

**MINUTES OF NEW FREEDOM BOROUGH
COUNCIL MEETING
May 8, 2023**

New Freedom Borough Council met in Regular Session on Monday, May 8, 2023. President Bobby led those in attendance to The Pledge of Allegiance to the Flag. The meeting was called to order at 6:30PM.

BOROUGH COUNCIL PRESENT

Andrew Bobby
Ryan Ross
Erica Rearich
Burnell Wildasin
Dennis Sarpen
David Reisdorf
Inga Andrews

ALSO PRESENT:

Kim Butcher, Mayor
Andrew Shaffer, Borough Manager
David Jones, Solicitor

ALSO ABSENT:

BOROUGH COUNCIL ABSENT:

Announcement of Executive Session

President Bobby announced an Executive Session was held at 6:00PM before tonight's meeting to consult with Legal Counsel concerning the outstanding Riffin Lawsuit and to discuss potential litigation related to the Southern Regional Police Department.

Public Comment / Visitors

Mark Kephart with Kochenour, Earnest, Smyser & Burg, the appointed financial auditor for the Borough was present to discuss the 2021 and 2022 financial statements. In order to rectify the misleading appearance of a negative fund balance, the Borough will begin to capitalize assets through the adoption of a Capitalization Policy and move the method of accounting to a modified cash basis to avoid future misunderstandings. In addition, Mr. Kephart will prepare a letter and spreadsheet adding in loan proceeds and assets to be provided to People's Bank & Security, the current General Obligation Note holder.

Ginnie Neugebauer, resident (45 South Constitution) and small business owner, requested Council consider an amendment to the Stormwater Management Ordinance as it relates to smaller projects and the need to install a stormwater Best Management Practice (BMP). It was presented that an amendment be prepared as follows:

0-500 Square Feet

\$1.00 per square foot of new impervious*

500-2,000 Square Feet

Create a stormwater BMP based on the simplified approach.

2,000+ Square Feet

Full stormwater management plan

*The \$1.00 per square foot goes into a stormwater fund to make repairs of the conveyance system and implement pollutant reduction measures.

Andy Bobby made a motion, seconded by David Reisdorf, to authorize advertisement of an ordinance amending the Stormwater Management Ordinance as discussed. Motion carried.

Richard Colton, estate manager of 15 Mulberry Lane, requested Council consider an amendment to the current agreement with the Borough as it relates to a stormwater basin on the property. The current property owners have been maintaining the basin since the development's construction in 1985. Mr. Colton requested the Borough assume responsibility for the basin infrastructure. Solicitor Jones clarified the existing language indicates the Borough is already responsible for the basin infrastructure, while the property owner is responsible for routine maintenance, including mowing, trash removal, etc. Further discussion was tabled until the meeting in June to allow Solicitor Jones additional time to review.

Isa with Freedom Fitness asked for Council's consideration on establishing a monthly flea market at the Community Center. Discussion occurred with the use of the facility by pickleball on Saturday as well as other rentals and possible conflicts with a flea market. Council asked that Isa connect with the Recreation Commission and look into the possibility of re-opening the Farmers Market / Flea Market.

Myra Gillis thanked Council for continued support and reported on the Kite Day held on April 22, Earth Day, at Marge Goodfellow Park. The event raised \$250 for Rose Fire Company.

At this time, President Bobby moved up the following items on the agenda.

Advertisement of an Ordinance Repealing the Amusement Tax Ordinance

David Reisdorf made a motion, seconded by Burnell Wildasin to repeal the current Amusement Tax Ordinance. Motion failed with a 5-2 vote. Voting Nay – Inga Andrews, Ryan Ross, Erica Rearich, Andy Bobby, and Dennis Sarpen, Voting Aye – David Reisdorf and Burnell Wildasin. Andy Bobby made a motion, seconded by Ryan Ross, to return

50% of the 2023 amusement tax collected once finalized in early 2024. Motion was later withdrawn.

Approval of Land Development Plan for Mason Dixon Baptist Church

Dennis Sarpen made a motion, seconded by Ryan Ross to approve the plan noting three waiver requests, as follows:

- 1) Section 510-A – Installation of concrete sidewalk.
- 2) Section 511-A – Installation of concrete curbing.
- 3) Section 544-A.4 – Payment of Recreational Fee.

It was clarified that the first two waivers will be granted with the condition of a six-month note. Should at any time the Borough see the need for the installation of curb or sidewalk along the property they will inform the property owner that they have six-months to complete the improvements. Motion carried with an abstention from Erica Rearich.

Approval of Minutes

The minutes of the Regular Council Meeting held April 10, 2023, were presented to Council for their review. Ryan Ross made a motion, seconded by Dennis Sarpen, to approve the minutes as presented. During discussion, Erica Rearich asked that her request and its subsequent denial be noted in the April minutes. The motion was amended to include the statement and carried.

Treasurer's Report

Manager Shaffer read and answered questions as provided by Council.

The Treasurer's Report for the Month of April 2023 was presented to Council for their review. Ryan Ross made a motion, seconded by Burnell Wildasin, to approve the Treasurer's Report as presented. Motion carried.

Unfinished Business

Marge Goodfellow Park Improvements

Manager Shaffer presented the proposal from Warehaus for completion of the Feasibility Study and Master Site Plan for Marge Goodfellow Park at a cost of \$63,847. David Reisdorf made a motion, seconded by Dennis Sarpen to approve the proposal as presented with a total cost to the Borough, after grant and outside funding of \$35,000 from Burkentine and \$15,000 from the York County Open Space Grant, of \$13,847. Motion carried with a Nay vote from Erica Rearich.

Chapter 225, Zoning, Article VIII, Sign Regulations, Update Request

Solicitor Jones is currently updating a draft ordinance amendment.

Stormwater Channel – North Constitution Avenue

Manager Shaffer reported the Borough has received Erosion and Sediment Control Plan approval from the York County Conservation District. No other approvals have been received.

Tennis & Basketball Court Repair Quotes

Manager Shaffer presented quotes for repair of the court surfaces in Marge Goodfellow Park. Due to cost and concern over longevity the action was tabled to allow time to gather additional information.

New BusinessApproval of Land Development Plan for New Freedom Business Park Solar Array

Action tabled per the applicant.

Public Works – Purchase Request

Public Works requested the purchase of a Hurco Valve Turning and Vacuum Excavation Machine at a cost of \$89,051. This purchase would take the place of the scheduled backhoe replacement in 2023, which was estimated at \$120,000. Ryan Ross made a motion, seconded by David Reisdorf, to approve the purchase. Motion carried with a Nay vote from Erica Rearich.

2023 Street Improvement Project – Approval of Low Bid

Burnell Wildasin made a motion, seconded by Dennis Sarpem to approve the low bid from Kinsley Construction in the amount of \$154,400.50. Motion carried.

Administrative ReportsSolicitor

Nothing additional.

Manager

Manager Shaffer provided a report for April 2023.

President

Nothing additional.

Mayor

The police activity reports from March 26 to April 23 were presented to Council for their review.

The March 2023 financial report was presented to Council for their review.

Discussion continued regarding the current police service contract and the status of Glen Rock's requested changes.

Rose Ambulance is experiencing mechanical issues with one of the rigs. Employee hiring and retention are also causing issues.

In addition to Erica Rearich, President Bobby appointed David Reisdorf to the committee tasked with negotiating the Glen Rock service contract.

Engineer

Council was presented with monthly reports from Warehaus and ARRO.

Water System

Council was presented with the April 2023 Operating Report for their review.

Wastewater System

Council was presented with the April 2023 Operating Report for their review.

Zoning & Code Enforcement Report

The Permit, Code Enforcement, and Land Development Reports for April 2023 were presented to Borough Council for their review.

Recreation Report

The May Meeting Report was presented to Borough Council for their review. Ryan Ross provided a summary of the meeting.

A discussion again occurred regarding cleaning of the Community Center. President Bobby appointed Mayor Butcher, Erica Rearich, and Burnell Wildasin to a committee to develop a solution.

Committee Reports

Business Development

Nothing to report.

EMS & Fire Funding

Nothing to report.

Infrastructure

Nothing to report.

Pickleball Court Installation

Nothing to report.

Personnel

Nothing to report.

Public Safety

Nothing to report.

2023 Sesquicentennial

Burnell Wildasin reminded everyone about the parade and celebration on May 20, 2023. Tickets are available for the Sesquicentennial Prom on June 10, 2023.

Correspondence

Manager Shaffer provided a letter from York Adams Tax Bureau concerning a reduction in the earned income tax collection rate from 2% to 1.75%.

Public Comment

None at this time.

Executive Session

Not needed at this time.

Adjournment

Adjournment was at 10:24PM.

Respectfully Submitted,

Andrew N. Shaffer

Borough Manager