

NEW FREEDOM BOROUGH COUNCIL MEETING  
FEBRUARY 14, 2011

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

E. Myers – Council member  
D. Sarpen – Council Member  
E. Molinsky – Council Member  
J. Halapin – Council Member  
G. Andrews – Council Member  
J. Joy – Mayor  
S. Hovis – Solicitor  
T.L. Crawford – Administrator

Other present: see attached

CALL TO ORDER

ANNOUNCEMENTS:

E. Paules advised Council of the recent passing of Brian Rohrbaugh, a former Scout Master. He noted B. Rohrbaugh resided in Shrewsbury Twp., but was active in the New Freedom community. E. Paules extended Council's sympathy to his family.

DISBURSEMENTS:

General \$ 221,568.47. Motion by E. Myers seconded by D. Sarpen to approve, noting \$ 122,656. was for police service to SRPC. Motion carried.

Water \$ 43,726.78. Motion by D. Sarpen seconded by E. Myers to approve, Motion carried.

Sewer \$ 70,655.60. Motion by D. Sarpen seconded by E. Molinsky. Motion carried.

Recreation \$ 410.00. Motion by E. Molinsky seconded by E. Myers. Motion carried.

Comm. Ctr. \$ 3,733.61. Motion by E. Molinsky seconded by J. Halapin. Motion carried.

MINUTES: (Jan. 13, 2011)

Motion by E. Myers, seconded by D. Sarpen to approve as presented. Motion carried.

E. Molinsky advised Council the Jan. meeting was rescheduled and he was not present. He had corrections he was planning on requesting to the minutes. He explained he sent an email to members to make the corrections, and not all were made. He noted since the minutes were approved last month and can't be amended, that the following be added as an attachment to the Dec. 2010 minutes from his written copy, and be added into this month as follows; *"BUSINESS – just prior to where Gene Andrews comments begin, I thanks [sic] Councilman Terrell for taking on the additions [sic] work that he did as Council President and his respond [sic] was that this was not part of being Council President. That running the meeting were [sic] and he stated he was not going to do this additional work without being compensated. That is why he was given insurance benefits.*

REPORTS:

Mayor:

Mayor Joy read the emergency services report for Jan. and the year end fire department report. He commended the volunteers of the Rose Fire Company. Motion by E. Molinsky, seconded by J. Halapin to send a letter of appreciation to the Rose Fire Company and New Freedom Ambulance Service. Motion carried. He read the police report and advised Council a traffic detail was done in NF. He stated 59 citations were issued, noting it is most likely a record for traffic citations in NF, and commented that NF had more hours for the month than Shrewsbury. Mayor Joy read a letter to the Editor that appeared in the York Dispatch on 1/27/11 from a Shrewsbury Twp. resident commending the new Chief. He also read a note from a Borough resident commending the Borough on numerous programs such as snow removal, leaf pickup etc. The letter will be copied to the Public Works Dept. E. Myers also commended the Public Works Dept. on the winter maintenance this season.

Police Chief – Chief Boddington explained the recent traffic enforcement along Second St. He advised this type of “speed” detail is most effective when several officers are involved since radar is not available to local police agencies. He elaborated on the arrest of individuals for burglary and the car arsonists (playing cards). He noted the arson case was a mutual effort with YARP and PSP, and commended Detectives Shaffer and Goodfellow on their involvement. He reported the arrests were two young male individuals, which are currently incarcerated. He explained there will be numerous charges filed by different departments, including a Maryland agency. J. Joy reported he attended a Railroad Borough meeting recently, and was advised by a Council member that Chief Boddington utilized an AED several years and saved his wife’s life. E. Paules questioned a category on the SRPC balance sheet. Mayor Joy reported it is a new category for tracking purposes.

#### Water:

D. Sarpen explained the new water tank has been filled and will be manually operated until some changes are made at the Slyder tank. He advised some pumps and valves will need replaced at the remaining tank due to the age of the pumps being 20 yrs. or more. He reminded Council the new tank has all useable storage, unlike the remaining Borough tanks. D. Sarpen also reported Buchart Horn had recently supplied information concerning flows for the wwtp indicating the Chesapeake Bay requirements should be able to be met.

#### Recreation:

M. Halapin advised the winter tennis program has begun in the Community Center. She reported 2 classes have been held, a clown class and a jewelry making class. She provided information on future events that included, egg hunt on 4/15, kite flying, campout at Ernst Park on 5/13 and future classes on various interests and topics. She reminded Council of the movie night this Friday, 2/18 at the Community Center. The movie is *How To Train Your Dragon*, doors open at 6:00 pm. E. Molinsky commended Rec. Council on their efforts. M. Halapin requested Council establish detours at the Ernst Park cul-de-sacs for the campout on May 13. Motion by E. Molinsky, seconded by J. Halapin to establish detours at the Earnst Park cul-de-sacs on 5/13/11 and 5/14/11 during the hours of 5:00 pm – 9:00am. for the campout. Motion carried.

Sewer:

The Raptor equipment was placed in service today.

Public Comment:

Marsha Velli of 115 Freedom Ave. expressed her dissatisfaction to Council and Ms. Crawford that not all the Council meeting minutes were on the web page. She noted to request a copy at the office was a charge of \$ .25 per page. She also explained the minutes from the SRPC were posted after they were approved in a timely manner. T.L. Crawford advised the charge per page was established by Borough Council in the mid 1990's, this is not an office policy, but a Council policy. Ms. Crawford also advised she does not post the minutes to the web page, they are sent to a third party to post. E. Paules apologized noting he is responsible for posting the minutes, not the office and apparently the month was missed. He also explained a new third party has been contracted to handle the web site which should permit the minutes to be posted more expeditiously, as well as other information updates. E. Molinsky advised he would be in favor of waiving the per page fee of \$ .25 for minutes, noting the minutes must be officially approved to be available for copies or posting. E. Myers noted the new method should allow posting of information to be done by the Borough office, thus saving the time. Donald Miller of 48 S. Constitution Ave. inquired as to why the police committee letter was mailed to addresses outside of the Borough? E. Paules advised it was a bulk mailing, which by the post office standards goes to any New Freedom RD, subsequently some may go to the townships of Shrewsbury, Hopewell or Codorus. He explained this is the same method used for the newsletter and the annual water report. G. Andrews advised the last several Council meetings have had representation from Shrewsbury twp., noting they are interested in joining the SRPC. He also explained now the newspaper and even at their Shrewsbury Twp. meeting it has been determined they are only interested in joining if forced by the state to pay state police or join a police agency. G. Andrews explained as other municipalities gave their letter of intent, such as Glen Rock has annually, NF determined it was best to give their notice and not be left financially responsible. E. Paules advised NF has followed the protocol in the Intergovernmental agreement and sent a notice prior to investigating other options. He noted this is the method that is followed with insurance, cell phones, any type of price comparison. E. Paules also explained NF has a loyalty to the good officers and the SRPC, however all options must be looked at, decisions should not be made on emotions, and all information gathered will be shared, same as the letter that the committee sent to the residents. G. Andrews noted the letter that was sent was an attempt to get accurate information to the public, not just hearsay. Solicitor Hovis explained the regional police agreement concept, noting all municipalities involved as well at the regional police board would have to agree to terms and conditions. He also explained it would be discussed at numerous public meetings since it is a contract, however this process would be months down the road, not in the immediate future. Joseph Velli of 115 Freedom Ave. questioned why NF has not approached other municipalities concerning joining SRPC. E. Paules advised that duty falls on the SRPC not the separate municipalities. James Boddington noted other areas are interested in joining; however NF's letter has made everyone hesitate to move forward. G. Andrews noted everyone has been talking, yet no one has submitted anything in

a written form. E. Paules reminded the public NF can only evaluate what is good for NF, not for other municipalities. Mayor Joy advised Council he requested the letter not be sent out, until the SRPC could discuss some of the issues with NF Council. He noted the SRPC will draft a response to NF and post in on their web page. He also noted it would be beneficial for all parties to sit and discuss the problems and concerns. E. Paules supported the idea of the SRPC and NF Council discussing the concern, and possible remedies. Robert Werner of 134 Highland Ave. advised Council he was upset that a letter went out concerning the police issue. E. Paules reminded the public the committee was requested to make their finding public knowledge, and they have.

James Holley was present to discuss Ashley Court. He noted the estimated cost of the street upgrade is approximately \$ 45,000. He explained the LOC is for a larger amount, and this would reduce the LOC for public improvements. Council will have public works review the total public improvements necessary for the development and contact J. Holley with the list.

Mike Jackson, assistant Scout master was present with several Scouts to observe the Council meeting, noting they are working on their citizenship badge.

Joseph Velli of 115 Freedom Ave. read a statement requesting any information regarding the Community Center capital improvements, contracts, rules, penalties accrued etc. be forwarded to the proper agency for review. He also requested written explanation and log of all Borough vehicle use for the past 6 years. He also noted the Borough Administrator salary is one of the 10-11<sup>th</sup> highest in the County. He requested Council consider a residency requirement as well as establish qualifications for the position, to ensure a well qualified individual to serve the tax payers, that has no conflict of interest. J. Velli requested a written record of all health care compensation for the Council president for the past 6 years, and the information be forwarded to the proper agency.

#### ZO Public Hearing:

Solicitor Hovis explained the public hearing process and advertising requirements, and read the ZO preamble. He opened the public hearing. He noted the changes are in the definition sections, changing as well as adding definitions. E. Myers advised these changes have been in the works for 2 years, since 2008 and have been approved by the planning commission. Members of the public questioned if the changes can be posted on the web site. Solicitor Hovis advised they can for public review, however must be in the newspaper to meet the advertisement requirement. S. Hovis closed the public hearing. Motion by E. Myers, seconded by E. Molinsky to table the ZO amendment and have the ZO amendment posted on the web site. Motion carried.

#### Residential Sprinkler Criteria:

E. Paules reviewed the need to address the water system termination method due to the state required sprinkler law for new house construction. W. Portner noted the need is to address existing water lines and new home construction, such as Kohler Pointe. D. Sarpen explained the termination process and the possible problem with just 1 water line. D.

Bortner explained the method they are developing will allow termination for non-payment, yet the water for the sprinkler system will remain intact. Motion by D. Sarpen, seconded by E. Myers to authorize the water dept. to draft a policy and specifications for new house construction dealing with sprinkler systems that meets Solicitor's approval. Motion carried.

#### Resolution 2011-2:

Solicitor Hovis explained Act 44 and the disclosures necessary for pension compliance. He noted it is a basic disclosure of who is involved with the pension. S. Hovis read the Resolution 201102. Motion by E. Molinsky, seconded by E. Myers to approve Resolution 2011-2 as read. Motion carried.

#### Resolution 2011-1:

E. Molinsky questioned the intent of the Resolution. Solicitor Hovis advised it is a basic *code of conduct* for elected officials. He explained this was the wishes of Council at the previous Council meeting. G. Andrews expressed his dislike and that he would not sign a policy outlining what he could do. E. Molinsky noted his dissatisfaction on a policy limiting would he could say or do as an elected official, and believes this is directed towards him. Motion by G. Andrews, seconded by E. Molinsky to table Resolution 2011-1 for further review by Council. Motion carried with J. Halapin and E. Paules opposed.

#### Southern Regional Police:

E. Molinsky explained the history of SRPD beginning in 1989, noting he was on the original committee. He also explained the funding formula, and basic policies that established the dept. He noted the original agreement was revised to adequately address the *withdraw procedures*. He read sections of the SRPC revised agreement, noting the withdraw procedure requires a public hearing. He explained a public hearing would require a notice in the newspaper, stenographer etc., as in a zoning hearing. He advised Glen Rock has never followed the procedure correctly, or Shrewsbury or New Freedom at the meeting of 7/23/10, which he was not present at. He noted based on this, no municipality can withdraw until after the public hearing which would set the time frame of withdraw at 2013. J. Velli of 115 Freedom Ave. why the Solicitor would permit this action if it is not allowed per the agreement. Solicitor Hovis explained the MPC (Municipal Planning Code) of Pennsylvania sets forth the guidelines for a public hearing for land issues only, such as zoning and land development. He further explained a public meeting has requirements for advertising and/or posting, but are different than the MPC public hearing. He noted the 7/23/10 meeting was a legal meeting, even SRPD officers were present, as well as representatives from other municipalities. He further advised since Glen Rock and Shrewsbury Borough sent the same type of notice, it is obvious their Solicitors interpret it the same as he does. E. Molinsky elaborated on the former Solicitors intent, as well as the Commissions intent. J. Blum of Singer Road noted as a former Council member he is familiar with the agreement, and the public hearing or meeting would be held prior to withdrawing, not prior to sending a notice. E. Molinsky continued to read sections of the agreement, noting what can or cannot be done. Motion by E. Molinsky to go on record that the meeting of 7/23/10 did not follow the agreement Section 13D, and that a public hearing must be held and the clock will start form

that time for a 12 month period. Motion died for lack of a second. E. Molinsky clarified items that were mentioned in the minutes from SWRPD meetings. He noted Manchester Township had concerns if another municipality joined how it would impact costs and services. E. Molinsky advised he attended a SWRPD meeting and questioned Chief Bean on how costs were arrived at. The Chief advised him they were a preliminary number as a result of meeting with the NF committee. E. Molinsky noted he also asked the Chief if rent for the NF facility was discussed and with whom. The Chief advised him any discussion was with the committee, and does not believe rent was discussed this early in the inquiry. E. Molinsky referenced and read a SWRPD preliminary budget proposal he received in the mail from an anonymous source. The proposal indicated if GR and NF joined the other municipalities, particularly North Codours would see a savings. E. Paules noted this was a preliminary proposal they received early in the process. E. Molinsky expressed his dissatisfaction that the Borough Administrator is an elected official in North Codours twp., and they could save money if this were to materialize. Dennis Luckenbaugh, a North Codours Twp. Supervisor was present and advised E. Molinsky North Codorus Twp. voted on that preliminary proposal, and that D. Luckenbaugh mailed it to him. J. Halapin advised D. Luckenbaugh his statement is not correct. J. Halapin listened to 10 hours of meeting tapes from North Codorus Twp., and this proposal was not voted on nor even discussed at a meeting, and their vote on the budget was a different number. E. Paules again advised that the proposal was a very preliminary proposal, the number given recently by letter to the committee is a savings of approximately \$ 60,000. under 2011 budget for the year 2012. E. Molinsky stated he was not aware of that and all members should have a copy of the letter. E. Paules advised the committee is doing as instructed and submit a comprehensive report to Council upon completion. Mayor Joy advised the SRPC will respond to NF and will also post the response on the police dept. web page. He also stated he requested the letter not be mailed out, and it was. He stated some of the issues raised in the letter are not correct, and others go back 10 years, and reminded NF they had representation on the Commission if they were dissatisfied. He also pointed out some issues have been resolved and they are moving forward. He stated if Civil Service was an issue why did NF not address it earlier, and indicated that sending the letter to the community was childish. J. Joy stated a meeting to address the issues would have been more beneficial than a letter to the residents. E. Paules stated the committee will review the concept of a meeting and report back.

#### Appointments:

York Adams Tax Bureau – Motion by E. Myers, seconded by J. Halapin to appoint E. Molinsky, and T.L. Crawford as alternate. Motion carried.

Tax Collection Committee - Motion by E. Myers, seconded by J. Halapin to appoint E. Molinsky, and T.L. Crawford as alternate. Motion carried.

#### Tax Collector Request:

E. Paules read the request for a time extension for settlement of 2010 taxes. Solicitor Hovis explained the problem this creates since 2011 cannot be mailed until 2010 is settled, and as of

now there has not been a zero balance settlement. S. Hovis also noted if the lien list is not submitted by the end of the month, the liens for taxes will have to wait for another full year. S. Hovis noted the Council must sign the lien list, and there is concern if all information is accurate. Solicitor Hovis suggested Council have an agreement signed by the Tax Collector to forward liens to the County and withhold any Borough due funds from the tax collector's future commissions. Solicitor Hovis also advised Council if there are funds owed; this cannot be paid under the bond for this type of short fall. S. Hovis advised Council the County released the duplicate, which should not have been done without a zero balance settlement. He reminded Council it is very difficult to hold a tax collector accountable in Pennsylvania, which is why there are currently numerous lawsuits against tax collectors. Motion by G. Andrews, seconded by D. Sarpen to authorize the Solicitor to draft an agreement for the tax collector to forward the 2010 lien list, and any funds due the Borough is taken from future commissions. Motion carried.

**ADJOURNMENT:**

Motion by J. Halapin, seconded by G. Andrews to adjourn. Motion carried.