

NEW FREEDOM BOROUGH COUNCIL MEETING

December 13, 2010

Meeting called to order by President Terrell at 1850 hrs. Present were:

E. Paules – Councilman
G. Andrews – Councilman
J. Halapin – Councilman
E. Molinsky _ Councilman
J. Joy - Mayor
T.L. Crawford -Borough Administrator
S. Hovis - Solicitor

ANNOUNCEMENTS:

President Terrell advised the Borough Office will be closed 12/23, 12/24 & 12/31 to observe the holidays.

DISBURSEMENTS:

General - \$99,239.35. Motion by E. Molinsky, seconded by J. Halapin to approve, noting a voided check on the disbursement list. Motion carried.

Water - \$36,833.59. Motion by E. Paules, seconded by E. Molinsky to approve. Motion carried.

Sewer - \$49,438.67. Motion by E. Paules, second by J. Halapin to approve. Motion carried.

Rec. - \$122.54. Motion by E. Molinsky, seconded by J. Halapin to approve. Motion carried.

Comm. Ctr. - \$3,841.85 Motion by E. Paules, seconded by E. Molinsky. Motion carried.

MINUTES:

Minutes of 11/8/10 reviewed. E. Molinsky requested a correction, noting he did not use the word “vote” when objecting to T.L. Crawford’s position with North Codorus Township Board. T.L. Crawford stated the word “vote” was used and it was written in the notes. E. Molinsky responded he meant it to be “discussed or discussion, not vote”. Motion by E. Molinsky, seconded by G. Andrews to change the word vote to discussion. Motion carried. E. Paules reviewed an e-mail from North Codorus Solicitor Bill Poole stating he attends the meeting and reviews the North Codorus minutes and is not aware of any discussions about police at their meetings. Motion by E. Paules, seconded by E. Molinsky to add this statement to the minutes. Motion carried.

REPORTS:

POLICE – Chief Boddington advised a new scam is in the area. The scam involves a contact by an individual stating they need assistance on behalf of the victim’s grandchild, usually financial assistance. They typically request funds sent to obtain medical treatment or provide transportation home. He noted the personal information about the victim or the grandchild can be obtained easily from Facebook, Twitter etc. He reminded residents to be very cautious about what information you make public, and to contact the police with any unusual contacts. He also noted a recent daytime burglary in the Borough, and reminded residents to secure all buildings and vehicles. Sgt. Smuck discussed a recent stolen wallet, that the credit cards were used at the local Wal Mart. He reminded women do not leave a purse unattended or in a vehicle.

MAYOR – J. Joy read the emergency services reports for Nov. He advised the arrests for New Freedom are high, and possibly the highest ever for NF in 1 month. He advised interviews for the police officer position will be conducted in the near future. He noted the Jan. 5th, 2011 SRPC meeting will begin at 1900 hrs. with the promotion of James Boddington to Chief of SRPD, the public is invited. He also noted if a large attendance is confirmed the location may be changed to the Shrewsbury Fire Hall.

SOLICITOR – S. Hovis noted he has been working with the staff on the handling of delinquent utility accounts. He is reviewing the procedures and case laws on the methods municipalities can utilize to collect delinquent accounts and fees.

REC. COUNCIL – E. Molinsky extended his appreciation for the Veterans Day event hosted by the Rec. Council. M. Halapin advised Council she had distributed to them the Rec. Council’s mission statement as requested. A. Bobby requested Council approve the use of the Goodfellow Park ball field as a home field for a new team that has formed in the area. President Terrell advised previous Councils pledged to keep that park open for various functions, rentals and residents occasional use. He reminded A. Bobby the park is rented for reunions, camps, flea markets and the carnival is held at that location. And all activities include use of the filed area, which may be driven over, stakes put in the ground etc. Jim Norris advised Council he is the head of the new team and is willing to be flexible on scheduling, and is willing to change the dates and time as needed. He also noted the group will prepare the field; they will not utilize public works to do the work. President Terrell inquired if they have checked with other fields in the area. A. Bobby advised there are not enough fields for the various teams, and this new team does include 5 children from NF. J. Norris noted they only need the park 1 week day and 1 day on the weekend. Council requested they submit a tentative schedule to the office to review against the regular events held on the property. Motion by E. Molinsky, seconded by G. Andrews to tentatively authorize

the use of the field from March thru June 2011 for the Southern York Braves subject to the coordination of schedules. Motion carried.

WEB SITE –E. Paules noted he is currently reviewing some design and content management systems. He will continue to review systems, and requested if anyone has a recommendation or knows of an exceptional municipal site to forward the information to him.

PERSONNEL – E. Paules noted the committee will meet on 12/16/10.

POLICE COMMITTEE – E. Paules reported they recently met with Southern Regional Police Chief Boddington and Sgt. Daryl Smuck. They gathered the same information and reports as were obtained from YARP and SWRPD. He advised the committee will continue to evaluate the findings and information, and may be contacting the depts. again for more data. E. Paules advised Council upon completion of the review a report will be forthcoming. President Terrell noted there seems to be more policing presence in the Borough, and more traffic enforcement and 5 days a week window service, which are all positive actions

PUBLIC COMMENT:

Ed Tinder of N. Shaffer Drive inquired if it is Council intent to stay a member of SRPC and rescind the letter of withdraw? Solicitor Hovis explained the intergovernmental agreement, and the need for the letter is outlined in the agreement. S. Hovis also explained “public comment” is an opportunity for the public to speak; there may not always be an answer to questions or statements made. E. Tinder also questioned if B. Terrell discussed representative actions with Shrewsbury Council members. President Terrell advised E. Tinder he requested NF representatives to the SRPC hold off making an appointment to the Chief position based on Shrewsbury Boroughs original intent of after Jan. 1, 2011 and noting the meeting in question had no representatives for Shrewsbury Borough, and would not be in good faith. He also reminded E. Tinder if the SRPC felt strongly about the Chief position they should have acted in July or August, instead of accepting applications or discussing it in the newspaper. E. Molinsky noted as a resident he wants to continue as a member of SRPC. Lucy Caldwell of GR advised she supports the SRPC and changes in the dept., and hopes it can expand to other areas. Mike Ridgley of Shrewsbury Borough requested NF take time and not make a hasty decision. He noted they have also given a letter to withdraw and are also looking into other depts. and undertaking a similar study of police services. He advised they support SRPD but believe they should also do some research on policing. President Terrell advised the committee is still gathering and reviewing information, and no decision would be made without careful consideration. E. Tinder questioned if the public can comment prior to any decision being made. S. Hovis advised public comment is always available prior to any vote by an elected body. E. Paules reminded the public the committee is a “fact finding” body; their purpose is to gather facts and relevant information and provide Council with a comprehensive report. Bob Dumas of Dickenson Court noted distance is a concern, and stretching a police forces resources’ too thin. G. Andrews stated maybe this is an issue to go on the ballot next election. S. Hovis explained the difficulty of placing certain issues on a ballot in PA. J. Hartenstein requested Council work at a remedy for the problems with SRPD, noting his family and business has been part of the community for years and he supports SRPD. Bob Werner requested clarification of 24/7 coverage. E. Paules explained the differences in patrol time and 24/7 availability. President Terrell reminded the public GR puts in a withdraw letter every year as a means to control the budget. New Freedom voted to do the same thing with a letter, however actually believed it was time to compare costs and services, like the Borough does with most services annually. He also explained the research to date has shown several distinct differences such as coverage versus patrol, per capita cost, dept. costs etc. E. Molinsky stated no municipality that is part of a regional dept. has 24 patrols, noting Dallastown or Red Lion do not get 24 hours patrols from Northern Regional Police(sic.) York Area Regional. He also advised PSP do not provide 24 hour patrol coverage to areas they serve. He reminded Council he has 13 years in the police service and he knows how it works. He advised he is familiar with how regional policing is done, and 24 hour patrols are not guaranteed or to be expected. He advised he sat in Spring Grove Borough on Thanksgiving Day and the Friday after for over 1 hour and did not see a SWRPD vehicle, so he knows they were not in the Borough of Spring Grove those afternoons. Chief Boddington advised Council the service window is open 5 days a week, and there were some management issues that have been changed. Mayor Joy advised Council the committee should have met with SRPD prior to meeting with anyone else. E. Paules reminded Mayor Joy, there was not a Chief in place, and based on what the Commission stated in August things needed to stabilize before a Chief was appointed, so there was no one to meet with. S. Hovis reminded Council and the public this is public comment, not debate. Don Miller advised Council he does not believe they did not know there was not 24/7 patrol in the Borough, and he believes 24/7 patrol does not impact crime nor is it necessary. Bill Hansen, a police officer in MD, inquired if anyone has ever ridden with any of the SRPD officers? Mayor Joy advised no, based on the insurance carrier will not permit. Chief Boddington explained he is a 33 year veteran of the police service, and provided some history of the SRPD regionalization. He advised several years ago the former Chief directed the officers to cut back on the patrol time in the Borough due to high gasoline costs. He stated they did cut back, but patrolled during night time hours. B. Buchannan advised Council the SRPC directed the dept. to keep patrol to a minimum approximately 2 years ago during the high gasoline prices and they were not aware that the dept. continued under that directive. President Terrell advised historically NF always wanted additional patrol time, and never got it. He also pointed out none of the NF representative ever reported to Council that the SRPC directed the patrol time to be reduced. Bob Werner advised he has been to SWRPD several times, and so has

FEDEX and they do not have someone at their window 5 days a week. K. Zampear to advised Council his business in Shrewsbury has been robbed twice, and he does not believe patrol time had any impact on the crimes. Bob Dumas also reminded Council about his neighborhood water problem, noting no one has ever set up a meeting with them concerning the wells. T.L. Crawford advised that was to be handled by D. Sarpen since he had various records at James Holley's office and has met with the water dept. She will request D. Sarpen contact the residents to discuss the problems. E. Tinder thanked public works for helping with the Christmas tree lighting. E. Molinsky questioned the Sunshine Act concerning continuation meetings. S. Hovis explained if the meeting was posted and announced it would be a legal meeting. E. Molinsky questioned if the continuation meeting that the police vote was taken was proper and legal. S. Hovis explained that the date, time and place of the continued meeting must be announced prior to recessing the meeting, and such information posted at the municipal building. He further noted if the meeting was properly announced and posted, it would be a validly continued meeting. S. Hovis inquired what exactly E. Molinsky's question is. Motion by E. Molinsky, seconded by G. Andrews to have the Solicitor check on the posting, announcement and legality of the July 23, 2010 meeting and if any action taken was proper. Motion carried. E. Molinsky noted if the action was invalid the other municipalities and SRPD should be notified.

BUSINESS:

Fuel Pump – Council reviewed a memo and quote for a fuel pump security and tracking system, noting it was a quote via Co-Stars. President Terrell noted prior to making such an expenditure he will try to get a meeting with the offending agency and see if it can be remedied without this large purchase being made. T.L. Crawford advised the fuel pump will still require a safety valve to be in compliance with regulations.

E. Molinsky advised he made an inquiry to the office to provide a breakdown of all salaries, salary history, all insurance benefit cost, for employees, non-employees and Council members broke down by years. He elaborated that he wanted to look into the cost of these items. He noted when he became a Council member he inquired about the cost of health insurance, and was quoted an amount in the vicinity of \$ 1000. per month. He questioned last year about a Council member, Brady Terrell receiving insurance at no cost. He explained he was told, B. Terrell was appointed as Special Project Coordinator upon Scott DePoe's resignation. He noted Council could not pay a salary, so insurance was provided for B. Terrell, yet he cannot find the authorization for insurance in the minutes, only the appointment. He also stated he did not know what the position's duties were. He expressed a concern that the total cost of the insurance for B. Terrell from 2004 thru 2009 is approximately \$34,000., which he believes may possibly be owed back to the Borough. B. Terrell advised Council this issue was discussed and explained in length in an executive session last year. He elaborated on S. Depoe's resignation in 2004 and the numerous projects, and staff shortage at that time. He also reminded E. Molinsky Council decided, after interviews not to replace S. DePoe immediately since his salary was \$ 68,000. plus benefits. B. Terrell explained the position required him to attend all construction meetings, agency meetings (DEP, Penn Dot etc.); meetings with the engineer's, LDP meetings etc. as well as oversee public works projects. He also noted this saved the Borough a minimum of \$ 68,000. every year, and the Borough continued to make progress on all public works projects. E. Molinsky stated there was no job description established nor was the insurance authorized in the minutes. He reported the minutes stated for one year, so the procedure should have been followed for one year only. B. Terrell acknowledged he continued to do the job, and receive the insurance, noting all parties did forget about the year time line since the Public Works Director position was never filled. S. Hovis advised the history of this can be provided again for E. Molinsky. E. Paules advised Council the Borough payroll is actually less than it was several years ago, which is commendable in this economy. E. Molinsky stated if the Borough expects residents to follow the Ordinances, they should follow the same rules. G. Andrews noted he is shocked about the \$ 18,000. due the Borough by the owner of the LaMotte's property. He questioned if the utilities were terminated. T.L. Crawford explained Larry LaMotte and Hiram Tinder own the property and the Boroughs liens were satisfied by the individual that purchased the small parcel near the building. She advised the only parcel remaining is the building and the property directly under the building. B. Terrell stated any action done over the years was to save money and still provide service. E. Molinsky advised he did not care about that, just what the rules are.

Road Bid Payment Recommendation – E. Paules reviewed the recommendation for payment, noting an increase from the bid price. The bid was \$ 154,563.89; the final invoice is \$ 163,896.40. The increase was for the use of "Portland cement" on High St., and a slight increase in material. Motion by E. Paules, seconded by J. Halapin to approve as presented based on engineers recommendation. Motion carried.

2010 Year End Disbursements – Motion by E. Molinsky, seconded by E. Paules to authorize payment of all routine and necessary invoices through the end of 2010. Motion carried.

ADJOURNMENT:

Motion to adjourn by J. Halapin, seconded by G. Andrews at 2148 hrs. Motion carried.