

**NEW FREEDOM BOROUGH COUNCIL MEETING  
NOVEMBER 14, 2011**

Meeting called to order by Vice President Paules at 1857 hours. Present were:

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

Other present: see attached

**ANNOUNCEMENTS:**

E. Paules reported the passing of Gilbert Shaver, a life time resident of the Borough. He also reminded Council the annual Christmas Tree Lighting Ceremony is November 26 at 6:00 pm.

**DISBURSEMENTS:**

General - \$ 438,856.29 Motion by E. Molinsky, seconded by D. Sarpen to approve. Motion carried.  
Water - \$ 102,597.05 Motion by D. Sarpen, seconded by J. Halapin to approve. Motion carried.  
Sewer - \$ 87,067.64 Motion by D. Sarpen, seconded by E. Molinsky to approve. Motion carried.  
Rec. - \$ 1,827.33 Motion by E. Molinsky, seconded by J. Halapin to approve. Motion carried.  
Comm. Ctr. - \$ 13,086.68 Motion by E. Molinsky, seconded by J. Halapin to approve. Motion carried.  
Liquid Fuels - \$ 52,802.60. Motion by E. Molinsky, seconded by J. Halapin to approve. Motion carried.  
Ashlee Court Payment Recommendation - \$ 38,936.51. Motion by E. Molinsky, seconded by J. Halapin to approve the payment request for Easy Dig, Inc. Motion carried with D. Sarpen abstaining.

**MINUTES:**

Motion by D. Sarpen, seconded by J. Halapin to approve the minutes of 10/17/11 with a sentence concerning the approval of the LDP for the New Freedom Business Park. It will be added that the plan was “post facto” since the project was finished prior to submitting the plan. Motion carried.

**PUBLIC COMMENT:**

Lucy Caldwelladler of Glen Rock Borough inquired if NF has rescinded the “letter of notice” to the SRPC. She advised Glen Rock is concerned, particularly since the arbitration award. E. Paules advised as of date it has not been done, and reminded Council if done it is a 2 year commitment. He also advised the committee provided an outline of concerns to the SRPC. He noted some such as the 2012 budget have been addressed, and the remainder will be monitored to see if progress is being made. D. Sarpen expressed his concerns with the recent arbitration award. Motion by E. Molinsky, seconded by J. Halapin to rescind the letter of notice sent in July 2010. Motion carried with D. Sarpen opposed. L. Caldwelladler advised Glen Rock is hosting a public meeting on Nov. 16 to advise the public of the anticipated 2013 budget increase that will be necessary based on the arbitration decision. She extended an invitation to Council. She also noted the SRPC has determined that the intergovernmental agreement should be reviewed and updated and the formula be revisited.

Mark Hudgens of 4 S. Shaffer addressed Council concerning traffic issues on S. Shaffer Dr. He requested a reduced speed limit and more enforcement. Council advised the speed limits and stop signs in the Borough are established by York County traffic engineering studies, and cannot randomly be altered. He advised he was at the SRPC meeting and did request traffic patrols since he has not seen police in his area. Council advised they will investigate and obtain a quote for painting the speed limit on the street, and Mayor Joy will discuss this concern with the police dept.

Jamie Unglesby representing Rose Fire Co. expressed their concern over the pavilion in Smith woods. He requested the dept. be able to keep possession of the pavilion since they built it years ago and had plans to make it into a storage shed for their bar-B-que equipment. He questioned why the Borough would not permit them to retain and use it for a shed. E. Paules advised it is built in a Borough owned park, and any maintenance has been done by the Borough public works. E. Paules explained the Borough is intending to improve the park for all members of the public to use as a picnic area. E. Molinsky noted the Borough has supported the fire company in the past and would support them in acquiring a shed to be placed on their parcel. J. Unglesby advised the fire dept. is concerned about the cost of putting a shed on their property, such as fees and permits. J. Joy advised the department's feelings were hurt over Council deciding to improve the park and not allow the pavilion to be modified into a storage shed. Council requested the fire dept. submit a plan of what they are considering for a shed and where on their parcel, and the Borough will work with them.

Greg Carliss of Washington Road questioned if Council would consider hiring him to assist in the public works dept. in maintaining curbs and streets. He advised he has submitted a resume previously but was not hired. E. Paules advised his resume will be kept on file, and there may be some openings in the future.

NF Heritage – D. Folger expressed their gratitude for the Borough's assistance with the Freedom Fest, which was a great success. She advised the museum will begin in January 2012 to half regular hours. The hours will be the first Saturday of each month from 11:00 am-4:00 pm. She also noted they have applied for a grant to assist with a kiosk for the group. She will e-mail information on the museum to T.L. Crawford for the newsletter.

Lou Nickolas of Waneta St. questioned the Borough's skateboard Ordinance. Council explained it prohibits the use of skateboards on sidewalks and streets as a point of public safety. E. Molinsky advised the Borough had constructed a skateboard pad in the park in the early 90's, and it was not used. The kids seem to want a course of ramps and jumps, not a pad. Council advised him to check with Summit Grove Campground who does have a type of skateboard park, however it is private property and they may establish regulations for use.

#### MAYOR:

Mayor Joy read the emergency services report for last month. He also noted the SRPC would like to see the intergovernmental agreement and formula changed. E. Paules inquired if the citizen's representative from NF has been attending the meetings. J. Joy advised it has been several months since he has been at a meeting, but was advised he now works an evening shift for his employer. Motion by J. Halapin, seconded by D. Sarpen to remove Hiram Tinder as the NF citizen representative to the SRPC, and appoint Kenneth Connelly as the representative and no longer the alternate. Motion carried. Council requested the office notify H. Tinder and express their appreciation for past service, and that he may be considered again in the future if his employment situation changes. Motion carried. He also advised the SPRC has changed their labor attorney to Susan Friedman of Stevens & Lee. He also explained the problem with the recent loss of electric service in the area. He reported that a generator was provided by the fire dept. to an assisted living facility in the Borough that did not have emergency equipment to deal with a loss of electric.

Rec – M. Halapin reported the Veterans Day Picnic was a success. She reported the circus will be back in June 2012 and there are still tickets remaining for the New York City bus trip.

#### SOLICITOR:

Scout Lease – S. Hovis reviewed some of the 8 issues that remain in the lease draft for the proposed facility at Veterans Park. Some of the issues that were remedied included; overnight programs could be authorized by Rec. Council, lease term 25 years with 10 year renewals, concerns expressed about

possible restrictions by the Lessee and who they permit to utilize the facility which could be deemed discriminatory since it would public. M. Summers and W. Kirkpatrick discussed the value of the building if the land is sold or needed for public use. After much discussion it was determined 2 appraisals would be utilized to determine an average value. E. Paules noted there are too many issues that need clarified to make a determination and recommended the discussion be tabled to another meeting. Motion by E. Molinsky, seconded by D. Sarpen to table until a continuation meeting can be scheduled. Motion carried.

Bank Alley Abandonment – Motion by D. Sarpen, seconded by G. Andrews to authorize the petition for abandonment of Bank Alley between 3<sup>rd</sup> and 4<sup>th</sup> streets that impacts 3 property owners. Motion carried.

S. Hovis advised e-mails have been received by the police dept. complaining that the Borough Park Ordinances prohibit carrying weapons. He advised no municipality may prohibit the lawful carrying of a gun, but may prohibit discharge. Motion by D. Sarpen, seconded by G. Andrews to amend the Ordinance to prohibit the discharge of a gun, and other material in the Ordinance that may not be consistent with other statutes. Motion carried.

#### COMMITTEES:

Water – D. Sarpen advised the 3<sup>rd</sup> St. tank has been drained, and the system is switched to the new tank. D. Sarpen questioned the status of Ashlee Ct. Motion by D. Sarpen, seconded by J. Halapin to adopt Ashlee Court. Motion carried.

TCC - E. Molinsky updated Council on the possible joint effort with Adams County tax bureau. He also reported there was a surplus of funds with the committee, and a refund will be forthcoming.

G. Andrews advised he has a problem with the Borough tax Collector indicating his tax were not paid, and he now faces a penalty. Council advised this must be handled with the tax collector, the Borough does not handle any tax issues.

#### BUSINESS:

Ordinance 2011-4 (Sewer Rates). Motion by E. Molinsky, seconded by J. Halapin to adopt the Ordinance as presented. Motion carried.

Ordinance 2011-5 (R.E. Tax). Motion by D. Sarpen, seconded by J. Halapin to adopt the 2012 real estate tax rate at .97 mil. Motion carried.

Ordinance 2011- 6 (YAEIT). Motion by E. Molinsky, seconded by J. Halapin to adopt the York Area Earned Income Tax Ordinance and fee schedule as presented. Motion carried.

Cell Phone Tank Lease – T.L. Crawford advised all conditions have been met, and the PC and ZHB recommended approval. Motion by J. Halapin, seconded by D. Sarpen to approve the special exception land development plan as presented. Motion carried.

Hogg Payment Request – Motion by D. Sarpen, seconded by E. Molinsky to approve payment request for the Community Center in the amount of \$ 142,221.64. Motion carried.

Crystal Clean - T. L. Crawford review a quote from a professional cleaning service for the Community Center. The monthly rate is \$ 425.00, which would be for cleaning services for designated areas including the upstairs and auditorium. Motion by J. Halapin, seconded by E. Molinsky to award the contract to Crystal Clean Inc. in the amount of \$ 425.00 per month with duties outlined in the contract. Motion carried.

**SYCRPC (Southern York County Regional Planning Commission) – D. Sarpen noted the funds that remain with the disbanded organization. Motion by J. Halapin, seconded by D. Sarpen to send a letter requesting all funds be disbursed to the member or former member municipalities in the proportionate amounts as received. Motion carried.**

**OTHER:**

**E. Paules advised Council of website usage for the past month as follows: 1076 visits, 3 pages per visit, most popular request; Trick-or-Treat.**

**E. Molinsky requested the vacancy that will be forthcoming for the Mayor or any position be given to the press to publish and put on the web page.**

**CONTINUATION:**

**Motion by E. Molinsky, seconded by G. Andrews to continue the meeting at 0700 hours on November 17, 2011. Motion carried.**

**NEW FREEDOM BOROUGH COUNCIL MEETING  
November 17, 2011  
(CONTINUATION MEETING OF NOVEMBER 14, 2011)**

Meeting continued by Vice President Paules at 0700 hours. Present were: J. Halapin – Council member  
D. Sarpen – Council Member  
E. Molinsky – Council Member  
G. Andrews – Council Member  
D. Jones - Solicitor  
T.L. Crawford – Administrator  
W. Portner – Codes Officer

Other present: see attached

**MINUTES:**

**Motion by E. Molinsky, seconded by D. Sarpen to approve the minutes of 11/14/11 budget session. Motion carried.**

**OLD BUSINESS:**

**Lions/Scout Lease – E. Paules explained there remains some points on the proposed lease that were not addressed at the meeting on 11/14/11. He advised there is another option that has been proposed. J. Halapin suggested a “land lease” be done to the Lions Club. He explained this would remove the Borough from any involvement with the facility, such as access, rentals, repairs etc. It was done previously with the parcel utilized by Peoples Bank of Glen Rock on Main St., with no problems. J. Halapin noted if done as originally proposed there will always be some issues and responsibilities that Borough would have to deal with. Council discussed the concept of a land lease, indicating it would be easier and not as many regulations and conditions would be required. Brad Hittie voiced his concerns on protecting the proposed Scout building now and in the future in with any type lease. W. Kirkpatrick addressed the concern with the value of the building if the land is sold, noting the investors would want some return. D. Jones advised the Borough taxpayers noted could end up paying way more than the construction cost if market value was used or a condemnation done. B. Hittie reiterated if the building is removed or land sold, another facility should be provided for the Scouts. Council discussed different methods to determine a value of the facility if property use or ownership changes. E. Molinsky questioned if he could vote on the issue since he is a member of the Lions club, based on an article he read in the newspaper. D. Jones reviewed the definition of “conflict of interest”. E. Molinsky also inquired if President Terrell could**

vote since he is a trustee of the Lions, and D. Jones reviewed the “conflict of interest” definition again. Council continued to discuss the issues with a land lease, such as parking, and insurance. Council determined the water use will be based on the minimum per quarter at no charge; anything over the minimum would be billed at the current rate. Council advised B. Hittie refuse collection is required and they can contact Penn Waste for any type of deal or special rate. Council authorized D. Jones to draft a “land lease” and forward to W. Kirkpatrick for Lions club consideration.

OTHER:

Community Center Change Order – T.L. Crawford reviewed the options for signs at the facility and associated costs. Options included the Borough seal and wording. Council request additional quotes for wording on the street side of the building only.

CONTINUATION:

Motion by E. Molinsky, seconded by D. Sarpen to continue the meeting on November 21 at 8:00 am. Motion carried.

**NEW FREEDOM BOROUGH COUNCIL MEETING**

**November 21, 2011**

(CONTINUATION MEETING OF NOVEMBER 17, 2011)

Meeting continued by Vice President Terrell at 0800 hours. Present were: J. Halapin – Council member  
D. Sarpen – Council Member  
E. Molinsky – Council Member  
E. Paules – Council Member  
P. Fazzini - Solicitor  
T.L. Crawford – Administrator  
W. Portner – Codes Officer

Other present: see attached

ANNOUNCEMENTS:

President Terrell advised Council the Borough office will be closed on November 24 in observance of Thanksgiving Day. He also advised he will turn the meeting over to Vice President Paules noting he has missed the last 2 meetings for illness.

MINUTES:

E. Molinsky requested the minutes reflect his concern on voting was due to a recent newspaper article involving an ethics violation. Motion by E. Paules, seconded by E. Molinsky to approve the minutes of 11/17/11 continuation with the addition of E. Molinsky’s ethics concern basis be noted. Motion carried. B. Terrell abstained.

OLD BUSINESS:

Scout/Lions Club Lease – Vice President Paules reminded Council the meeting was continued with several of the 8 issues still unresolved, and the new concept of a land lease presented. W. Kirkpatrick advised Council the NF Lions did discuss and vote on the land lease concept. The vote resulted in the NF Lions determining they do not want to own a building. He explained it would require them to incorporate, and they do not believe it is in their best interest. He discussed another non-profit or LLC being formed to actually own the building, and the possibility of the NF Lions being the land lease holder. Council discussed the concept of another entity being formed to be the lessee, which the Borough could lease the land to directly. W. Kirkpatrick reiterated the building value issue would be the same, 2 appraisals at 2012 rate and no appreciation over time. M. Summers advised Council of the method used in Shrewsbury Borough for their scout building. He discussed that his investors would probably be

willing to establish such an entity to own the building, however their original concept was to provide a building to the community. P. Fazzini explained both types of leases have risk, land or building and Stock & Leader would construct the lease tightly to protect the Borough. M. Summers questioned the time frame for approval and the concern for winter weather. Council advised the protocol for handling for commercial permits with Commonwealth Code. Vice President Paules reviewed a court case involving a Philadelphia Boy Scout Council and the City of Philadelphia. The case involved a city owned property and use by the scouts, which became a discrimination suit due to the scouting policies, and public money subsidizing the building. He advised he believes this is the best option to insulate the Borough from any such claims and protect the scouts/youth organizations from changes in public opinion or public policy in the future is to remove the public entity from the building lease. Motion by E. Paules, seconded by J. Halapin to have the group form a non-profit type entity to own the building and the Borough will lease the land and provide water and sewer free of charge as in the terms drafted in the building lease, and all other conditions such as insurance, and building value that have been determined written as part of the land lease. Motion carried.

Community Center Volleyball – T.L. Crawford discussed the need to establish rates for various types of rentals. There is an interest in a group utilizing the facility on Sundays for 6-7 hours for volleyball. Council discussed the need for the rates to vary due to type of use, weekday or weekend etc. Motion by E. Molinsky, seconded by J. Halapin to establish an hourly rate for Sunday volleyball at \$ 75.00 per hour for a minimum of 4 hours, and previously recreation council events not be impacted. Motion carried. Motions by J. Halapin, seconded by D. Sarpen to have the office develop a rate schedule for the various uses and rooms for 2012. Motion carried.

T.L. Crawford advised the proposed contract with Crystal Clean for the community center will be expanded to include weekly duties, as opposed to once a month for the same price as discussed at the previous meeting. Motion by E. Paules, seconded by J. Halapin to approve the contract with Crystal Clean. Motion carried.

CONTINUANCE:

Motion by E. Molinsky, seconded by J. Halapin to continue the meeting until November 29, 2011 at 0700 hours. Motion carried.

**NEW FREEDOM BOROUGH COUNCIL MEETING**  
**November 29, 2011**  
(CONTINUATION MEETING OF NOVEMBER 21, 2011)

Meeting continued by Vice President Terrell at 0700 hours. Present were: J. Halapin – Council member  
D. Sarpen – Council Member  
E. Molinsky –Council Member  
E. Paules – Council Member  
S. Hovis - Solicitor  
T.L. Crawford – Administrator

Other present: see attached

MINUTES:

Motion by D. Sarpen, seconded by E. Paules to approve the minutes of 11/14/11 as presented. Motion carried. Motion by E. Paules, seconded by E. Molinsky to approve the minutes of 11/21/11 as presented. Motion carried.

OLD BUSINESS:

Scout/Youth Lease – President advised the purpose of this continuation meeting is determine if a ground lease is acceptable to the Borough and the Scout organization. He noted Council was provided a draft of a typical ground lease to review, as well as a draft provided to Will Kirkpatrick for comment. W. Kirkpatrick advised Council he submitted the paperwork for the corporation however, no meetings have been held or other procedures established as of this date. The name of the new entity is *New Freedom Youth Center Incorporated*; mailing address is 200 North Front Street, New Freedom, PA 17349. S. Hovis advised he made a minor change with the term. The change will be an initial 25 year term, with five (5) 10 year renewals. W. Kirkpatrick noted the condemnation section needs to address the agreed buyout value of 2 appraisals upon completion of the building and utilizing the median amount the first 25 years of the lease. S. Hovis explained Council may approve the authorization to sign the lease today; however he will hold it until he is provided proof of publication for the advertisement of the corporation. M. Summers expressed concern over the section of the lease that addresses the renewal process. He requested the burden of renewal notification be on the Borough. S. Hovis advised he prefer it be on the Lessee. Council agreed to amend the renewal section to place the burden on the Lessee, and specify that upon the Borough's verification of the expiration a 30 day notice be sent to the corporation for the renewal of the lessee. M. Summers also noted a section of the lease that prohibits explosives, flammable products, and hazardous chemicals tec. He explained the scouts use a fuel product (Coleman fuel) for lanterns and

stoves. S. Hovis will draft a section to permit “fuels” such as Coleman in a reasonably safe amount to be stored at the facility. S. Hovis briefly outlined the insurance requirements, including builders risk insurance that will be required to be submitted to the Borough. Motion by E. Paules, seconded by E. Molinsky to have the Borough enter into a land lease with New Freedom Youth Center Inc., and the lease to include the condemnation /buyout terms as determined earlier, wording to permit the storage of lantern/stove fuels in reasonable amounts, renewal notification as set forth above and Solicitors approval. Motion carried. W. Kirkpatrick advised he will send the P.O.P to S. Hovis and follow through with all necessary steps for the corporation. T.L. Crawford advised a zoning and permit application must be submitted with fees and will be forwarded to Commonwealth Code. She also advised a NF Borough licensed plumber will be required. M. Summers advised the General Contractor is Donald Hedgeland who resides in Shrewsbury Township. T.L. Crawford advised to have the General Contractor contact the office for a pre-construction meeting.

DISBURSEMENTS:

General- \$ 23,112.11. Motion by E. Molinsky, seconded by D. Sarpen to approve. Motion carried.  
Water - \$ 17,177.80. Motion by E. Paules, seconded by D. Sarpen to approve. Motion carried.  
Sewer - \$ 39,694.62. Motion by D. Sarpen, seconded by J. Halapin to approve. Motion carried.  
Rec. - \$ 424.85. Motion by E. Molinsky, seconded by J. Halapin to approve. Motion carried.  
Comm. Ctr. - \$ 5,532.52. Motion by E. Molinsky, seconded by D. Sarpen to approve. Motion carried.

OTHER:

Community Center - T.L. Crawford advised Council the final inspection and construction meeting is Wednesday at 0800 hours.

President Terrell advised Council the annual Christmas tree lighting was last Friday, and he commended the public works department on the appearance tree.

Storm Water – D. Sarpen advised Council his office had an employee meet with Bonnie Houston of Freedom Ave. again. He reminded Council the Borough did place a curb at her yard and her driveway to keep water off her property. She has continued to complain about water in her yard, and that her yard is sinking. She has been advised by the Borough staff, public works and his office that her yard is not sinking but her property sits lower than the roadway and this year has been record rainfall. D. Sarpen reminded Council quite a bit of money has been expended dealing with her, and she remains unsatisfied and may come to a Council meeting.

ADJOURNMENT:

Motion by E. Paules, seconded by J. Halapin to adjourn the meeting at 0746 hours. Motion carried.