

MINUTES
New Holland Borough Council
September 5, 2023

New Holland Borough Council met in regular session on Tuesday, September 5, 2023 at 7 p.m. in Borough Hall. All members were present: President Donald J. Herrington, Vice-President Patrick K. Morgan, John A. Styer, Bryant J. Glick, Michael H. Kurtz, Michael N. Martin and Harry M. Klinger. Also present were Manager/Secretary J. Richard Fulcher, Mayor M. Timothy Bender, Police Chief William Leighty and reporter Carole Deck. Others in attendance included water consultant Jeff Bologa of Becker Engineering, stormwater consultant Brad Underkoffler of ARRO Consulting, Borough residents Austin Sensenig, Charlene Sensenig, Wanda Hoover, Sheila Smeltz, Henry Smeltz, Lino Vescovich and Andy Herrington.

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 meeting of August 2023, be approved as presented. 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 Martin and passed. Member Styer abstained to avoid any appearance of conflict with any business he may own.

Police Chief Leighty next reviewed his monthly summary Report. There was a total of 118 incidents. Of five arrests, three were felonies or misdemeanors, two were non-traffic summaries. There were two reportable and three non-reportable accidents. There were 14 traffic citations and 10 warnings. There were no juvenile contacts. He noted there were 30 volunteers assisting with National Night Out.

Member Klinger inquired if there were some officers off the normal schedule during the past month.

Chief Leighty replied two were out on disability and some vacation time was used.

Vice President Morgan stated his appreciation to the Chief, the officers and volunteers who helped with National Night Out.

Chief Leighty then explained that officer Yanarella has requested Council approval as called for in the Collective Bargaining Agreement to work as a wrestling referee as secondary employment. He noted this should not interfere with his officer responsibilities. It would normally involve some high school matches and tournaments as well as possibly some occasional weekend tournaments.

Member Glick inquired what the officer's current normal schedule is.

Chief Leighty stated that for 2023 it is permanent night shift of 12 hours, 6 p.m. – 6 a.m. Vacation, personal or Kelly time can also be used for this.

Member Morgan asked what the staffing normally is for that shift.

The Chief replied three are normally scheduled, two is the normal minimum.

Mayor Bender inquired what the normal minimum allotted time period is for requesting time off a shift. He inquired if it is possible overtime could be needed to cover for this.

The Chief stated that if it occurs, the increments are for one-half or a full shift. If there are conflicts related to staffing, he tries to address them.

Member Morgan inquired if the Chief approves any change in scheduling before it is approved.

Chief Leighty stated yes that is the way it has always been. Normally one week's request is required.

Vice-President Morgan suggested that with other residents here for other discussion matters, this evening's activities Council move forward on the Agenda, with this to be considered later in the meeting.

Patrick Morgan then made the motion that Council's payment of the second half of 2023 budgeted donation to the ELANCO Library, \$8,750 be approved. This was seconded by Mike Kurtz, and passed.

Personnel/Property Chairman Styer reported he had no action items but wants to recognize Pool Manager Leo Ward and the Lifeguard staff for another successful season; as well as the other Park staff for its work during the season with events,

pavilion rentals and so on. When he visited this past weekend's Fiddlers' Picnic put on by the Summer Arts Council, it seemed fairly well attended.

There were no Wastewater or Water action items.

Streets Chairman Kurtz made the motion that the request of the Hand-in-Hand Fire Company, of Bird-in-Hand, to utilize Fulton Street between South Railroad and South Custer, as well as South Custer, south to the Borough line on Friday, September 8 for its 5k Run, 6:30 p.m. to 8 p.m.; and again on Saturday for its one-half Marathon, 7:30 a.m. to 1 p.m. be approved for use as a Rain Date request should they have to be relocated from the Bird-in-Hand area. This was seconded by Harry Klinger and passed.

Resident Austin Sensenig of 517 West Broad Street then spoke to Council. He wants to say first that he has learned there was a more proper way to approach the Borough with this matter than he has been doing. Someone told him to go to Council and twist their arm. He now realizes this was not the way to proceed. There is a stormwater swale along the eastern edge of his property and he would like the Borough to install a pipe there instead of it. He owns a big tree along it, the banks are eroding and the swale has stones in it. He also has low spots in his backyard. He then distributed a few pictures of the swale and his yard after one of the intense storms of 2019.

Manager Fulcher noted that enclosing a working open swale would be problematic. The swale works as designed and a pipe increases velocity downstream, yet above the pipe it would still require a swale to handle all the water that accumulates and cannot go down the pipe quick enough; particularly in flooding intense rain situations. Additional swale repair by the owner with some improved landscaping on their yard might help with his low spots. The owner or their contractor should submit a corrective work plan for anything related to the swale and in this case landscaping also for the Borough's review and approval to proceed.

Resident Wanda Hoover of 516 Westfield Drive stated her property is behind the Sensenigs and she has built up her yard somewhat behind (north of) the end wall catch basin of the swale. In flooding rains, the water that is too great to go into the inlet flows across her yard then onto Westfield Drive.

Borough stormwater engineer Brad Underkoffler explained that installing a pipe will not change flooding situations and it creates other problems. He recommends the owner keep the channel clean and remove vegetation that affects flows. Open

channels convey more water in heavy rains and are favored over piping by the state where they exist. Piping at this location would also cause more problems downstream. The large tree could be taken down but the trunk would have to remain to keep the bank in that area stable.

Wanda Hoover asked the engineer if the swale was part of the Borough's stormwater system.

Engineer Underkoffler replied it is and is to be maintained properly by the owner under state law and the Borough's stormwater ordinance. Changes are not allowed to make matters worse downstream or change the design purpose of the swale.

Member Morgan suggested Mr. Sensenig meet with Manager Fulcher to review the Borough's process for reviewing and approving such concerns.

Mayor Bender reported the monies received through the police department the past month as: \$725.50 from the District Justice's office; \$45 from accident reports; \$20 in parking fines; and \$100 from fingerprinting. He also witnessed the August National Night Out as extremely well attended by the community. On another matter, he feels it is a complement to the Borough and the Park Manager Leo Ward and staff for the continued success and comfort felt by the Aaron's Acres summer camp group; which just completed its second successful year in the Borough.

Manager Fulcher reported long time volunteer and worker at special events at Community Memorial Park fell while working the recent Bar B Q Fest and will be off for rehabilitation. The Latin American Organization is not utilizing the Borough for an event this year.

Resident Lino Vescovich, ELANCO Library representative to Council, expressed his appreciation for Council's approval of the second half of this year's budgeted donation. The Summer Reading Program recently concluded another successful year.

Resident Henry Smeltz stated he is current President of the New Holland Summer Arts Program. Their 2023 music events ended with the annual Fiddlers' Picnic, as noted by member Styer. The July 4th Fireworks night was again packed at and near the Park. He wants to recognize and thank Manager Fulcher who oversees the Park's parking and dealing with the traffic that evening. He uses a plan and system that works well.

There being no further discussion, the meeting was then recessed into Executive Session for an update on police personnel matters.

Upon reconvening into regular session, John Styer made the motion that the request for outside employment by officer Yanarella as a wrestling referee be approved, noting it meets the guidelines; and further the officer follow the normal operational requirements for any needed work time off for this. This was seconded by Harry Klinger and passed.

There being no further business or public discussion, the meeting was recessed until Noon, Monday, September 25, 2023. The meeting recessed at 8:35 p.m.

September 5, 2023
Recessed to
September 25, 2023

New Holland Borough Council met in a recessed meeting from September 5, 2023, on Monday, September 25, 2023, at noon in Council chambers. Members present were President Donald J. Herrington, Vice-President Patrick K. Morgan, Bryant J. Glick, Michael H. Kurtz and Harry M. Klinger. Members John A. Styer and Michael N. Martin were absent. Also present were Manager/Secretary J. Richard Fulcher and Police Chief William Leighty and for a portion of the meeting, part-time police officer Heather Halstead.

President Herrington reconvened the meeting, noting the first action is the consideration of the hiring of probationary officer Kirk Wolfe as a full-time officer. Chief Leighty presented a letter of recommendation to hire probationary officer Kirk Wolfe on a full-time basis. He stated that his performance has been exemplary and he highly recommends he be hired. He then outlined some of his prior experiences in the field and provided a brief outline of some of his past professional experience.

Member Morgan stated he was informed officer Wolfe, current SRO officer, also prepared an update to the position's job description.

Chief Leighty noted that is correct.

Bryant Glick then made the motion that probationary police officer Kirk Wolfe be hired on a full-time basis at the end of his probationary period. This was seconded by Patrick Morgan and passed.

Council then met with police officer candidate Heather Halstead, who is previously a part-time officer. Officer Halstead then left the meeting.

Member Klinger then stated he wished to thank the Chief and the officers who assisted with a temporary local street detour situation during the daytime last week due to the brick repointing project at the New Holland Museum building at Railroad and Main. Northbound Railroad Avenue traffic was detoured during the work days from the 19th through the 22nd onto West Conestoga Street returning north to Main at Roberts Avenue. Many motorists were observed running the stop sign at Broad Street. Upon his informing the Chief of this neighborhood concern, officers were sent to observe the situation and react when necessary. He was casually talking with one of the officers and observed him in dealing with the matter. He felt the officer was doing a good job.

Manager Fulcher, who also serves as Zoning Officer, reported to Council that he is working with the Solicitor to enforce two issues. One is a long-time ignoring of the Borough's Residential Unit Inspection program at 24 Brimmer Avenue. They have been unresponsive to the Borough's informed attempts to resolve the violation. The second involves a newer property owner of 408 West Main Street. The property is approved for three dwelling units and does not meet requirements for any additional. Without inquiry or informing the Borough, the owner apparently added an additional two dwelling units, apparently turning it into a boarding house; for which it also does not meet requirements.

There being no further business or public comment, the meeting adjourned at 12:25 p.m.

October 3, 2023

Date Approved