

**FAIRVIEW TOWNSHIP BOARD OF SUPERVISORS
MINUTES
April 28, 2014 – 7:00 p.m.**

I. CALL TO ORDER:

The meeting was called to order by the Chairman, Mr. Stanley, at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL:

PRESENT: Robert P. Stanley, Jr., Chairman
Mario D. Pirritano, Vice-Chairman
John C. Minito, Supervisor
Christopher L. Allen, Supervisor
John W. Jones, Supervisor
Stephen F. Smith, Manager
Donald F. Martin, Assistant Manager
David A. Jones, Stock & Leader, Solicitor
Lt. Jason Loper, Police Department
Donna L. Nissel, Secretary

ABSENT: Stephen M. Waller, Codes Administration Director

IV. ANNOUNCEMENT OF EXECUTIVE SESSION:

Mr. Stanley advised that an executive session was held after the meeting of March 31st to discuss police contract matters.

V. RECOGNITION OF PUBLIC:

1. Mr. Drew Bitner, speaking on behalf of the Annie E. Sterline Library in Lewisberry, advised the Board that the library receives no funding from the state or county. He said that in years past, the Township did provide some funding to the library; however the township has not made a donation to them for several years. He asked the Board to consider once again providing a donation to the library.

2. Mark Trephan, 402 Lewisberry Road, asked about financing for the sewer project. Mr. Smith and Mr. Jones advised that there is a Hook-Up program available from York County; the Township will also provide a loan for the tapping fees to be paid back over a 10-year period.

3. Ed Hall, 105 Lewisberry Road, registered a complaint about the lights across the street from his property at Dave's Auto, 104 Lewisberry Road, and said he believes they are in violation of code. He said he complained to the Codes Department on April 22 and again on April 25 and has had no response from them to date. He said he believes that the department should have a procedure for logging in complaints and it appears that they do not. Mr. Smith advised that he will look into Mr. Hall's complaint.

4. Lisa Long, 761 Old Quaker Road, told the Board that a bullet was fired through her second floor wall. She said she reported it to the police who told her it was unlikely that they could find the shooter. After asking again for an investigation, Det. Boyles did follow up. Lt. Loper said that it likely traveled 1 – 2 miles. Mr. Jones suggested that firearms safety information could be posted on the Township's website.

5. Wendy Taylor, Camp Hill, addressed the recent activity of a white supremacist group in the Township. She feels leaders of the West Shore communities should get together to address the issue. Mr. Stanley read into the record the Public Statement that was issued by the Township:

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“On Friday morning, April 18th, residents living on a rural road in Fairview Township, York County, PA discovered flyers on their driveway representing a national organization. The flyers indicated that there was a “neighborhood watch” and that residents should call a 24-hour national number if there are troubles in their neighborhood.

The Fairview Township Police Department would like to make it clear that it has not partnered with and has not been contacted by an organization wanting to start a neighborhood watch group. If there is a police emergency or if residents have a public safety concern they should call the Fairview Township Police Department, not the number listed on the flyer.

Fairview Township would like to reiterate and emphasize that it will not tolerate hate crimes of any sort. The Police Department will arrest anyone who commits a crime against a person or group because of their race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, or gender. Fairview Township will continue to stand up for the rights of all persons.

5. Greg Walter questioned how much of the original \$20 million debt for the sewer system has been paid off. Mr. Smith said all but approximately \$9 million. He also asked about the connection of the mobile home park and the financing of the current project.

6. Francine Harrison, 764 Old Quaker Road, advised the Board that stormwater runoff from the road is causing a sinkhole near their sand mound system. Mr. Smith will contact the SEO and he and Mr. Bitner will meet with Ms. Harrison at the site.

VI. AGENDA ITEMS:

1. Northeastern Senior Center Update:

Jane Deemer reviewed statistics on home delivered meals to Fairview residents. She said that last year 694 meals were delivered and this year it is up to 1,486. She thanked the Board for their continued support of the Northeastern Senior Center.

2. York County Convention & Visitors Bureau Update:

Patrick Bourque reviewed the various programs such as business tours, street rod events, softball tournaments, etc., that help to bring business and tourism to York County.

3. Red Land Senior Center Update:

Bob Gasswint advised that membership numbers at the center are still increasing since their move to Wyndamere Road. He also advised that today, April 28th, is the Center's 40th anniversary. He reported that approximately \$400,000 has been committed so far to the \$3.5 million building project. John Staz expressed their appreciation of the Board's continued support. He requested that they consider an additional \$5,000 this year and increase next year's donation to \$20,000.

4. Discussion – PUC and Sunoco Pipeline:

Mr. Jones explained that Sunoco has filed with the PUC to be designated a public utility so they will not have to adhere to local ordinances and zoning requirements for their pipeline project. A ruling on the request is expected from the PUC.

5. Building, Zoning, Codes:

A. Final Subdivision Plan – H. Deardorff, 4 Lots, Pinetown Road:

Mr. Pirritano made a motion, seconded by Mr. Jones to approve the final subdivision plan for Harold Deardorff, 4 lots, Pinetown Road, contingent upon submittal of signed and notarized plans; payment of recording fees; payment of all engineer review fees; payment of recreation fees for the two new lots; and compliance with the Township staff memo dated 04/14/14.

Vote on the motion: All yes. The motion carried.

**B. Modification Request – FedEx, 510 Industrial Drive:
Section 305 – Filing of a Preliminary/Final Land Development Plan**

Mr. Minito made a motion, seconded by Mr. Jones to approve the modification request for FedEx from Section 305, filing a preliminary/final land development plan.

Vote on the motion: All yes. The motion carried.

**C. Modification Requests – 1026 Oak Hill & 953 Cedars Roads, Lot Add-On:
Section 602.2.C – Cartway Widening
Section 612 – Wetlands Investigation Report**

Mr. Minito made a motion, seconded by Mr. Allen to approve the modification requests for 1026 Oak Hill & 953 Cedars Roads from 602.2.C, cartway widening and 612, wetlands investigation report.

Vote on the motion: All yes. The motion carried.

D. Final Subdivision Plan – 1026 Oak Hill Road & 953 Cedars Road, Lot Add-On:

Mr. Allen made a motion, seconded by Mr. Minito to approve the final subdivision plan for 1026 Oak Hill Road & 953 Cedars Road, contingent upon favorable action on the modification requests above; submittal of signed and notarized plans; payment of recording fees; payment of all engineer review fees; and compliance with the Township staff memo dated 04/21/14.

Vote on the motion: All yes. The motion carried.

6. Confirm Appointments – Non-Uniform Pension Board:

Mr. Jones made a motion, seconded by Mr. Pirritano to confirm the appointments of Paul Rodrigo and Chris Shover to the Non-Uniform Pension Board.

Vote on the motion: All yes. The motion carried.

7. Discussion – Pension Plans:

Mr. Martin reported that both the Police and Non-Uniform Pension Plans are fully funded; the investment return last year was 16%. The Non-Uniform Post-Retirement Medical Fund is fully funded and provides for 8 years coverage for current employees. New hires are not eligible for this benefit. The Police Post-Retirement Medical Fund is 95% funded.

8. Contract Extension, Siemens Industry, Inc. – LED Luminaires:

Mr. Smith advised that the term for this contract expired on April 1st. PennDOT has not approved the type of lights bid under this contract; the contract must be re-bid and will not be subject to prevailing wage.

Mr. Stanley made a motion, seconded by Mr. Pirritano authorizing staff to re-bid the contract for LED Luminaires and award the contract with ratification at a subsequent Supervisors' meeting.

Vote on the motion: All yes. The motion carried.

9. Ordinance No. 2014-4 – Regulating Transient Business:

Mr. Minito made a motion, seconded by Mr. Allen to adopt Ordinance No. 2014-4, amending Chapter 13, Part 2 of the Code of Ordinances, regulating transient business.

Vote on the motion: All yes. The Ordinance was adopted.

10. Discussion – Pump Stations:

Mr. Smith advised that legal documents must be prepared for the lands necessary for the four pump stations in the sewer project.

Mr. Pirritano made a motion, seconded by Mr. Minito authorizing the Solicitor to prepare the necessary documents to obtain lands for the four new pump stations.

Vote on the motion: All yes. The motion carried.

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11. Fire Dept. Vehicle – Surplus and Replacement:

Mr. Smith recommended that the wrecked Fire Dept. vehicle be sold and the sale price plus the insurance payment be put toward the purchase of a 2014 Ford Explorer available on State contract for \$23,000+/-.

Mr. Minito made a motion, seconded by Mr. Pirritano to approve the purchase of a 2014 Ford Explorer as recommended by Mr. Smith.

Vote on the motion: All yes. The motion carried.

12. House Bill No. 1671, Executive Sessions:

Mr. Pirritano briefly discussed House Bill No. 1671 which would impose additional requirements on Executive Sessions, such as that they must be recorded and an attorney must advise if the subject of the session is allowable under the law.

13. Discussion – On-line Credit Card Payments:

Mr. Smith explained that on-line credit card payments would be available for customers to pay their refuse and sewer bills. There would be no significant cost to the Township and no fees for the customers.

Mr. Minito made a motion, seconded by Mr. Allen authorizing staff to proceed with the on-line credit card payments through the R.T. Lawrence Company.

Vote on the motion: All yes. The motion carried.

VII. OLD BUSINESS:

1. Mr. Pirritano asked that staff contact Lower Paxton Township with regard to their yard waste program. Mr. Martin will do so and provide a report for the Board.

VIII. NEW BUSINESS:

1. Mr. Pirritano advised that the street sweeper came through Green Lane the same day as trash collection. As there were a lot of trash cans left on the streets, the sweeper could not do a very good job. Mr. Smith advised he will talk to the Highway Foreman to change sweeping to the day after trash collection.
2. Mr. Pirritano spoke about the declaration of snow emergencies. He asked why vehicles are not ticketed or towed if they are not moved off the streets, He was advised that in some places there is no off-street parking available and most times the police are busy with emergency situations and do not have the time or man power to ticket or tow.

IX. APPROVAL OF MINUTES:

Mr. Pirritano made a motion, seconded by Mr. Minito to approve the minutes of the March 31, 2014 meeting of the Board of Supervisors with a correction to the motion about police regionalization. The motion should read "that there will no further discussions on the matter of police department regionalization with Newberry Township."

Vote on the motion: All yes. The motion carried.

X. RATIFICATION OF BILLS PAYABLE:

1. Mr. Allen made a motion, seconded by Mr. Minito to ratify payment to GHD, Inc. as presented.

Vote on the motion: Mr. Stanley abstained as he is a semi-retired employee and shareholder of the company; all others, yes. The motion carried.

2. Mr. Stanley made a motion, seconded by Mr. Pirritano to ratify payment of all other Bills Payable as presented.

Vote on the motion: All yes. The motion carried.

XI. ANNOUNCE EXECUTIVE SESSION:

There will be an executive session following this meeting to discuss the Dugan litigation.

XII. ADJOURNMENT:

The meeting was adjourned at 8:48 p.m.