. He feels the staff discussing the situation concerning the surface flooding near inlet 13 with the engineer is acceptable at this time; however, he asks people to understand and respect Council's position with these matters. It takes time to fully consider such things and what is in the best interest of all the Borough taxpayers and similar situations during flooding rains throughout the town.

Resident Doug Martin of Westfield Drive stated he can see both sides of the discussion. Do the main work on the street and with the discharge pipe first, then see if what Mr. Watson asks for is feasible, but do it one step at a time.

There being no further business or public comment, the meeting convened into Executive Session to discuss police personnel matters.

Upon reconvening into regular session, Patrick Morgan made the motion that Council deny the grievance of Officer Derek Kanuk and the grievance of Officer Shannon McCorkle. This was seconded by Todd Burkhart and unanimously passed.

There being no further public comment, the meeting adjourned at 8:25 p.m.

April 5, 2022

Date Approved