

NEW FREEDOM BOROUGH SPECIAL COUNCIL MEETING

December 17, 2007

Meeting called to order by President Terrell at 1830 hrs. Present were:

D. Sarpen – Councilman
J. Blum – Vice President
W. Burgess – Councilman
G. Andrews – Councilman
W. Cerkan – Councilman
C. Herrmann – Councilman
J. Joy - Mayor
T.L. Crawford -Borough Secretary

ANNOUNCEMENTS:

President Terrell noted the needed for this special meeting is the refuse bids received on 12/10/07. Any action on the bids received must be taken at an advertised public meeting. This meeting was advertised in the York Newspapers for this purpose.

DISBURSEMENTS:

GEN (001): Total \$ 63,546.04 Motion by J. Blum, seconded by G. Andrews to approve.
Motion carried.

WAT (006): Total \$ 9,759.81 Motion by D. Sarpen, seconded by G. Andrews to approve. Motion carried.

SEW (008): Total \$ 30,875.15 Motion by W. Burgess, seconded by G. Andrews to approve. Motion carried.

REC (009): Total \$ 144.71 Motion by J. Blum, seconded by D. Sarpen to approve. Motion carried.

CC (099): Total \$ 2,040.74 Motion by D. Sarpen, seconded by J. Blum to approve. Motion carried.

MINUTES:

Motion by J. Blum, seconded by G. Andrews to approve the Dec. 10 budget work session minutes as presented. Motion carried.

BUSINESS:

President Terrell advised the bids were forwarded to Stock & Leader for review of compliance with the bid specifications. The bid was awarded to York Waste contingent upon the Solicitor approval at the Dec. 10 meeting. Penn Waste delivered a notice to the Borough office noting the bids appeared to be interpreted differently on page 15, section 21A. The section in question indicated written documentation shall be provided concerning the York County Solid Waste Authority permission. Penn Waste submitted such a copy of documentation, York Waste did not. This was brought to the attention of Stock & Leader, who sent NF a letter noting their firm represents Penn Waste, and can not handle this issue. NF contacted Attorney Steve Stine who agreed to review the issue. After his review he advised NF in writing to reject both bids. His recommendation is based on reasonable doubt whether the bidding document provided a common standard which all bids were received, and rebid after making appropriate clarifications

to the specifications. J. Blum questioned if the issue does affect the award. W. Cerkan also questioned if the issue is fundamental to the price. President Terrell explained the Borough was named in a lawsuit in the 1990's with a refuse hauler, and did settle, and did not want to be in a position where litigation could arise from any party. J. Blum expressed his dissatisfaction that an attorney was not present to review and discuss the issue at this meeting. A representative from York Waste advised Council they have the written documentation in question and can provide it at this time. Council discussed this issue in length, particularly the wording of the specifications. Motion by G. Andrews, seconded by W. Cerkan to reject both bids, extend the current contract for no more than 90 days, and rebid with all clarification necessary. Motion carried.

ADJOURNMENT:

Motion by G. Andrews, seconded by D. Sarpen to adjourn at 1856 hrs. Motion carried.