

NEW FREEDOM BOROUGH COUNCIL MEETING
March 14, 2011

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

E. Myers – Council member
D. Sarpen – Council Member
E. Paules – Council Member
J. Halapin – Council Member
G. Andrews – Council Member
J. Joy – Mayor
P. Fazzini – Solicitor
T.L. Crawford – Administrator

Other present: see attached

CALL TO ORDER

DISBURSEMENTS:

General \$ 82,385.53. Motion by D. Sarpen, seconded by E. Myers to approve. Motion carried.
Water \$ 28,003.26. Motion by E. Myers seconded by E. Paules to approve, Motion carried.
Sewer \$ 181,170.49. Motion by E. Paules seconded by D. Sarpen, noting \$ 124,845.56 was to Enquip, Inc. for the "raptor". Motion carried.
Recreation \$ 1,077.86. Motion by E. Myers seconded by J. Halapin. Motion carried.
Comm. Ctr. \$ 5,204.76. Motion by J. Halapin seconded by E. Paules. Motion carried.

MINUTES: (Feb. 14, 2011)

Motion by G. Andrews, seconded by D. Sarpen to approve as presented. Motion carried. E. Myers commended the Borough Administrator on the accuracy of the minutes.

REPORTS:

Mayor:

Mayor Joy advised Jeff Halapin has resigned from the SRPC. J. Joy extended his gratitude for the time and dedication J. Halapin provided to the SRPC. J. Joy expressed the dissatisfaction of the SRPC concerning the NF Police Committee report mailed to the residents. He advised the SRPC will respond to the letter. The SRPC does not believe the letter is completely accurate, noting some issues were several years ago, not recent. He suggested a meeting of SRPC members and the committee on 3/28/11. E. Paules responded a meeting would be beneficial, noting some of the issues for discussion are personnel matters. E. Paules suggested the meeting consist of the NF Police Committee, the 3 Mayors of the respective municipalities and Chief Boddington. J. Joy agreed a meeting of this nature would clarify some issues, and be a positive move for all entities involved. Mayor Joy read the emergency services report for February 2011. He also noted the Chief and Administrator are working on breaking the "other time" into several categories as previously requested by NF Council. President Terrell commended the Chief for following through on the previous request of clarification of "other time". Mayor Joy advised the SRPC will be meeting with representatives for Loganville Borough concerning a quote for purchase of police services. He also advised Council of the upcoming "Drug Take Back" event that will be held on April 30, 2011 from 10:00 am-2:00pm at the NF Community Center. Officer Miller provided some facts concerning the event, noting it is a nationwide program recommended by DEA. The event will involve local emergency services, pharmacists, York County Solid Waste Authority, hospital staff and several community recreation boards.

The event is intended to be educational and enjoyable for the family, and to provide the proper means to dispose of prescription drugs.

Police:

Sgt. Smuck briefed Council on the problems with skateboarding, noting the danger when this is being done on the roadway. He noted the department has attempted to alert the skateboarders and parents to the dangers of skateboards and traffic. He advised the fines for this infraction goes to the parents, which results in parents complaining there isn't a skateboard park in the area. Marie Halapin noted there is a skateboard park at Summit Grove Campground; however there are rules and policies that must be adhered to by the users. She also noted the campground is doing some improvements to the facility and it will be opened for use again this summer. It was also noted another municipality previously had a skateboard park, but due to insurance costs and continuing damages it was closed. Sgt. Smuck introduced Derrick Smith as the new SRPD officer, noting he is in his 5th week of training, and doing well. Sgt. Smuck also explained D. Smith was a former Park Ranger and was already Act 120 certified.

Solicitor:

P. Fazzoni advised Council Attorney McNeal has requested a public hearing be authorized for the transfer of a liquor license into the Borough. P. Fazzoni explained this is a procedure set forth by the Commonwealth to move LCB licenses into different municipalities. Motion by E. Myers, seconded by G. Andrews to approve the request for the public hearing to be scheduled. Motion carried.

Sewer:

D. Sarpen noted the high flows at the wwtp during the recent heavy rains, and the Shrewsbury flows were higher than NF, typically this is reversed. He commended the workers at the plant for their dedication and skill in dealing with issues such as the storms. E. Paules questioned if the plant has extra capacity, noting this type of event actually exceeds the daily intake limits of the permit. D. Sarpen explained several factors are involved such as hydraulic loading, organic matter etc. He stated this cannot be answered until the annual Chapter 94 report is complete and reviewed. He also noted the plant continues to meet the Chesapeake Bay requirements.

Water:

D. Sarpen explained the new water tank has been filled, and some pumps and valves are in the process of being replaced to be able switch over to the new tank in the near future. He reminded Council after the switch, and any problems are remedied the older tanks can be taken out of service later this year. He also advised when the new tank is in service the pressures will increase for many residents. D. Bortner advised Council the majority of residents, approximately 400 in the pressure changing zone were contacted and had the Borough issued pressure reducing valves installed. He did note some residents opted out of installing the valve, and were advised that the Borough will not be liable for any resulting pressure issues or damage.

Police Committee:

E. Paules advised Council he did respond to J. Vellis's inquires from the previous Council meeting. He also noted the new Borough web site is in the demo phase, and should be in

service in the near future. The Borough staff will be trained on the site for updates and posting of information.

Recreation:

M. Halapin advised the Feb. movie event had approximately 70-80 people, and HOPE was the recipient of food donations. She also noted new tennis nets were purchased and the 2011 bus trips have been scheduled. M. Halapin reported they were the recipient of a \$ 2000. She advised Council they have a resident, Ms. Patricia Macomber that is interested in filling a vacancy on the Rec. Board. Motion by E. Myers, seconded by J. Halapin to appoint Ms. Patricia Macomber to the NF Recreation Board. Motion carried.

Public Comment:

Assistant Scout Master Michael Jackson was present with two scouts working on obtaining particular badges of the organization. He advised they may contact Council members in the future for interviews.

Bonnie Houston of Freedom Ave. was present to discuss a problem with water flowing from the roadway into her driveway. She stated the problem began after the road profile was altered during the past repaving project. President Terrell noted he witnessed the problem, and advised a meeting will need to be set up with the engineer and contractor during a rain event to see the problem. She also complained about the view of the Rose Fire Company property and stated it appears "junky" when viewed from here window. She was advised by K. Dickmyer that trees would be planted along the property line. President Terrell advised that is a fire company issue, not a Borough issue, however the approved plan will be reviewed and K. Dickmyer contacted concerning this issue.

Inga Andrews of 2 Hancock Ct. expressed her dissatisfaction to Council. She stated the local laws are not friendly to the residents, and she was taken to Court on an awning. She explained she and her husband need the awning, and should be accommodated, not turned down by the Zoning Hearing Board and end up in Court. She stated the Council is responsible to make the residents comfortable, not have restrictive laws. She elaborated on her past service to the Borough by transporting children to doctors when injured on the ball fields. She advised the Borough should work harder to accommodate long term residents of the Borough. She also advised Council she receives numerous complaints from neighbors about the Borough. She read a brief statement about the Zoning Amendment and her objections to restrictive laws.

Rodney Shearer of North Codorus Township was present to question the Nov. 2010 meeting minutes he viewed on the Borough web site. He questioned how the minutes are passed and what is put in the minutes. His objection was that he was referenced in the minutes as being "not credible" and "disliking municipal police". T.L. Crawford advised that it was her statement at the meeting, not a statement by a Council member. He inquired if it was in response to a letter he previously wrote to Council. President Terrell advised the minutes contain the actions at the meeting, and do include some statements or quotes during discussion. P. Fazzoni explained the minutes are an official record of actions and typically include portions of discussion. He also noted they are basically a recap of a previous meeting.

Zoning Ordinance Amendment:

8 Solicitor Fazzoni noted the public hearing for the amendment was held last month. It was also noted the amendment was posted on the web site as requested by the public, and no

comments have been received. Motion by E. Myers, seconded by E. Paules to adopt Zoning Ordinance Amendment 2001-1 as presented. Motion carried.

Business:

York County Conservation District MOU – Council reviewed the memo from W. Portner and D. Sarpen concerning the agreement YCCD submitted for consideration. D. Sarpen reviewed the concerns as outlined in the memo, noting all costs for enforcement, including engineer costs will be the responsibility of the Borough. D. Sarpen advised the time involved for inspections and review of the project will be entirely on the Borough staff or the Borough engineer. He also noted the memo outlines the problems with the time frame the agreement establishes is in conflict with the UCC permit review time frame. Council requested P. Fazzoni to review what costs could be passed on to the owner of the construction project. D. Sarpen noted the Borough has agreement with the County signed in 1996, and the reason for the change is the County does not have adequate staff to handle all the reviews and inspections. E. Paules inquired if these earth disturbance practices also apply to farmers. D. Sarpen stated he does not believe they do, even though they do disturb more than 1 acre. Council request a meeting is scheduled with Eric Jordon to discuss this agreement. E. Paules, B. Terrell and D. Sarpen will attend the meeting with members of Borough staff.

Resolution 2011-1(Council Code of Conduct)

P. Fazzoni explained the Resolution outlines acceptable conduct for Council member's interaction with Borough employees. He explained Council members should handle concerns through the chain of command or committees, not disrupt workers on the job to discuss issues not related to the particular task. P. Fazzoni also noted this is not a binding contract, nor holds any penalties, and is similar to a professional code of conduct. E. Myers commented Council members should have a duty to act professional and not disrupt employees, and should follow guidelines for conduct. G. Andrews stated he did read the Resolution in its entirety, and does not believe he should be restricted in what he does or says to whom. P. Fazzoni explained if the employee is off duty and incidents occur, the federal law dictates the employee is back on the clock and overtime will be paid for the time spent dealing with a work related issue. E. Paules reminded Council this is a result of issues discussed in a previous executive session and was intended to establish a guideline for Council similar to what is established for employee conduct. E. Paules also stated that to have the Resolution state "no contact" may be too restraining and could be modified. He also noted it could be signed on a volunteer basis by the Council members supporting professional conduct for their position. D. Sarpen questioned why any elected official would not want to have a standard of professional conduct. G. Andrews responded he doesn't want to be told what he can or can't do. P. Fazzoni advised the Resolution may be modified to any standard they request. Motion by E. Paules, seconded by E. Myers to authorize the Solicitor to revise the language in the Resolution and submit for Council review again. Motion carried.

Yukon Offer:

Council reviewed the e-mailed offer from Liberty Township PA for \$ 19,500. The offer also noted the vehicle requires new tires. E. Paules noted the offer is within the price range of the value suggested by the Edmunds computer printout. Council questioned the original price and was advised it by T.L. Crawford it was purchased in 07 at a co-stars cost of \$ 24,000. – \$ 25,000. Motion by E. Paules, seconded by G. Andrews to accept the offer of \$ 19,500. from Liberty Township PA.

Other:

President Terrell noted the memo concerning the insurance savings on liability and workers compensation insurance is \$ 16,803.13. He also reminded Council of the employee health insurance savings this year of \$ 78,000. He advised the Borough has been fortunate in utilizing PIRMA and comparing or modifying policies to keep cost down.

SRPC Vacancy:

President Terrell discussed the vacancy created by the resignation of Jeff Halapin. He advised he discussed the position with Gene Andrews, noting he has been a long term Council member and is aware of the history of the SRPC. President Terrell recommends appointment of Eugene Andrews to the SRPC NF elected position. Motion by E. Paules, seconded by D. Sarpen to appoint Eugene Andrews to the SRPC NF elected position as recommended. Motion carried.

UCC Sprinkler System Requirements:

D. Sarpen noted the water dept. has a design for the new home sprinkler system requirements under the UCC. The design will allow the potable water connection to be terminated, but not the sprinkler system connection. This will be utilized on new homes under the UCC, and modified if the law requiring sprinklers is amended or repealed.

Apartment Utility Termination:

T.L. Crawford explained a problem with an older apartment complex that does not have separate valves for water service termination. The tenants are habitually delinquent, and the owner has not paid the refuse bills for several years. She explained the property is liened for an amount in excess of \$ 5000. D. Sarpen explained the building was built in the 1960's and separate service connections were not required. He also noted if the service is terminated at the street, all units do not have water. President Terrell advised the Borough Council has met with the property owner over the years to have him install separate connections, and he refuses to pay the amount it would cost to have a plumber do the work. P. Fazzoni explained there is a section in the PA statutes that permits a tenant to pay a utility and deduct the amount from the rent to prevent the utility from being terminated. T.L. Crawford requests Council authorize a meeting with a Council member, staff, Solicitor and the property owner to review the situation and attempt to find a remedy, or advise him the Borough will force judgment on the liens. Motion by E. Myers, seconded by D. Sarpen to authorize the meeting as requested and outline the changes required and fees that are due and what the Borough's remedies are. Motion carried.

E. Paules advised he is attending a training event sponsored by Stock & Leader at the end of the month in York. He invited any other Council member that is attending to ride with him.

ADJOURNMENT:

Motion by G. Andrews, seconded by E. Paules to adjourn. Motion carried.