

MINUTES
New Holland Borough Council
June 6, 2023

New Holland Borough Council met in regular session on Tuesday, June 6, 2023 at 7 p.m. in Borough Hall. Members present were: Vice-President Patick K. Morgan, John A. Styer, Michael H. Kurtz, Michael N. Martin, Harry M. Klinger, and Bryant J. Glick via phone. President Donald J. Herrington was absent. Also present were Manager/Secretary J. Richard Fulcher, Mayor M. Timothy Bender, Police Chief Bill Leighty, attorney Susan Yocum and reporter Carole Deck. Others in attendance included Borough Police Detective Josh Bitner, Borough water consultant Jeff Bologa of Becker Engineering, Susan Burke, President of the ELANCO Library, representative of Garden Spot Fire Rescue President Tom Curtis and Glenn Karker, Borough residents Jonathan Brown, Rebekah Brown, Jen Chapin, Lisa Gehr, Ray Harnish, Bill Kassinger, Karen Sheesley, Bonita Stone, Sharon Whitaker and Kim Wright and non-residents Brian King and Lori King.

Vice-President Morgan opened the meeting, noting that prior to the meeting, Council held an executive session with its consulting attorney for personnel matters.

Harry Klinger made the motion that the Minutes of Council's meeting of May 2, 2023, be approved as distributed. This was seconded by Mike Martin and passed.

Patrick Morgan made the motion that the monthly Financial Report be accepted and the bills paid as prepared. This was seconded by Michael Kurtz and passed. Member Styer stated he abstains to avoid any appearance of a conflict of interest in any business he may own.

Property Chairman Styer had no action items but noted that long-time community volunteer Shaun Seymour recently passed away. He was devoted to the New Holland Community Memorial Park as well as many other community activities.

Water Chairman Martin stated he wished to thank those members of the Water Department with the assistance of Street Department staff with the repair to the large leak on the west end of the Borough's service area under Main Street, near the New Holland Family Restaurant business the Saturday of Memorial Day weekend. They are aware of their responsibilities with this but holiday weekend emergencies especially disrupt their time with their families.

Streets Chairman Kurtz reported that the proposed Resolution with PennDOT on tonight's Agenda was identified in the interim as an action for the Borough Authority only as utility owner. This does not involve any action by Council.

President of GSFR, Tom Curtis, then noted the highlights of their monthly Report. The Report, which covers April 1 thru April 30, 2023, includes sections relating to: Apparatus Hours for Incidents; Basic Incident Info with Number of Responding Apparatus and Personnel; Hours Spent per Activity; Incident Statistics from Alarm to Arrival; Personnel Hours per Incident. There were 45 incidents during this period.

Mayor Bender reported the monies received through the Police Department for the month as \$917.87 from the District Justice's office; \$30 from accident reports; and \$75 from fingerprinting. As noted by Member Martin a few minutes ago, he also appreciates the work of the Water and Streets crew members who assisted in the major water leak repair on West Main Street the Saturday of Memorial Day weekend. He also noted that it often seemed volunteer Shaun Seymour lived at Community Memorial Park, he saw him there so often.

Police Chief Leighty then reviewed his monthly summary Report. There was a total of 180 incidents. There were 17 total arrests; of these, 6 were felonies or misdemeanors, 10 were summary offenses; one DUI, which is included in the total. There were three reportable accidents, seven non-reportable. In other traffic activities, there were 32 citations and 5 warnings. There were eight juvenile contacts; four were referred to Juvenile court; four to District Court. His and the officers' activities at community events are included. There are also copies of a few letters from the community in the Report.

Patrick Morgan then made the motion that the proposed Side Letter Agreement #4, between the Borough and the Police Officers' Association be approved as recommended by the Police Committee and prepared by the consulting attorney, be approved. He noted this is to mutually settle the long-time miscalculation of accrued vacation hours matter. This was seconded by Mike Kurtz and passed.

Vice-President Morgan reported that Borough Council has investigated the charges leveled against the police Chief by certain members of the Police Association; giving both sides the opportunities to provide information about the allegations. After reviewing all of the information, Council did not find a basis to discipline the Chief.

Member Harry Klinger made the motion that consulting attorney Yocum read a statement as approved by Council as Council's decision and read aloud. This was seconded by Mike Martin. Vice-President Morgan requested a roll call vote. The vote was:

Mike Kurtz—Yes

Mike Martin—Yes

John Styer—Yes

Harry Klinger—Yes

Bryant Glick—Yes

Patrick Morgan—Yes

The motion passed. Council's answer to the charges were read aloud by attorney Yocum:

Statement of Support

June 6, 2023

The New Holland Police Officers Association represents uniformed officers of the New Holland Police Department. On April 13, 2023, the Association submitted to this Council a letter advising that a subset of members of the Association had taken a vote of no confidence in the Borough's Police Chief, William Leighty.

In the letter, certain members of the Association made generalized allegations regarding as host of complaints and concluded by threatening to disseminate information in a public forum if Council did not agree to a resolution satisfactory to the Association. Council subsequently learned that their proposed resolution was the discipline/termination of the Chief.

Council reviewed the letter with an open mind; however, the Association did not include any evidence in its letter. As such, Council requested that the Association provide all documentation it had in support of its allegations. Council also provided the Association with an opportunity to address Council and answer questions that Council had following the submission of the Association's information.

Ultimately, when an employee is alleged to have engaged in misconduct, as the Association has alleged, the person about whom any allegations are made should be provided with notice of the allegations and an opportunity to respond. Based on the statements made by the Association, it is clear that the Chief was never afforded that courtesy either before the Association took the vote of no confidence or after the allegations against the Chief were made public.

Borough Council has, however, taken steps to obtain the facts and has provided Chief Leighty with the due process that he—like any other Borough Employee—is owed. The Chief was provided an opportunity to respond and supply any information or documentary evidence that he wished Council to consider regarding the allegations.

Based on all of the facts that Borough Council has obtained to date, from the Association, the Chief and other witnesses, it is Council's opinion that the Association's allegations are without foundation. Their claims were an attempt to relitigate issues from years ago that were already resolved through the grievance/arbitration process in accordance with the parties' collective bargaining agreement; were actions to the Chief that were not the Chief's decisions; were issues that fall squarely within the rights of management; or were simply unfounded/false allegations.

Council, therefore, cannot find that there exists any factual basis to unilaterally take action to impose discipline, up to and including termination, against the Chief as demanded by a subset of the Association.

In fact, Council is taking this step today to announce its support in the Chief and the direction he is taking the Department.

Susan Burke, current President of the Board of the Eastern Lancaster County Library reviewed the highlights for the month of June at the Library. Some of the things you will see are that the Summer Reading Program began June 3 and runs through August 12. There is a Networking and Library Spotlighting event on June 15 at 6:30 p.m. at the Library. There are 28 special events and programs scheduled in June. One item the Board is able to be proud of is the recent award of a Bronze Star from the PA Library Association's 21st Century Literacies Initiative: PA Forward. This is for its offering of high quality programs, services and collections that foster basic literacy, information literacy, civic and social literacy, health literacy and financial literacy.

Vice-President Morgan noted that a resident asked him to mention the possibility of a mirror on a pole along North Kinzer Avenue at the State Street intersection as a way to improve the nearby residents concerns with this intersection. He is referring this to the Manger and Streets Committee Chairman for review.

Resident Steve Loewen stated he was at this evening's meeting to mention a few additional things concerning the passing of long-time community volunteer Shaun Seymour. His volunteer activities included supporting many local organizations including the New Holland Community Park. His efforts were a main factor with creating the pool; which opened in 1984. His efforts with the pool and other services at the Park probably saved costs at the Park over the period over tens of thousands of dollars. He also provided personal time, professional skills and labor assisting activities relating to the Historical Society's Museum, the Farmers' Fair building, the ELANCO Library and the Timbers Playground. He was a mentor to him. The family is holding a service for him at Garden Spot Village on Saturday, June 10, 1:30-3:30 p.m.

There being no further business or public comment, the meeting adjourned at 7:18 p.m.

July 3, 2023

Date Approved