

**NEW FREEDOM BOROUGH COUNCIL MEETING**  
**July 9, 2018**

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

J. Blum – Vice President  
L. O'Brien – Council member  
A. Shemo – Council member  
K. Earll – Council member  
B. Merrill – Council member  
B. Terrell – Council member  
E. Paules - Mayor  
S. Hovis - Solicitor  
T.L. Crawford – Administrator

**CALL TO ORDER**

**PUBLIC COMMENT:**

Resident questioned the status of the building known as the “cookshack” at Goodfellow park. President Sarpen advised the building has been condemned by a structural engineer. He advised Council is considering removing the building and replacing it with a different type of facility.

Residents inquired the status of the land development plan for the property known as “Franklin Center.” K. Butcher, 26 S. Constitution Ave. expressed concerns on the status of the underground tanks on the property. R. Noll, 116 N. Constitution Ave. advised there were issues with a substance that leaked into the drainage ditch and the soil. A resident stated he reviewed records for 1987 on the EPA website and there was contamination issues at that needed cleaned up. President Sarpen explained that EPA and DEP removed the site from their lists of contaminated sites after the remediation was complete. L. O'Brien indicated he believed that B. Terrell was at one time part owner of the property. B. Terrell provided the history of the property, noting he and 9 other business men from NF purchased the property to keep an asphalt Co. from Maryland from purchasing it. The property was going to be an asphalt plant. The NF partners believed the property better served the community if it was cleaned up and utilized for uses other than industry. He explained all tanks were removed by Graystone Corporation and the site was granted a full remediation certificate by EPA and DEP in the early 1990's. Mayor Paules advised he purchased property adjoining the parcel and read a 2004 EPA report that shows the remediation had been completed. Betsy Wilson questioned who is responsible for cleanup if there is a problem. Solicitor Hovis advised the property owner, as in all property issues, homeowner, business or industry. President Sarpen explained the preliminary plan for the property was approved in 2003 by the original developer, and again in 2009, each time with fewer residential units. The current developer has half the amount that was approved in 2009. L. Thompson, 199 Steltz Road questioned the status of a traffic study. President Sarpen advised all plans require a traffic study regardless of zoning district and one was completed in 2009 with higher density, and the study indicate no traffic problems. Solicitor Hovis explained DEP enforces Commonwealth laws, not the Borough..

**TREASURER'S REPORT**

June 2018- \$ 173,620.93. Motion by J. Blum, seconded by K. Earll to approve. Motion carried.

**MINUTES:** (June, 2018)

Motion by A. Shemo, seconded by J. Blum to approve the minutes as presented. Motion carried.

**REPORTS:**

Rec – K. Earll extended Councils gratitude for their handling of the parade and picnic. He also reminded Council of the upcoming events at the Farmers Market. Mayor Paules also commended the Rec Council, noting this was a great community event for families.

Web Page – A. Shemo advised Council the new web pages went into service on 6/29/18. She would like to offer 30-minute educational sessions for the public prior to Council meetings on issues. She explained the sessions could cover topics such as, planning commission and zoning hearing board duties, how speed limits are established, water meter readings, municipal audit requirements etc. L. O'Brien requested Council consider a screen and sound system for the Council room. T.L. Crawford advised there is a screen for the room when needed.

SRPC – J. Blum and L. O'Brien advised Council the SRPC requested 2 reps from NF meet with 2 reps from their board to discuss facility lease and/or possibilities with the use of the facility. President Sarpen expressed concern if they are considering a 5-year lease or a month to month. He reminded Council they refused to sign a lease of any kind in 2014 and were looking for other facilities, and NF was not notified of any change in their intent. J. Blum reported he believes they only continued to look due to NF submitting a notice of withdrawal. J. Blum noted since the lease has been the same conditions since the early 1990s he believes the same lease should be submitted for discussion. L. O'Brien reminded Council he was appointed with Mayor Paules to review the lease, and with his experience he believes he may be able to address some concerns for both parties. President Sarpen reminded Council the residents of NF have spent over \$ 730,000. to build and furnish the police portion of the facility with no financial assistance from any other municipality, as well as no rent for the first three (3) years. He also reminded Council the capital improvement costs, such as air conditioner replacement, roof etc. are all paid for by NF, as well as NF police payment pays a portion of the rent. Council agreed to submit the same lease for review. B. Merrill advised the SRPC committee was scheduled to meet to discuss finances and contracts for the schools, yet only representative Hertzberger and he showed up. They did review the costs with the Chief and book keeper and seen the amount they are recommending, but no justification was provided. He and Mr. Hertzberger believe the cost seems is approximately \$ 10,000. to low.

Solicitor – Solicitor Hovis reminded the Council and public the new state laws on fireworks has created some problems for municipalities. He reported a municipality cannot change the law but can place some restrictions on use. He will forward a draft ordinance to Council for review.

#### BUSINESS:

Ordinance 2018-2 (portion of Summit Alley abandonment) – Solicitor Hovis explained the Ordinance and the procedure and outcome of an abandonment of an alley/road. Motion by J. Blum, seconded by A. Shemo to adopt Ordinance 2018-2. Motion carried. L. Thompson questioned who owns the tree between the fence and the asphalt portion of the alley. President Sarpen to determine ownership a survey would need to be completed.

Ordinance 2018-3 (water rates) President Sarpen reviewed the Ordinance, noting the increase is on the minimum use, and is \$ 1.50 per quarter. J. Blum explained this was discussed last month due to the 13.3% increase by York water Co. Motion by J. Blum, seconded by K. Earll to adopt Ordinance 2018-3. Motion carried.

2018 Street Bid –President Sarpen reviewed the locations of the street work and read the 3 bids received: (budgeted amount \$ 220,000.)

Shiloh Paving 265,614.00 Kinsley Construction 265,347.35 *E.K. Services 205,999.75*  
Motion by J. Blum, 2<sup>nd</sup> by K. Earll to award the bid to E.K. Construction in the amount of \$ 205,999.75 contingent upon Solicitor's approval. Motion carried.

2018 Storm Water Bid - President Sarpen reviewed the locations of the repair/pipe replacement and read the 4 bids received: (budgeted amount \$ 100,000.)

Shiloh Paving 1001,405.00 Clearview Excavating 112,940.00 *E.K. Services 100,100.00*  
Follmer Excavating 122,276.00

Motion by J. Blum, 2<sup>nd</sup> by K. Earll to award the bid to E.K. Construction in the amount of \$ 100,100.00 contingent upon Solicitor's approval. Motion carried. Solicitor Hovis noted Follmer Excavating is deemed a non-responsive bid due to bid form not complete.

#### OTHER:

J. Blum advised Council he received a complaint concerning the Rec Council not reserving the park for the "Yogis in the Park" event, and parking is an issue. He noted this is the second time they have failed to reserve a park, and the park was already booked. T.L. Crawford advised it is not Goodfellow park, but the community center. K. Earll noted the yogi event is part of the Farmers Market program at Smith Woods, not Goodfellow Park.

Singer Road Bridge - President Sarpen and B. Merrill explained the handling of the repairs to the York County owned Singer Road bridge. They advised the Borough water line crosses the rail road bed on the bridge and will need to be relocated on a temporary basis during the repair or be moved under the rail bed permanently. They will work with Buchart Horn on the project and determine which is the best remedy. Residents questioned if trucks may use the bridge. Solicitor Hovis explained "public street" may be used by any road worthy vehicle unless a weight limit is posted based on a study done by a qualified engineer. President Sarpen advised if they believe a weight limit is being exceeded, contact the police department it is a motor vehicle issue. President Sarpen reported the County advised they will open the bridge with a temporary remedy for a period of time, then it will close again for construction.

Freedom Fest 2018 – Request submitted to close the same streets as previous years on Sept. 15, 2018. Motion by J. Blum seconded by L. O'Brien to approve. Motion carried.

Councilman J. Blum advised Council he will be resigning after settlement on his house and moving to Arizona. Council extended their appreciation for service on Council over the years.

#### EXECUTIVE SESSION:

Council convened to executive session at 2021 hours for a personnel issue. Council reconvened to the regular meeting at 2053 hours.

#### ADJOURNMENT:

Motion by L. O'Brien, seconded by J. Blum at 2057 hours, to adjourn the meeting. Motion carried