

NEW FREEDOM BOROUGH COUNCIL MEETING
June 10, 2013

Meeting called to order by President Terrell at 1900 hours. Present were:

E. Paules – Vice President
D. Sarpen – Council member
K. Earll – Council Member
G. Andrews – Council Member
J. Halapin - Mayor
T.L. Crawford – Administrator
E. Mains - Engineer
S. Hovis - Solicitor

Other present: see attached

CALL TO ORDER

ANNOUNCEMENTS:

President Terrell requested a moment of silence for Patty Seward, the Borough receptionist who passed away unexpectedly on May 20.

DISBURSEMENTS

General - \$ 85,578.50 Motion by D. Sarpen, seconded by E. Paules to approve. Motion carried.
Water - \$ 48,109.38 Motion by E. Paules, seconded by D. Sarpen to approve. Motion carried.
Sewer - \$ 69,796.29 Motion by D. Sarpen, seconded by K. Earll to approve. Motion carried.
Rec. - \$ 766.89 Motion by K. Earll, seconded by E. Paules to approve. Motion carried.
Comm. Ctr. - \$ 2,601.07 Motion by D. Sarpen, seconded by K. Earll to approve. Motion carried.

MINUTES: (May 13, 2013)

Motion by E. Paules, seconded by K. Earll to approve the minutes as presented. Motion carried.

REPORTS:

Mayor - Mayor Halapin read the emergency services report. He noted House Bill # 72, (authorizing local law enforcement to use radar), is being considered again, and Officer Blaze has been certified as a “drug recognition” expert. Mayor Halapin advised the department has received donations towards the purchase of equipment from the following businesses; Keller-Brown Insurance, Bubb Insurance, Westfield Insurance and Hartenstein Funeral Home.

Police – Officer Teague advised Council of the departments concerns with traffic along Main and Front Streets in the area of the Steam into History train. He explained citations have been issued, however the increase in pedestrian traffic, parking complaints and congested traffic flow issues have created an increased hazard in the area. He noted there has been a need for more police presence; subsequently the time charged to New Freedom has increased. He also reported they have received complaints on smoke, smell etc., which they have advised residents these are not police issues.

Rec. Council – M. Halapin advised the circus was a success, and thanked the office staff for working Saturday to assist with the tickets. She also reported “family game night” has begun, and the parade will be held on July 6.

Water – D. Sarpen explained a change order authorizing PVC pipe be utilized as opposed to ductile iron. He explained this change should result in a decreased price. Motion by E. Paules,

seconded by K. Earll to authorize Change Order #1 as submitted. Motion carried with D. Sarpen abstaining. D. Sarpen reviewed Payment Requisition No# 1 from York Excavating for the water valve/line/hydrant contract in the amount of \$ 69,692.80. Motion by E. Paules, seconded by K. Earll to approve as presented. Motion carried with D. Sarpen abstaining.

Personnel – E. Paules commended the remaining office staff for working through the loss of Patty and the extended illness of another employee being for an undetermined length of time.

G. Andrews requested Marie Halapin step up to the Council table, and began questioning her on her filing an objection with the Commonwealth Court for his failure to file a financial/ethic statement for the primary election this past May. M. Halapin advised she viewed all the statements to see who was running, since her husband was also running she was curious. She stated after reviewing the statements of all primary candidates, she noted he did not file a statement which is part of the criteria, she filed the objection. Solicitor Hovis stopped the conversation noting this is a personal issue not a municipal matter.

BIDS

Road Material Bids – One bid received:

York Building Materials LLC \$ 306,684.00 \$ 60.85 per ton

Motion by E. Paules, seconded by K. Earll to award the materials bid to York Building Materials LLC in the amount of \$ 306,684.00 contingent upon Solicitors approval of all required documentation. Motion carried.

Material Placement Bids – Five Bids received:

Fitz & Smith, Inc.	\$ 217,968.00
York Excavating	267,082.00
Kinsley Construction	276,701.00
Shiloh Paving & Excavating	285,131.00
Stewart & Tate, Inc.	326,664.86

Motion by E. Paules, seconded by K. Earll to award the materials placement bid to Fitz & Smith, Inc. in the amount of \$ 217,968.00 contingent upon Solicitors approval of all required documentation. Motion carried.

PUBLIC COMMENT

Dennis Cummings of Main St. was present concerning the No Parking on Constitution Ave. from Main St. to School Alley. He expressed his dissatisfaction with parking being prohibited, noting he has parked several vehicles in that block for years. He advised he does not want to put parking on his property and cannot park on Main St. Council explained the concerns of the police, which initiated the traffic study. Council advised they are aware parking is limited in some areas of the Borough, however safety is the priority. Alice Hartenstein questioned the placement of the no parking signs. K. Dickmyer, road superintendent advised the signs are placed according to Penn Dot Specifications.

Raymond Noll of Constitution Ave. was present to express his dissatisfaction with Council action to abandon the alley adjacent to his property. He noted the length of time he has resided in the Borough and an alley is referenced on his deed. Solicitor Hovis explained the issues with roads that are not owned on record by any entity. Council explained the records were searched to 1921 and all the opened alleys in the Borough are adopted except two. J. Manker noted his concern is the maintenance, particularly snow plowing. Several residents

expressed concerns that the liability or maintenance would be their responsibility. Solicitor Hovis explained the Borough could adopt the alley officially, however research would need to be done to see what adjoining deeds may reference and right of ways established. Solicitor Hovis will reference some deeds along the alley to determine what will need to be done if Council wishes to officially adopt the alley.

BUSINESS:

Rezoning Hearing (2030 hrs.) Ordinance 2013-3 (Rezoning) – Solicitor Hovis reviewed the Ordinance, noting several parcels in the area from High St. & Front St. to Playground Alley (map included in minutes), including the Goodfellow playground will be changed from LI to CBD district. No public comment, hearing closed at 2037 hrs. Motion by E. Paules, seconded by D. Sarpen to adopt Ordinance 2013-2 as presented. Motion carried.

Conditional Use Hearing (2040 hrs.) – J. Barnes of James Holley & Assoc. was present to review the conditional use criteria for an urban mixed use development, for 11.5 acre parcel owned by Franklin Development Partnership. The future development will be a combination of a maximum of 284 residential dwelling units and 10,000 sq. ft. of commercial space. J. Barnes reviewed the following criteria; parking, public utilities, design, and landscaping. Barnes requested Council consider a minor modification to the landscape strip at one location and permit the reduction by approximately 3 feet. He explained all other conditions and criteria will be addressed in the LDP, with a time line of a September submittal. Hearing closed at 2102 hrs. Motion by E. Paules, seconded by K. Earll to approve the minor modification of the landscape strip as requested. Motion carried with D. Sarpen abstaining. E. Paules commended the developer for the strong communication he has exhibited with this project.

Amusement Tax Ordinance (2013-2) – Solicitor Hovis reviewed the Ordinance. He noted the tax would only address events operating longer than a week (7 days). The amount would be established at 5% of admission or ticket price. Alice Hartenstein expressed her dissatisfaction with the tax due to Steam into History being required to pay the tax. E. Paules explained the cost to the Borough for such amusements/entertainment such as emergency services, traffic, parking lot maintenance etc. President Terrell explained this should not impact local events since most are less than 7 days. Motion by D. Sarpen, seconded by G. Andrews to adopt the Ordinance as presented, with K. Earll opposed. Motion carried.

OTHER:

Penn Works Grant– D. Sarpen explained the Borough must officially commit to their 25% share of the project with the grant covering the remaining 75%. Motion by E. Paules, seconded by K. Earll to commit the 25% share as required upon award of the Penn Works grant. Motion carried.

Susquehanna High School Request – Council reviewed the letter requesting a reduction in the rental fee for the community center. Request denied, no action taken to approve.

Property Pins – T.L. Crawford advised Council James Holley advised property pins should be located on all properties prior to a permit being issued. T.L. Crawford checked with 27 municipalities in York County and none require it. Solicitor Hovis noted he does not know of any that require it, and is not certain if it can be required legally, since the liability is on the property owner. Council denied requiring pin verification or requiring any property owner to have their property surveyed prior to getting a permit.

LB Water Quote – Council reviewed the memo concerning the meter reading equipment and valve turning machine. K. Dickmyer explained some of the issues with the older equipment, and the need to begin a meter changing program next year. The Autovue reader will save man hours and accommodate the new meters as well as the old meters. K. Dickmyer also explained the valve turning machine, noting the equipment utilized now is 22 years old and has some safety issues. Motion by E. Paules, seconded by D. Sarpin to authorize the purchase of the Autovue reader/equipment and the Valve Boss Model 70 at a NTE cost of \$ 33,390 to be credited against the balance of the approved water infrastructure project. Motion carried.

ADJORNMENT:

Motion by K. Earll, seconded by G. Andrews to adjourn the meeting at 2220 hours. Motion carried.