

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF DECEMBER 13, 2007  
PUBLIC MEETING**

**MEMBERS PRESENT:** Richard J. Luce, Jr., Chairman  
Donnamarie Davis, Vice Chairman  
Leo I. Quinn, III, Secretary/Treasurer  
Fred L. Gold  
Gail E. Johnson

**STAFF PRESENT:** Robert Tate, Township Manager  
Barbara Sultzbach, Assistant Township Manager  
Stephen B. Harris, Township Solicitor  
Mary R. Stover, Pennoni Associates, Township Engineer  
Karen B. Whitney, Parks and Recreation Director  
James Krueger, Fire Marshal/L&I Director  
Thomas Thern, Zoning Officer

**CALL TO ORDER:** The regular meeting of the Warminster Township Board of Supervisors was called to order at 7:30 p.m., Chairman Luce presiding. Ms. Davis led the Pledge of Allegiance. Mr. Luce observed a moment of silence. The meeting was held at the Warminster Township Building.

**ANNOUNCEMENTS, COMMUNICATIONS, APPROVAL OF MINUTES**

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Luce announced that Craven Hall has been placed on the National Register of Historic Places. He praised the work of the Craven Hall Historical Society for its work in achieving this status. Mr. Hanley, of the Craven Hall Historical Society, expressed thanks to the Board of Supervisors for its recognition of this accomplishment. He stated that the Society applied for the National Registry twice in the past before this successful application was submitted. He stated that it is a great honor for Craven Hall.

Ms. Davis stated that a new restaurant in the area invited local public officials to its grant opening and holiday gathering. She asked that residents think about the nation's veterans and troops, who make it possible for us to celebrate these holidays.

Mr. Gold announced new businesses in the Warminster community: Lighting System; Nuestra Cosa Restaurant; Provident Marketing Corp; Dotty Lou's; Cali Nails (new owner); Shell Service Station (new owner); comprehensive Sports; Abington Memorial Health Centers Warminster Campus; Waterloo Gardens; Karen Ann's Tea room; Elite Home Realty, Inc.; Techniques Hair & Nail Salon; Trail Electric; Soncini's Sports Bar; Freedom Credit; Chapman Chrysler and Jeep; East Coast Recording; New Star Funding Corp; Stoneworx, LLC; Midas Auto Service (new owner); Five Guys Famous Burgers; Tricked Out Custom Cycles; Hispano-American Group Auto tags; Delta Management Partners, LP; Z-Axis Connector.

Mr. Luce stated that the former Burlington Coat Factory will become a Mealey's Furniture Store.

## APPROVAL OF MINUTES

March 8, 2007 – Ms. Davis made a motion to approve the minutes from the Board of Supervisor meeting of March 8, 2007, as written, as they are a matter of public record. Mr. Gold seconded the motion, which carried unanimously, 5-0.

March 22, 2007 – Mr. Johnson made a motion to approve the minutes of the Board of Supervisors meeting of March 22, 2007, as written as they are a matter of public record, and was seconded by Mr. Gold. Motion carried unanimously, 5-0.

November 29, 2007 - Mr. Gold made a motion to approve the minutes of the Board of Supervisors meeting of November 29, 2007, as written, as they are a matter of public record. Ms. Davis seconded the motion, which carried unanimously, 5-0.

## **PLAN REVIEWS**

### **ANN'S CHOICE NEIGHBORHOOD 2 – AMENDED FINAL PLAN**

Mr. Van Louvane, attorney for the applicant, advised that the changes in this plan resulted from relocating the tennis courts from Neighborhood 2 to Neighborhood 3, and the provision of some additional parking. Mr. Van Louvane advised that the Warminster Township Planning Commission did not recommend the proposed parking on road F.

Mr. Harris advised that the applicant would also need a waiver for grading within five feet of the property line; planting of 14 trees at Warminster Community Park. Mr. Van Louvane explained that the 14 additional parking spaces would be parallel parking spaces on one of the internal roads of the Ann's Choice development. The cartway would be widened for the parking spaces. Mr. Van Louvane stated that the speed limit on the road is 15 MPH. Neighborhood 2 is fully built except for the health care center. The residents have asked for more parking. Mr. Britz, of Bohler Engineer, the engineer for Ann's Choice, does not believe that an unsafe situation would be created, and that the addition of these parking spaces would not present a hazard. Mr. Van Louvane stated that the Planning Commission did not agree.

Mr. Quinn expressed his opinion that while additional parking is needed at Ann's Choice, he would not want the additional parking to reduce the amount of open space at this development. Mr. Van Louvane stated that the additional parking would not impact the open space.

Mr. Quinn made a motion to approve the revised final plan for Neighborhood 2 at Ann's Choice, subject to:

- Compliance with the October 25, 2007 letter from Pennoni Associates, and the response letter from Bohler Engineering dated November 7, 2007, and the conditions set forth in the letter from the Warminster Township Planning Commission, with the exception of that the proposed parking on road F will be allowed
- All conditions set forth in the approval letter of May 10, 2005
- 14 trees will be planted at Warminster Community Park of a type and in locations approved by the Township in spring of 2008
- payment of all outstanding fees and costs of review

- granting the following waiver from section 517.6 to permit grading within five feet of the property line to install a retaining wall in the garden area

Mr. Tomko, traffic engineer with Pennoni Associates, stated that there are no parallel parking spaces in Neighborhood 2. He expressed concern that residents would have to cross the road in order to get to the building from the proposed parking spaces. He stated that in order to park in one of the spaces, a driver would have to turn left from the entrance to get to road F and then make a U turn, park facing the wrong way, or drive through the entire development to get to the proposed parking spaces. He stated that there is a sketch plan that shows that the parking spaces could be provided in a safer location, although the open space would be reduced.

In response to a question by Mr. Luce regarding how the proposed parking spaces would be used, Mr. Healey, of Erickson Construction, the applicant, stated that these parking spaces are used mostly for the second vehicle of the residents, rarely their primary vehicle. He expressed his opinion that there would not be many U-turns. He expressed his opinion that the cars parked in these spaces would not be used very often. He stated that this kind of parking exists at other similar developments and that it has not been a problem. With regard to the alternative location for the parking spaces, Mr. Healey stated that the open space that would be removed is very close to the building, and that the residents use and enjoy the open space that surrounds their buildings, and that they would not want this area of open space reduced.

Mr. Johnson seconded the motion, which carried unanimously, 5-0.

#### ANN'S CHOICE – NEIGHBORHOOD 3 – AMENDED FINAL PLAN

Mr. Van Louvaneer stated that Neighborhood 3 is approximately 80 percent occupied. He advised that the amended final plan for Neighborhood 3 provides 162 additional parking spaces between road G and Warminster Community Park. Some garden lots were removed, the maintenance building was reconfigured, and tennis and bocce ball courts were added. Mr. Britz, of Bohler Engineering, engineer for the applicant, showed the proposed changes on the revised plan. Ms. Stover advised that the applicant would need a waiver for grading within five feet of the property line. The tennis and bocce ball courts will be five feet from the property line, and part of the fence will be relocated, as it was found to be on park property. Mr. Johnson expressed his hope that the applicant would consider porous paving surfaces for the additional parking.

In response to a question by Mr. Quinn, Mr. Van Louvaneer stated that 1.1 parking spaces are being provided for each unit at Ann's Choice. The revised plan shows that the ratio for the number of parking spaces will be increased. Mr. Van Louvaneer stated that this issue was discussed at the Planning Commission meeting and expressed his opinion that the Planning Commission was satisfied. In response to a question by Mr. Quinn in regard to there not being enough parking in the future, Mr. Healey expressed his opinion that the additional parking spaces proposed for Neighborhoods 2 and 3 would be the maximum number of parking spaces needed, and that more would not be added. Mr. Harris stated that this development is nearing the maximum amount of impervious surface that is allowed. In response to a question by Mr. Johnson, Mr. Healey expressed his understanding that the amount of parking at an Erickson project has never been reduced.

Mr. Gold made a motion to approve the revised final plan for Neighborhood 3 of the Ann's Choice development, subject to:

- The conditions set forth in the Township Engineer's letter of December 4, 2007, and the response letter from the applicant dated December 5, 2007, and the conditions set forth in the December 6, 2007 letter from the Warminster Township Planning Commission
- All conditions and waivers of the plan approval letter dated March 7, 2006
- Payment of all outstanding legal, engineering, and administrative fees
- Granting a waiver to allow grading within five feet of the property line

Motion was seconded by Ms. Davis and carried unanimously, 5-0.

Mr. Harris expressed his opinion that the agreement for the traffic signal at Johnsville Boulevard and Ann's Choice be resolved. He stated that the original agreement called for a traffic study to be performed when both Ann's Choice and the Franklin Realty office complex reached 80 percent occupancy, or in three years. It was the belief of the parties that three years is not enough time. A suggestion that the agreement be changed to 80 percent occupancy or 8 years was made. Mr. Harris suggested that the agreement be changed to 80 percent occupancy or 5 years. He has been presented with an agreement signed by Erickson and Franklin Realty for 80 percent occupancy or five years. Mr. Johnson made a motion to approve the revised traffic signal agreement for Johnsville Boulevard/Ann's Choice as presented. Motion was seconded by Mr. Gold and carried unanimously, 5-0.

#### CHRIST HOME DEVELOPMENT- PHASE I – FINAL PLAN

Mr. Van Louvane, attorney for the applicant, advised that this project proposes the construction of 69 cottages. He stated that the applicant has been working for the past year with the Planning Commission and is now requesting conditional final approval for this plan. He stated that Mr. Harris had provided him with a draft of an approval resolution, which mirrors the Planning Commission. Mr. Van Louvane expressed his opinion that most of the outstanding issues are technical in nature. Mr. Van Louvane stated that there are still some items that need to be discussed.

Mr. Harris stated that the Planning Commission went through Pennoni's review letter in great detail, but that there are some items and waivers that need to be discussed by the Board of Supervisors. He added that most of the major issues were resolved during consideration of the preliminary plan for this project

Mr. Harris advised that one issue that was not resolved by the Planning Commission is compliance with the Township's tree ordinance. The applicant's engineer concluded that this project would remove trees (of 3 or more caliper inches) totaling 8,460 caliper inches. In Phase I, the project would replace 1,686 caliper inches. The applicant's engineer estimated that trees planted for the entire project would total 5,000 caliper inches, but the project would be 3,500 caliper inches short. The tree ordinance requires that applicants pay \$300 per tree that would not be replanted on site. The Planning Commission deferred this item to the Board of Supervisors.

In response to a question by Ms. Davis, Mr. Van Louvane stated that the entire development project at Christ Home would take 20 years to complete, but that the applicant would like to resolve the tree issue at this time. He suggested that if Phase II

development does not happen within five years, Christ Home would pay the balance of the shortfall. Mr. Harris stated that this translates to \$346,000. Mr. Van Louvaneer stated that the entire project projects to replace 5,000 caliper inches of trees – 1,685 inches would be replaced during Phase I (approximately 562 trees). Mr. Van Louvaneer stated that Christ Home intends to file plans for Phase II in 2008. Some discussion followed. In response to a question by Ms. Davis, Mr. Van Louvaneer stated that there might be some overlap between construction of Phases I and II. In response to a comment by Ms. Davis, Mr. Van Louvaneer stated that although it might cost less to plant the trees than to pay the fees, Mr. Van Louvaneer stated that there is not enough space on site to do so. He stated that Christ Home will maximize the landscaping on site. In response to a suggested from Ms. Davis that Christ Home plant the trees in Township parks, Mr. Van Louvaneer stated that if Christ Home were to do this, it would become part of the approval process for Phase II, and if the Township could identify its needs, the applicant would be willing to consider planting trees in the parks.

Mr. Harris suggested language for the approval condition regarding the tree ordinance the plan calls for 8,460 caliper inches of trees to be removed and proposed that 1,685 inches be replaces in Phase I. According to discussion with the applicant's consultant, a total of 5,000 caliper inches of trees will be planted when the entire development is completed. As a condition of the signing of the final plan and its being recorded, Christ Home shall pay a fee in lieu of planting the rest of the trees in the amount of \$346,000. If the 5,000 caliper inches of trees are not replaced in Phase 2 or in five years, whichever comes sooner, Christ Home shall pay Warminster Township the fee of \$300/3-inch tree not planted. Mr. Van Louvaneer accepted this condition on behalf of the applicant. It was the consensus of the Board of Supervisors that this condition was acceptable.

Mr. Van Louvaneer stated that the Township had requested that Christ home install a flashing warning light on Norristown Road in front of the fire house. He stated that Christ Home does not believe that this development is the cause of the need for such a signal. He stated that Christ Home would be willing to pay for the installation of this warning light, but would want a credit for the cost of the signal to be applied against the fee in lieu of the trees. Mr. Van Louvaneer estimated that the warning signal would cost \$25,000. Some discussion followed. Ms. Stover stated that the proposed signal would flash yellow all the time, and turn red when vehicles left the fire house to respond to a call. Mr. Krueger stated that louvers could be installed on the fixtures so that residents on Norristown Road would not be disturbed by the light.

In response to a question by Mr. Johnson regarding the projected amount of traffic on Norristown Road at the time of full build-out of this project, Mr. Van Louvaneer stated that the traffic would be less than double the current volume. Mr. Van Louvaneer expressed his opinion that the warning signal is a safety feature that is needed at the present time, and is not a result of the Christ Home development. Ms. Davis stated that the Chief of the Warminster Fire Department had submitted a letter requesting the warning signal. Mr. Krueger expressed his intent that the electrical connections for a warning signal would be made through the fire house. Ms. Davis stated that she would rather the applicant not try to take money out of the tree fund. Discussion followed.

Mr. Van Louvaneer addressed the maintenance of the rain garden that has been proposed for the open space adjacent to the Christ Home property, and asked how long the Township would expect Christ Home to maintain this feature, which is on Township

property. He suggested that the maintenance of the rain garden end when Christ Home is released from the financial security for Phase 1. In response to a question by Mr. Johnson regarding the cost of the maintenance of the rain garden, Ms. Stover stated that it is designed to be a natural area, requiring little maintenance. It consists of small pipes which will need to be kept open, grading, and plants. Ms. Stover stated the site would not be mowed and that the goal is to keep the pipes as clog-free as possible. It was the consensus of the members of the Board of Supervisors to release Christ Home from the requirement to maintain the rain garden when it is released from the financial security for Phase 1, as requested by the applicant.

Mr. Van Louvaneer stated another issue requiring discussion is the timing of the Norristown Road improvements. Mr. Van Louvaneer stated that four months from the start of construction was discussed at the Planning Commission meeting and expressed his opinion that this would not be enough time. He suggested that the improvements (except for milling and overlay) be done within five months of the commencement of construction, weather permitting. Mr. Luce expressed his preference for milestones rather than time limits. Mr. Van Louvaneer suggested that the improvements be completed prior to the first occupancy. The public improvements required include curbing, storm water management, and minor widening of Norristown Road. In response to a question by Mr. Luce regarding traffic calming methods, Ms. Stover stated that crosswalks would be added to Norristown Road when the final paving is completed. Mr. Harris stated that they would be painted on the road way until the final paving. In response to a question by Ms. Stover, Mr. Van Louvaneer stated that the sidewalks would also be installed during this time period.

Mr. Gold expressed his opinion that Christ Home has been equitable in dealing with the Township and expressed his opinion that a credit toward the fee in lieu of the trees should be given for the cost of the warning signal for the fire house. Mr. Quinn expressed his agreement and stated that Christ Home is willing to comply with the Township's tree ordinance. Mr. Harris suggested that since the cost of the warning signal is not yet known, it would be paid as a condition of the signing of the final plan, and the cost could be assigned at that time. This suggestion was acceptable to the applicant. It was the consensus of the members of the Board of Supervisors that Christ Home be given credit for the cost of installing the warning signal against the fee in lieu of planting all of the required trees under the Tree Ordinance, with the amount of the credit to be determined as suggested by Mr. Harris.

Ms. Stover advised that it is the responsibility of the Board of Supervisors to accept the road names for this development – Shepherd's Way, Grace Court, Mercy Court, Faith Way, Hope Court, and Christ Home Drive. It was the consensus of the members of the Board of Supervisors that these names were acceptable.

Ms. Stover advised that one waiver was determined not to be necessary. She addressed the traffic comments and stated that there was an item regarding the striping of the roadway. The proposal is to narrow the lanes to 10 feet, and to stop that striping at the end of the park property. Ms. Stover stated there was a question if the striping should continue further down Norristown Road. This question was not addressed by the Planning Commission.

Mr. Brechmann, of Cooper Drive, asked what happens to the trees from the lot when they are removed. Mr. Van Louvaneer replied that the contractor that clears the trees determines what happens to them.

Mr. Martin, of Mae Drive, stated that he attended the Planning Commission meeting and was informed that the Board of Supervisors determined that the sidewalks would be installed on the east side of Norristown Road where his property is located, when they were originally supposed to be on the west side, or Christ Home side, of the road. Mr. Luce stated that the Board of Supervisors made a site visit and realized that it would be almost impossible for a sidewalk to be installed on the west side of Norristown Road and go through the woods. Since most of the sidewalks are already on the east side of Norristown Road, it appeared to the Board of Supervisor that the sidewalk should continue on that side of the road. In response to a question by Mr. Martin, Mr. Luce stated that the homeowner is responsible for the sidewalk on his/her property, even if the sidewalk is in the Township right of way. Mr. Luce stated that often when developments are approved by the Board of Supervisors, a note is added to the plan that states that sidewalks would be installed when deemed necessary by the Board of Supervisors. Mr. Martin asked why the sidewalks were not installed when his development was built. Mr. Gold stated that had the Board of Supervisors decided that sidewalks were needed before the Christ Home plans were presented, Mr. Martin and his neighbors would have been responsible for paying for their installation. Mr. Martin stated that he would still have to bear the cost of maintaining them. Some discussion followed. In response to questions by Mr. Martin, Mr. Luce stated that the sidewalk would go to Street Road. Mr. Luce stated that the decision to relocate the sidewalk was made because it would not have been practical to try to install the sidewalk through the woods on the west side of Norristown Road. Mr. Martin expressed his opinion that the Township should have informed the affected residents of Mae Drive that the location of the sidewalks had been changed. Mr. Luce stated that another issue was that the sidewalks could not have been installed on the west side of Norristown Road and been in compliance with the ADA without installing several ramps. Mr. Martin asked if the Township would consider maintaining the sidewalks by mowing the lawn and removing snow. He stated that there is no access from the rear of most of the properties on Mae Drive to where the sidewalk would be located for snow removal. Mr. Luce stated that most sidewalks are in the Township right of way but are maintained by the property owners. He stated that the installation of sidewalks on Norristown Road if and when deemed necessary was part of the development of Mr. Martin's neighborhood, Meadow Glen, and that it is on record with the County. Mr. Martin asked that the neighbors be notified that this is going to happen. Mr. Harris expressed his opinion that it would be appropriate to notify the neighbors when construction of the sidewalks is scheduled. Mr. Martin asked if the neighbors could be granted a waiver from removing snow from the sidewalks. Mr. Luce stated that the residents would need to comply with the Township's ordinance regarding snow removal.

Mr. Carter, of the Public Works Department, stated that there is currently no pedestrian crossing at the existing traffic signal at Street/Norristown and asked if the traffic signal would be upgraded to include pedestrian signals. Ms. Stover stated that the applicant was given the option of determining where the sidewalk would be located on Street Road. If the sidewalk were to be installed on Street Road, the applicant would have to upgrade the traffic signal. Mr. Harris stated that this would be part of Phase 2 of this development. Some discussion followed.

Mr. Carter addressed the crosswalks proposed for Norristown Road and asked if imbedded lights for the crosswalks had been considered. He stated that they could be used as a traffic calming method. Mr. Luce asked Mr. Carter to get the cost for this and provide it to Ms. Stover. Mr. Martin stated that there would be signs warning motorists that there are crosswalks.

Mr. Quinn made a motion to approve the final plan and subdivision plans for Phase 1 of the Christ Home development, subject to:

- Granting of the waivers in the Township Engineer's letter of December 5, 2007, and the applicant's response of December 5, 2007, as well as conditions set forth in the December 10, 2007 letter from the Warminster Township Planning Commission
- Applicant obtaining all permits and approvals necessary to develop the site
- Posting of the required financial security
- Water and sewer service agreement with the Warminster Municipal Authority
- Installation of a flashing warning signal in front of the Warminster Fire Department station on Norristown Road – Christ Home will promptly apply to PennDOT for a permit for the signal, which will be installed within 90 days of PennDOT approval, and approval by the Township and Warminster Fire Department. Care will be taken in the design of the signal to minimize light pollution to the surrounding residents. The applicant shall be entitled to a credit in the amount of \$25,000 against the fee in lieu of replacing all of the trees removed for the development.
- Christ Home will execute a conservation easement for all areas shown on the master plan to be subject to the conservation easement, to protect the natural features shown on the plan such as the remaining woodlands, wetlands, flood plains, and steep slopes. Minor revisions may be made to the conservation easement to accommodate the development of future phases.
- The driveway entrance on Norristown Road, the sidewalks along Norristown Road which are to be constructed during Phase 1, and all curb and storm sewer along Norristown Road are to be constructed prior to the issuance of the first occupancy permit
- The construction of the rain garden on the park property will be completed prior to the issuance of the first occupancy permit
- High visibility crosswalks will be installed at Birch/Norristown and Meadow Glen/Norristown. The texture and material used in constructing the crosswalks will be red oxide colored hot-applied synthetic asphalt with a 45 degree herringbone pattern. Initially, the crosswalks will be painted on the roadway. The permanent high visibility crosswalks will be installed when Norristown Road is milled and overlaid. A high visibility crosswalk will be installed at Mae/Norristown when the sidewalk is extended to the Pep Boys shopping center. For addition traffic calming, Christ Home will donate a "your speed" sign and an NRAD device to the Warminster Township Police Department within six months of signing the improvement agreement.
- Christ Home agrees to apply to PennDOT for a Highway Occupancy Permit to construct a connector road from Phase 1 to Street Road promptly upon receiving final plan approval for Phase 1 and agrees to install the connector road within one year of receiving the Highway Occupancy Permit. Financial security will be posted for this.

- Christ Home will post financial security to guarantee that Norristown Road will be milled and resurfaced across the entire frontage of the Christ Home property, the fire house, and the 14-acre park at the completion of the cottage section of the Christ Home project, provided, however, that if Norristown Road significantly deteriorates from construction traffic during construction, the Township will provide notice to Christ Home to mill and overlay Christ Home, and Christ Home will have three months to complete this, unless prevented by weather conditions. Christ Home will promptly repair any damage to Norristown Road during construction.
- Christ Home will update its traffic study when preliminary plans are filed for each subsequent phase
- Christ Home will install sidewalks on the east side of Norristown Road, from Meadow Glen Road to Street Road and along Street Road from the entrance of Christ Home to the entrance of the Pep Boys shopping center; the sidewalk on Norristown Road from Meadow Glen Road to Mae Drive will be installed with Phase 1 improvements, and financial security for this work will be posted. Financial security will be posted to guarantee the installation of the remaining sidewalk when the connector road to Street Road is built. Christ Home will have the option to design the sidewalk across the Street Road frontage either at the top of the hill or at street level.
- Christ Home will install a fence around the entire perimeter of the detention basin
- The applicant will execute an agreement providing for the maintenance of all of the storm water facilities; Warminster Township will assume maintenance for the storm water management facilities located on the park property when Christ Home is released of its obligation to post financial security
- As a condition for the issuance of the building permit for the first building in Phase 1, Christ Home will take three core samples along Norristown Road in a location selected by the Township Engineer
- No construction traffic shall be permitted to go south on Norristown Road from the construction entrance. Christ Home shall add a note to its plan and include in its contracts that trucks that go south will be fined \$100/first offense; \$300/second offense; \$500/subsequent offenses. Christ Home will be assessed the fines and will be responsible for collecting them from the contractors
- All outstanding legal, engineering, and administrative fees shall be paid to the Township
- Granting the following waivers:
  - ❖ Adjust the scale due to the size of the plans
  - ❖ Permit a wider entrance than is allowed under Township ordinances
  - ❖ Allowing grading within five feet of the property line
  - ❖ Storm drainage system is designed to carry 100 year peak flow rate through the system on Norristown Road to the existing system on Birch Road
  - ❖ Diameter of storm pipes to permit roof drains and pipes to the offsite rain garden can be smaller than 15 inches
  - ❖ Permit PVC pipe for storm water
  - ❖ From the provision that crowns be at the same levels at all inlets
  - ❖ To reduce the storm water flow at Norristown Road and the rain garden, as the downstream storm water system at Meadow Glen is not sized to handle it

- ❖ From the requirements of the Little Neshaminy Creek storm water management ordinance
- ❖ Increase the depth of the detention basin to six feet
- ❖ Waiver for the tree ordinance previously discussed by the Board of Supervisors

In response to a question by Mr. Luce, Mr. Tate stated that the Police Department ordered one NRAD system and that Christ Home would purchase a second.

Motion was seconded by Mr. Gold.

Mr. Quinn addressed the installation of the sidewalks on the east side of Norristown Road and stated that there was a lot of discussion between the Township and Christ Home regarding this issue. He had suggested that if the sidewalks are installed on the east side, that Christ Home be responsible for maintaining them. The Board of Supervisors was informed that if the sidewalks are not on the Christ Home property, a lot of issues are raised if Christ Home is responsible for the maintenance. Mr. Harris recalled that the Township's ordinance makes a strong recommendation that residents remove snow from the sidewalks on their property, but does not require that residents do so. He stated this was because of concern for older residents, who might not have the ability to shovel their sidewalks.

Some discussion regarding providing \$25,000 as the cost of the warning signal took place. Mr. Harris stated that the cost of this project would not be known at the time of the signing of the mylar plans, which is when the money would be due. He used \$25,000 as it was the amount estimated by the applicant's engineer, and he wanted a fixed sum in the motion.

With regard to the sidewalks, Mr. Quinn stated that another consideration for installing them on the east side of Norristown Road was that the residents of Meadow Glen would then have safe access to the shopping center.

Mr. Quinn's motion to grant conditional approval to the final land development plan and subdivision plan for Phase 1 of the Christ Home development carried unanimously, 5-0.

At Mr. Van Louvane's request, Mr. Gold made a motion to authorize Mr. Harris to prepare the development agreement to be signed by appropriate Township officials upon receipt of all permits necessary and Pennoni Associates' approval of the remaining storm water issues. Mr. Johnson seconded the motion, which carried unanimously, 5-0. Mr. Van Louvane expressed thanks to the members of the Board of Supervisors, past Supervisors involved in this project, as well as Township staff and the Planning Commission members of their assistance with this project.

Mr. Luce called for a recess at 9:02 p.m. Meeting reconvened at 9:07 p.m.

#### LAND DEVELOPMENT WIAVER FOR WATERLOO GARDENS

Ms. Farrell, of Kaplin Stewart, attorney for the applicant, stated that the applicant received the review letter from Pennoni Associates earlier in the day, and while a written response has not yet been prepared, she is ready to discuss the letter. Ms. Farrell stated that she has a letter requesting certain waivers to present at this time.

Ms. Farrell stated that the applicant has been working with the Township staff to address the issues that have been raised and expressed her opinion that there are only two or three issues that need to be resolved. She stated that the applicant is requesting seven waivers, one of which is a waiver from the overall land development process. The other six address comments made in the Pennoni Associates review letter dated December 13, 1007. Ms. Farrell stated that with the exception of a couple of other items that require input from the Board of Supervisors, the applicant has or will comply with all of the other items.

Ms. Farrell reviewed the waiver requests:

1. From the Land Development process
2. From the requirement that there cannot be a radius of curvature of less than 5 feet for the curb lines. Ms. Farrell stated that although the applicant can comply with the ordinance in almost all locations, a few curb radii are below the 5 foot minimum to allow for additional parking spaces and to tie into the existing curbs.
3. This waiver request addresses item #4 in the Pennoni letter, the requirement for a traffic impact study. Ms. Farrell stated that the garden center use will generate less traffic than the previous use of grocery store, and that the applicant does not believe that a traffic study is necessary. The applicant has proposed a better layout and parking use. Mr. Luce stated that the applicant could pay a fee in lieu of the traffic study. Mr. Harris stated that a fee in lieu of a traffic study is usually in the amount of \$3,000.
4. Ms. Farrell stated that this waiver request corresponds to item #5 in the Pennoni review letter and is related to the location of monuments on the property. She stated that monuments did not appear on the survey of the property. Ms. Stover stated that there were a few iron pins shown, but some corners were not marked at all.
5. The applicant's fifth waiver request correlates to items 7 and 10 of the letter from Pennoni and is related to post development storm water flows. This waiver would be necessary regardless of which option for the detention basin the Board of Supervisors prefers.
6. Waiver request #6 addresses item #8 of the Pennoni review letter and is related to whether or not the applicant would have to grade the basin. She stated that the amount of landscaping is related to whether or not the basin must be graded. She expressed her opinion that this item should be discussed by the Board of Supervisors.
7. Ms. Farrell addressed the last waiver request, which coincides with item #13 in the Pennoni Associates letter and is related to the emergency spillway at the existing basin.

Ms. Stover advised that she does not object to the request for the waiver for from the 5-foot radius. She agreed with Ms. Farrell that a traffic impact study was not necessary for this project and stated that the Board of Supervisors would have to assign the fee. With regard to the monuments, Ms. Stover stated that there were some pins shown on the plans, but not all corners were marked. She stated that the Board of Supervisors should make the decision regarding the monuments.

Ms. Stover addressed the emergency spillway and stated that the applicant wants to modify the outlet structure and use it as the emergency spillway. She stated that this was acceptable to her.

With regard to waiver requests 5 and 6, Ms. Stover advised that the Board of Supervisors would have to discuss the two options that were presented for the basin. Mr. Harris stated that the basin was installed when the Pathmark store was built on the site. He stated that the Township needs to decide what the applicant should do to best comply with the current ordinances. Ms. Farrell stated that part of the problem is that the inflow and outflow utilities are the same, so there is not a lot of retention of water taking place in the basin. The applicant would prefer not to grade the basin, but increase the amount of landscaping in the bottom of the basin. Some discussion followed. Ms. Stover stated that the first option (grading) would have more storage volume and reduce the flow and be closer to meeting the Township's flow requirement for the basin, but that option #2 (planting) would provide better BMP, although the outflow numbers would be higher. Additional discussion regarding the amount of impervious area that would be reduced followed. In response to a question by Mr. Luce, Ms. Stover stated that the basin in question serves only the applicant's site – it is not tied into the storm water management system of the neighboring shopping center.

Mr. Quinn expressed his opinion that the applicant should not be assessed a fee in lieu of a traffic study. Mr. Johnson stated that this project would generate much less traffic than the previous use. It was the consensus of the members of the Board of Supervisors that the applicant not pay a fee in lieu of a traffic study.

In response to a question by Mr. Johnson about the basin, Ms. Farrell stated that although it would be planted, it would not technically be considered a wetland. In response to a question by Ms. Stover, Mr. Bergman, of Bohler Engineering, stated that the applicant is proposing to plant the bottom of the basin. If the basin does not have to be graded, the landscaping would be increased. What is shown on the plan will be planted in either case. Ms. Stover stated that in either case, the applicant would need a waiver from reducing the flow of a 100 year storm to that of a 10 year storm. If the basin is regraded, the applicant would require a waiver for a 1 percent slope rather than a 2 percent slope. If the basin is not regraded, the applicant will not be able to meet the 100 percent release rate in the storm water management ordinance, and a waiver from that part of the ordinance would be required. In response to a question by Mr. Gold regarding the necessity to regrade, Ms. Stover stated that there would be significant reductions in the flows without regrading the basin. The new outlet structure in option 2 would hold water during both larger and smaller storms.

Ms. Stover stated that the connector road between the applicant's property and the adjacent shopping center also needs to be discussed. Mr. Luce expressed his understanding that at least part of this road is Township property. Ms. Stover stated that the road should be placed in the best location, and not lined up with the small sliver that is Township property. Mr. Tomko stated that the plan shows the agreed upon location of the connector road, closer to the rear of the property. A utility pole would need to be relocated in order to relocate the road. Mr. Britz stated that the applicant has proposed a location that does not include relocating the utility pole. In response to a question by Ms. Stover, Ms. Farrell stated that there is not an agreement with the neighboring property owner regarding the connector road. Discussion followed.

Mr. Johnson stated that he did not have an objection to any of the waivers. Mr. Luce expressed his preference that the applicant install the missing pins on the property lines. The applicant agreed to install the pins. Ms. Davis expressed her opinion that the suggestion to plant the basin will be more aesthetically pleasing.

In response to a question by Mr. Harris regarding the timetable for the project and installation of the greenhouses on the site, Ms. Farrell stated that the applicant is looking to move forward with the entire project, including the greenhouses. Mr. Harris stated that if the Township were to waive the Land Development process, the applicant would need grading permits and building permits. He stated that although the Township would be waiving the Land Development plan approval process, the applicant would still be required to submit mylar plans for recording and post financial security for the project.

Mr. Johnson made a motion to waive Land Development approval for the Waterloo Gardens project subject to:

- Compliance with the Township Engineer's review letter of December 13, 2007, with the exception of the waivers listed below
- Applicant obtains all permits and approvals (grading permit and building permit) required to complete the project
- Posting financial security for the improvements of the basin and other improvements (landscaping islands)
- Payment in full of all engineering, legal, and administrative costs
- Granting the following waivers listed in the Bohler Engineering letter of December 13, 2007: requests 1, 2, 3, 5, and 7; granting a waiver from item #11 from the Pennoni Associates letter (100 percent release rate as specified in the storm water management ordinance) ; approval of basin option #2 – no regrading
- Waterloo Gardens will agree to work with the Township and the owner of the adjacent property to try to relocate the connector road to a more favorable location. A note will be added to the plan that the connector road could be relocated if and when such an agreement is made.

Motion was seconded by Ms. Davis and carried unanimously, 5-0.

#### VILLAS AT FIVE PONDS – PHASE 2 – SIGNING OF MYLAR PLANS

Mr. Harris stated that some documents still need to be completed. He recommended that the mylar plans be signed and held until the documentation is completed. Mr. Gold made a motion to approve the signing of the mylar plans for the Villas at Five Ponds Phase 2 development, but that the plans be held until all of the required documentation is completed and presented to the Township. Ms. Davis seconded the motion, which carried unanimously, 5-0.

### **PRESENTATIONS**

#### ABINGTON MEMORIAL HOSPITAL - WARMINSTER CAMPUS

Ms. Farrell, of Abington Memorial Hospital-Warminster Campus, presented an update of the transition since Abington Memorial Hospital took over Warminster Hospital on October 1, 2007. The facility will change from a full service hospital to an outpatient campus. An Urgent Care Center opened on November 1, 2007 to serve individuals with illnesses or injuries serious enough to need medical care, but not serious enough to go to the emergency room. The Urgent Care Center is open 1:00-9:00 p.m., 365 days a year. Ms. Farrell stated that there is some confusion about the differences between urgent care and emergency care, and the hospital will have an aggressive marketing program to explain the differences to the community. An open community forum discussion these differences will be held on Monday, January 21, 2008, at the

Warminster Campus. Ms. Farrell stated that urgent care patients have an injury or illness that warrants treatment quickly and promptly by a health care professional, but do not require ambulance transportation or emergency treatment. She stated that individuals who go to the Urgent Care Center but require emergency treatment will be transported by ambulance to an emergency department.

Ms. Farrell listed other services that are available at the Warminster Campus: radiology; laboratory, day surgery, rehabilitation/therapy, as well as a broad range of primary care physician and specialty care physician practices. She stated that Abington Memorial Hospital plans to invest several million dollars in the Warminster Campus.

In response to a question by Mr. Luce regarding the Urgent Care Center, Ms. Farrell expressed her opinion that it will take some time to educate the community about the Urgent Care Center. A small number of patients are being seen each day. Discussion followed.

Ms. Farrell discussed plans for other areas of the hospital. The east wing of the second floor could house an in-vitro/fertilization lab; the west wing of the second floor could house a surgical weight loss center, where the preliminary work would be done at the Warminster Campus, and the surgery would take place at the Abington Campus. The third floor could become a residential hospice program as well as a sleep center and a balance treatment center. Ms. Farrell stated that hospital is still working on plans for the fourth floor. The other side of the campus will continue to have the outpatient radiology center, the ambulatory surgery center, and the physicians' office building. Some discussion followed. Ms. Davis noted that Ms. Farrell is a member of the Township's Senior Health Advisory Committee.

In response to a question by Mr. Quinn regarding a facility on Street Road, Ms. Farrell stated that the facility, an OB/GYN clinic, would move to the Warminster Campus within the next couple of weeks.

Mr. Ludwig, of Villas at Five Ponds, asked about the relationship between the Warminster Campus and the facility on Blair Mill Road in Willow Grove. Ms. Farrell stated that the facility in Willow Grove is another ambulatory outpatient campus and that it is similar to the plan for the Warminster Campus.

Mr. Gold noted that when Abington Memorial Hospital purchased Warminster Hospital, it changed from a for profit to a non-profit facility, and the Township lost the real estate tax on that property. He asked that Abington Memorial Hospital consider making a donation to the Township in lieu of the taxes. Ms. Davis advised that Abington Memorial Hospital has agreed to make some kind of payment to the Township.

Ms. Farrell stated that she would make additional presentations to the Township as plans move forward at the Warminster Campus of Abington Memorial Hospital.

#### PRESENTATION TO OUTGOING MEMBERS OF THE BOARD OF SUPERVISORS

Mr. Quinn advised that this is the last meeting for 2007, and therefore, the last meetings that Mr. Luce and Ms. Davis would attend as Supervisors. Mr. Quinn presented plaques to Mr. Luce and Ms. Davis for their service to the Township. He stated that Ms. Davis' term was short, but that she made a significant impact on the community.

Mr. Quinn stated that Mr. Luce was completing a full six year term on the Board of Supervisors and that he dedicated thousands of hours on behalf of the Township. One of the major accomplishments that occurred during Mr. Luce's term was the update to the Township Comprehensive Plan. Mr. Quinn thanked Mr. Luce for all that he has done for Warminster Township.

#### ADOPTION OF 2008 BUDGET

Mr. Tate advised that the 2008 budget is a balanced budget and totals \$24,219,388, which is a 5.15 percent increase over the 2007 budget. There will be no real estate tax increase in 2008; it will remain at 12.07 mills.

Mr. Tate reviewed the millage for 2008:

General Fund	5.75 mills
Ambulance Fund	.13 mills
Fire Fund	1.25 mills
Library Fund	1.25 mills
Parks and Recreation Fund	1.94 mills
Storm Water Management Fund	1.25 mills
Highway/Traffic Improvement Fund	.50 mills
Total	12.07 mills

Mr. Tate stated that the General Fund consists of the Police, Public Works, Licenses & Inspections, and Administration Departments. Revenues are collected in the forms of taxes, permit and inspection fees, and state grants. The General Fund also has a capital reserve in the amount of \$245,041. The taxes collected for the Ambulance Fund, Fire Fund, and Library Fund are essentially pass-through funds, where the tax revenues are collected and then distributed to these functions for their operations. Mr. Tate stated that the Ambulance Fund was increased by \$69,000 in 2008. Most of this amount, \$67,000, represents the Township's assistance to the Ambulance Corps for the purchase of a new vehicle.

Mr. Tate advised that the Parks and Recreation Fund receives approximately 40 percent of its budget through taxes, and raises the rest of its revenues through program fees, rental of classroom space at the WREC, grants, and donations for the preservation and maintenance of the Township's parks and open space. The 2007 budget was higher because of the receipt of a one-time reimbursement from a grant.

Mr. Tate stated that real estate tax is the primary source of funding for the Storm Water Management and Highway/Traffic Improvement Funds. Monies allocated to these funds are used for the completion of the designated storm water projects for 2008. The Highway Aid Fund receives state funding under the Liquid Fuels program for the maintenance and paving of Township roads.

Mr. Tate stated that the sanitation fees would increase by \$23/household to \$432, in 2008, per the contract with JP Mascaro and Sons. Senior citizens who live in their own homes can apply for a discount in the amount of \$55 on their trash fee.

Mr. Tate advised that the Debt Service Fund receives interfund transfers and establishes a reserve each year to pay the annual principal and interest charges on the Township's debt.

The Golf Fund is a proprietary fund (a business-type fund) and operates Five Ponds Golf Club. It is business oriented and the operations are sustained by the revenues generated by the golf course and restaurant, and are used to maintain the course and restaurant operations and to help supplement General Fund expenses.

Mr. Tate expressed thanks to the department and staff for their work on the budget. Copies of the 2008 budget will be available to the public beginning December 14. It will also be posted on the Township's website, [www.warminstertownship.org](http://www.warminstertownship.org).

Mr. Johnson expressed his opinion that the 2008 budget process was a fairly open process. There were three meetings held to discuss the budget, and residents were able to obtain copies of the process budget as the process moved forward. Mr. Johnson stated that he would vote to adopt the budget at this meeting, but that it is possible that the budget would be reopened in 2008 when the new supervisors take office.

Mr. Johnson stated that millages are assigned to various Township funds. The Township estimates how much each department receives, and each function receives what was estimated, regardless of how much tax revenue is collected. Adjustments are not made at the end of the year. Mr. Johnson stated that the storm water management fund shows \$59,000 going back to the General Fund in 2008, and that this might be an item that would be reviewed if the budget is reopened in 2008.

Mr. Johnson addressed the Sanitation Fund and noted that the Township receives grant money based on its recycling efforts. In past years, the grant money was used to offset fees, but in 2008, those monies are shown going back to the General Fund.

Mr. Johnson stated that after all of the expenses and debt service that were deducted from the golf course were completed, the golf course showed an \$86,000 loss in 2006; and a \$75,000 loss is projected for 2007. He stated that with increases in fees, the golf course is projecting a surplus in the amount of \$250,000. He expressed his opinion that the food and beverage revenue estimates for 2008 are high. In response to a question by Ms. Davis, Mr. Tate stated that the 2008 budget projects that the golf course would transfer most of its projected fund balance to Parks and Recreation (\$29,000), and to the General Fund (\$175,000). He stated that there is a plan in place for increasing revenues to the golf course. Ms. Davis expressed thanks to Mr. Tate and the staff for making the budget easy to read and understand.

Mr. Quinn stated that the additional funding from the Township to the Ambulance Corps is a one-time allocation. The Township is assisting the Ambulance Corps to purchase a new vehicle. Mr. Quinn stated that although it appears as though the trash fee is a tax, it is not. The Township has negotiated fees and a contract with JP Mascaro to keep costs to the residents as low as possible. Mr. Quinn stated that if the trash fee were removed from the budget figures, the overall increase in the 2008 budget is actually 3.9 percent. With regard to the trash fees, Mr. Quinn stated that the increase is less than \$2/month. He expressed his opinion that with gasoline and other costs rising, residents of other municipalities will be paying higher fees for trash collection.

Mr. Quinn stated that the Board of Supervisors has had discussions regarding preparations for the Township's 300<sup>th</sup> anniversary in 2011 and expressed his opinion that the Township should start putting money aside now so that planning for this

occasion can begin. He expressed his opinion that \$100,000 in total should be budgeted, and that \$25,000 be allocated in 2008.

Ms. Davis expressed her opinion that the 2008 budget should include \$5,000-7,000 to pay Auxiliary Police to control the traffic at the entrance to Archbishop Wood High School. Mr. Luce stated that this would be a temporary measure, as a developer is planning to refurbish the Warminster Plaza Shopping Center, and would probably install a traffic signal at this location, which would resolve this issue. Mr. Tate stated that he would follow up with Chief Murphy on assigning Auxiliary Police at the school. In response to a question by Mr. Quinn, Mr. Luce stated that the crossing guard who was assigned to Archbishop Wood High School was moved to William Tennent High School.

Mr. Luce stated that in past years, the Township did not have the resources that it presently has, and previously borrowed a TRAN (Tax and Revenue Anticipation Note) to fund the Township's expenses until tax revenues started to come to the Township in April. He stated that the Township generally borrowed \$500,000 through the TRAN. Mr. Luce suggested that since there is money in some Township funds, the board of Supervisors should consider transferring money from other funds to the General Fund instead of borrowing from a financial institution. He stated that this would save the Township \$15,000-18,000 in interest fees. Mr. Tate stated that he spoke with Ms. Gehring, the Finance Director, for the Township's cash needs for January-March. The estimated fund balance for the General Fund at the end of the year would be approximately \$310,000. Mr. Tate stated that Ms. Gehring's projections indicate that the Township would need approximately \$500,000 to carry it through the first three months of 2008. Mr. Tate stated that the Township has been very diligent not to "mix funds". It is permissible to "borrow" money from other funds for the General Fund, saving the interest expense of the TRAN. The money would be repaid to the other funds when tax money starts to come to the Township. In response to a question by Mr. Gold, Mr. Tate stated that the interest rate for a TRAN is 4.25 percent. Some discussion followed. Mr. Tate stated that the Township could also open a TRAN as a line of credit and take what is needed, paying it back as soon as possible. Mr. Tate stated that the only fund that is completely restricted is the Liquid Fuels Fund. Mr. Johnson expressed his preference that the Township borrow money from other funds. Further discussion followed. It was the consensus of the members of the Board of Supervisors that money be borrowed from other funds to help pay General Fund expenses until tax revenues start to come to the Township.

In response to a question by Mr. Quinn regarding Five Ponds Golf Course debt, Mr. Tate stated that the golf course has significant debt and that he has tried to research this fact. He stated that operationally, there has been a lot of growth and improvement at the golf course. Mr. Tate stated that in addition to a judgment loan that was the result of a lawsuit and the clubhouse, there is an overall bond issue of Township debt. The golf course carries 63 percent of that debt (approximately \$4 million), but Mr. Tate has been unable to determine why this is so. He stated that the Township's accountant, Ms. Major, informed him that this percentage was assigned to the golf course, and that this has been followed for as long as she has been the Township's accountant. Mr. Tate stated that the golf course has contributed \$3.7 million to Township functions over the past 15 years, which is equivalent to approximately .75 mills of tax.

Mr. Luce opened the floor to comments regarding the 2008 budget from the public.

Mr. Clemens, of York Road, stated that he met with Mr. Tate and Ms. Sultzbach, who answered most of his questions about the budget, but that there were some items he wanted to question. Mr. Clemens noted that the budget for fire marshal services increased 300 percent in two years and asked why this has increased so much. Mr. Tate replied that the Township hired two new fire inspectors. Mr. Krueger stated that when the Township adopted the UCC and other codes, the state required that there be ordinances in place to issue permits and perform the inspections required in order to qualify for federal funds in the event of a disaster. In addition, these employees assist in responding to daytime fire calls. Mr. Krueger stated that many times, there is not a full crew available to respond to daytime fire calls, which is a requirement of OSHA and the National Fire Protection Association. These employees will answer daytime fire calls when necessary. In response to a question by Mr. Clemens regarding funding these positions, Mr. Krueger stated that the Licenses and Inspections Department collects fees from inspections and reviews. Mr. Krueger stated that the revenues generated by the Fire Marshal's office are assigned to several line items, and cover the costs of these positions. Discussion followed.

Mr. Clemens asked why the Township reduced the rental fee for an office at the Township Building by \$3,000 in 2008. Mr. Tate stated that this amount was set forth in the agreement between the Township and the renter. Mr. Clemens asked why the Township agreed to reduce the rent. He expressed his opinion that the renter did not need this reduction and that the rent should have been increased, not decreased.

Mr. Harris stated that the salary for the Tax Collector needs to be established prior to the time period for individuals to declare their candidacy, so that the Tax Collector will know the salary before the election is held. Mr. Harris expressed his recollection that the rent was reduced instead of raising the Tax Collector's salary. He stated that if this is the case, the rent for that office cannot be changed during this term. Additional discussion followed. Mr. Clemens expressed his opinion that the rent should be restored to \$4,200.

Mr. Martin, of Allen Street, addressed an agreement regarding maintenance of the roads and curbs in Warminster Heights with the Township and asked if funds have been allocated for Warminster Heights roads and curbs in the 2008 budget. Mr. Harris replied that he is still waiting for the cost estimate for the curbs and whether or not the Township can change its Community Development projects to do the curbs instead of paving elsewhere. Mr. Harris expressed hope that the agreement to do the curbs can be finalized. Some discussion followed.

Ms. Lynch, of Gorson Drive, expressed her opinion that the Auxiliary Police are needed in front of Archbishop Wood High School.

Ms. Lynch addressed the issue of the rent of the Tax Collector's office raised by Mr. Clemens and stated that the tax collectors in several surrounding communities do not pay any rent for office space, as they are performing a service to their communities.

Mr. Harris reviewed the amendments to the budget that have been suggested during this discussion:

Budgeting \$25,000 for the Township's 300<sup>th</sup> anniversary

Budgeting \$5,000-7,000 for Auxiliary Police at Archbishop Wood High School

The Township will not take out a TRAN for 2008

Increase the rent for the Tax Collector's office to \$4,200/year

It was the consensus of the majority of members of the Board of Supervisors to budget \$25,000 for the Township's 300<sup>th</sup> anniversary. It was the consensus of the members of the Board of Supervisors to include funding for Auxiliary Police to control the exit at Archbishop Wood High School. It was the consensus of the majority of members of the Board of Supervisors that the Township would not borrow a TRAN for 2008. It was the consensus of the majority of members of the Board of Supervisors to keep the rent of the Tax Collector's office at \$1,200/year. Following some discussion, it was the consensus of the Board of Supervisors to also transfer \$5,000 from the General Fund to the Open Space Fund.

Mr. Gold made a motion to adopt the 2008 final budget as presented, with the following amendments:

- Budget \$25,000 for the Township's 300<sup>th</sup> anniversary
- Budget \$7,000 for Auxiliary Police at Archbishop Wood High School
- The Township will not take out a TRAN for 2008
- The rent for the Tax Collector's office would remain at the budgeted figure of \$1,200/year
- Transfer of \$5,000 from the General Fund to the Open Space Fund

Ms. Davis seconded the motion, which carried unanimously, 5-0.

## **PUBLIC COMMENT**

Mr. Brechmann, of Cooper Drive, thanked and congratulated the outgoing members of the Board of Supervisors for their service over the years.

Mr. Brechmann stated that he had served on the Cable Advisory Board and that the franchise agreement with Comcast was finalized during that time. He was not on the Cable Advisory Board when the agreement with Verizon was completed, but that agreement mirrored the Comcast agreement. Mr. Brechmann stated that services were to be passed through from existing broadcasters, including close captioning and SAP, which is second audio programming. SAP provides a descriptive audio track for some programs, which allows people with visual impairments to better follow the show. Mr. Brechmann stated that Comcast passes through the SAP signals on its analog, but has problems with passing the signals through on its cable boxes. Verizon does not pass the signals, which Mr. Brechmann believes is a violation of the franchise agreement. He stated that Verizon is aware of the situation, which is caused by two separate problems. Mr. Brechmann asked that the Township look into this situation to determine if it is a violation of the franchise agreement.

Mr. Brechmann addressed the issue of relocating the repeater for the Warminster Amateur Radio Club from the bottom of the stairwell of the police station. He stated that the club is waiting for the Township to find a new location for the repeater. He stated that the club is part of Homeland Security and provides many community services. The repeater covers Bucks County, Montgomery County, and a lot of southern New Jersey. Mr. Krueger expressed his opinion that space might be available in the Township Building.

Mr. Brechmann expressed appreciation for the services performed by the Tax Collector and thanked the Township for allowing her to be in the Township Building.

With regard to Verizon, Mr. Tate stated that he received a telephone call from Verizon. They are aware of the problem and what they need to do to rectify it. They are trying to have the work completed. With regard to the repeater, Mr. Tate stated that it would have to be moved in approximately six months, before the police department's accreditation takes place.

Mr. Clemens, of York Road, expressed his opinion that the Board of Supervisors should not go to other municipalities to determine how much rent to charge the Tax Collector. Discussion followed.

Ms. Baranski, of Pelham Avenue, expressed her opinion that the Board of Supervisors and Tax Collector do a good job for the residents of the Township.

### **COMMENTS FROM THE BOARD OF SUPERVISORS**

Ms. Davis stated that earlier in the year, the Warminster Skate Spot was dedicated to the memory of Kyle Quinn. She expressed her desire to have another meeting with Mr. Tate and Ms. Whitney to discuss a new sign with an engraving of Kyle Quinn. She expressed her hope that the new Board of Supervisors would move forward with this project.

Mr. Johnson wished a happy holiday season to the residents.

Mr. Gold wished a happy holiday season to the residents

Mr. Quinn expressed his thanks to Ms. Davis for her comments.

Mr. Quinn noted that Ms. Miller, the only Democrat on the Bucks County Board of Commissioners, was recently elected as Chair of the Commissioners. He expressed his opinion that this move showed a lot of class on the part of the Republican Commissioners.

Mr. Luce discussed some projects that he had hoped to complete while he was a member of the Board of Supervisors, but that were not completed:

- Zoning Code Rewrite – Mr. Luce stated that this is important and by law, needs to be completed with the new Township Comprehensive Plan. He stated that the new administration needs to follow up on this to protect the community from blight.
- Township Building Upgrades – Mr. Luce stated that he prepared an updated set of plans. He stated that he and Mr. Johnson have discussed the fact the Township outgrew the building years ago. While the Township is in good shape financially, it is inefficient. The departments are spread out through the Township, and the Township Manager does not have as much control over operations. Mr. Luce stated that this situation also uses more energy than if the departments were consolidated into one building. He stated that the Township considered moving to the centrifuge building at NAWC, but it was not large

- enough for all of the Township's operations. Mr. Luce expressed his opinion that the Township needs to be more operationally efficient and more energy efficient
- WREC – Mr. Luce stated that the Township does not own this building, and that the Township should find out if the Centennial School District would allow the Township to remain at the WREC over the long term. The facility needs several improvements, and the Board of Supervisors is reluctant to invest in it without knowing how long the Parks and Recreation Department would be there.
  - Storm Water Basins – Mr. Luce stated that a big expense of the Township is mowing the storm water basins throughout the Township. He attended a seminar about landscaping the bottom of the basins to reduce the need for mowing and also recharge the aquifer. He expressed his opinion that this would save the Township money and would be more aesthetically pleasing to the residents.
  - Traffic Signal at Archbishop Wood High School – Mr. Luce stated that the new owner of the Warminster Plaza Shopping Center has agreed to install a traffic signal on York Road at the shopping center and Archbishop Wood High School. He asked the new administration to stay on top of this issue.
  - Township Comprehensive Plan – Mr. Luce stated that the comprehensive plan set forth a lot of the Township's goals and expressed his hope that the plan will be used.

Mr. Harris stated that Mr. Titus of his office is meeting with Mr. Zipf of the Bucks County Planning Commission regarding the zoning code. He also sent more information regarding the WREC to the Centennial School District.

## **TREASURER'S REPORT**

### BILL LIST – DECEMBER 13, 2007

Mr. Quinn summarized the bill list for the period ending December 13, 2007, by fund, as follows:

Prepay Checks	\$ 246,187.83
General Fund	343,985.41
Fire Fund	135,409.00
Library Fund	104,931.25
Parks and Recreation Fund	37,982.69
Storm Water Management Fund	2,282.00
Sanitation Fund	277,749.93
Golf Fund	52,472.99
Highway/Traffic Improvement Fund	3,029.24
Highway Aid Fund	10,217.67
Legal and Engineering Escrows	49,995.05
Payroll – 11/29/07	235,699.46
Total – all funds	\$1,253,714.69

Mr. Quinn made a motion to approve the bill list for the period ending December 13, 2007, in the total amount of \$1,253,714.69, as presented, and was seconded by Mr. Gold. Motion carried unanimously, 5-0.

## **OLD BUSINESS**

### ANECHOIC CHAMBER LEASE TO PENN STATE UNIVERSITY

Ms. Whitney, Parks and Recreation Director, advised that she and Mr. Fleishschut, of Penn State ARL (Applied Research Lab), have been working on a concessionaire's agreement for PSU-ARL to lease the anechoic chamber, one of the buildings near Bristol Road in Warminster Community Park, so that the facility could be used for its original use. She stated that when NAWC was decommissioned and the land was given to the Township, the Parks and Recreation Department considered alternative uses for the facility, but believes that it should be used for its original purpose, which is related to radar testing.

In the spring of 2005, Ms. Whitney was approached by the PS-ARL about using the anechoic chamber, and PSU was allowed limited access to the building to determine if it would fit their needs and the needs of their clients. In order to allow Penn State further access to the building, a concessionaire's agreement needs to be prepared and executed. If Penn State is interested in permanent ownership, a land swap would have to take place. Ms. Whitney stated that the concessionaire's agreement is required by the Department of the Interior and must be approved by the Department of the Interior before the agreement can be put into effect. Mr. Harris has been negotiating with Penn State to come to terms on an agreement. Mr. Harris stated that at one point during the negotiations, Penn State was not proposing to pay any rent, and the Park Board had objected to that. The current offer is to pay the Township \$10,000 for the first years, and \$18,000 per year thereafter. The area around the anechoic chamber will be fenced off and the walking trail has been re-routed. Penn State will make improvements to the building and has agreed to spend a minimum of \$40,000 per year for improvements. Mr. Harris expressed his opinion that this agreement will benefit both parties.

Mr. Quinn made a motion to adopt the concessionaire's agreement and to authorize the appropriate Township officials to sign it, and was seconded by Ms. Davis. In response to a question by Mr. Johnson, Mr. Harris stated that this agreement is just for rent, but that there might be a land swap in the future. Penn State has some land that it could give the Township for the anechoic chamber and surrounding ground. Discussion followed. Motion carried unanimously, 5-0.

### TRAFFIC CALMING POLICY – DISCUSSION

Mr. Gold made a motion to table this item. He stated that many residents of Villas at Five Ponds had wanted to comment on this policy, but were not aware that this item was on the agenda for this meeting.

Mr. Hunt, of Pennoni Associates, advised that he presented the draft policy at the November 29 meeting and was ready to answer questions about the traffic calming policy at this time. Ms. Davis stated that one concern of the Board of Supervisors was related to side streets. Mr. Hunt stated that that the policy defines specifically affected property owners as those who are directly affected by speeding on their street. He stated that those are the property owners who can vote on implementing traffic calming methods. He suggested that in situations where a side street only has one access in and out of the street, those residents could have one collective vote, and expressed his opinion that only specifically affected property owners should be able to vote. Discussion followed.

Mr. Hunt stated that Mr. Quinn had raised an issue regarding the percentage of votes required to implement traffic calming methods. Mr. Quinn had expressed concern that a decision could be made by as few as 30 percent of the voting property owners. Mr. Hunt stated that this could be changed. Mr. Quinn expressed his opinion that this could become problematic if it is not addressed.

Mr. Gold's motion to table this item carried unanimously, 5-0.

In response to questions by Mr. Chesney, of Kent Road, Mr. Luce stated that the new Board of Supervisors would determine when the traffic calming policy would be discussed again. The Traffic Safety Committee would not take action on the policy until it is adopted by the Board of Supervisors.

#### ESCROW RELEASES – ANN'S CHOICE

Neighborhood 1 – Mr. Johnson made a motion to approve an escrow release in the amount of \$342,947.51 for work performed at Neighborhood 1 in the Ann's Choice development, and was seconded by Mr. Gold. Motion carried unanimously, 5-0.

Neighborhood 2 – Mr. Johnson made a motion to approve an escrow release in the amount of \$89,003.63, for work performed in Neighborhood 2 in the Ann's Choice development. Ms. Davis seconded the motion, which carried unanimously, 5-0.

Neighborhood 3 – Mr. Gold made a motion to approve an escrow release in the amount of \$823,245.68, for work performed in Neighborhood 3 of the Ann's Choice development. Motion was seconded by Ms. Davis and carried unanimously, 5-0.

#### ENACTMENT OF ORDINANCE #638 – SEXUAL PREDATOR

Mr. Harris advised that this ordinance was advertised for consideration for enactment at this meeting. It includes a 1,000 foot radius around schools, playgrounds, and other locations where children tend to gather. Mr. Quinn made a motion to enact ordinance #638, as advertised. Ms. Davis seconded the motion, which carried unanimously, 5-0.

#### AUTHORIZATION TO ENTER INTO AGREEMENT WITH HOUGH & ASSOCIATES FOR RECYCLING DATA COLLECTION SERVICES

Mr. Tate stated that this firm assists the Township in its recycling reporting and grant application and contacts haulers for their information. The fee for 2008 is \$9,000. Mr. Tate anticipates receiving a grant in the amount of \$94,000 for 2008. In response to a question by Mr. Quinn, Mr. Tate stated that the fee for these services in 2007 was \$8,000. Mr. Johnson made a motion to enter into agreement with Hough Associates for recycling data collection services for the Township and was seconded by Mr. Gold. Motion carried unanimously, 5-0.

#### LEGAL AND ENGINEERING ESCROW RELEASES

Franklin Corporate Center – Lot 12 – Mr. Quinn made a motion to approve a legal/engineering escrow release in the amount of \$531.60 for the Franklin Corporate Center, and was seconded by Mr. Johnson. Motion carried 4-0-1, with Mr. Luce abstaining, as the applicant is a former client of his firm.

Warminster Self Storage – Mr. Johnson made a motion to approve a legal/engineering escrow release in the amount of \$2,659.00 to Warminster Self Storage. Motion was seconded by Mr. Gold and carried unanimously, 5-0.

BWI Properties LLC – Mr. Johnson made a motion to approve a legal/engineering escrow release in the amount of \$3,712.02 to BWI Properites LLC. Ms. Davis seconded the motion, which carried unanimously, 5-0.

### FEE WAIVER FOR FIRE MARSHAL INSPECTIONS FOR CENTENNIAL SCHOOL DISTRICT

Mr. Quinn made a motion to waive the fees associated with the Fire Marshal's inspections for the Centennial School District. Ms. Davis seconded the motion. In response to a question by Mr. Gold, Mr. Krueger stated that this would cost the Township, but that the cost would be more than made up by services the school district provides the Township, especially the Parks and Recreation Department. Mr. Quinn's motion carried unanimously, 5-0.

### APPROVAL OF SALE OF LADDER TRUCK BY WARMINSTER FIRE DEPARTMENT

Mr. Krueger advised that the Warminster Fire Department is expecting delivery of a new ladder truck to serve the Township. The title for this apparatus is in the Township's name, as the Township at one time owned all of the fire department's equipment. The fire department now operates independently of the Township, and wants to purchase the truck from the Township for \$1. The ladder truck would then be sold to offset the cost of the new apparatus. The new truck costs \$785,000. The fire department raised \$532,000 which was used to prepay part of the truck. The fire department will borrow \$150,000 from the state at 2 percent interest, and will pay for the balance of the new truck with the proceeds of the older truck. Mr. Krueger stated that the fire department hopes to get \$120,000-160,000 for the truck. The ladder truck responds to all structural fires. Out of 760 calls a year, the ladder truck responds to approximately 186 of them.

Mr. Johnson made a motion to approve the sale of ladder truck to the Warminster Fire Department for the amount of \$1, and was seconded by Mr. Gold. Motion carried unanimously, 5-0.

### AUTHORIZATION TO ADVERTISE MAE DRIVE TO ONE-WAY

Mr. Harris stated that an ordinance that would make Mae Drive a one way street has been drafted and is ready to be advertised. Ms. Davis made a motion to advertise the draft ordinance making Mae Drive a one way street. Mr. Quinn seconded the motion for the purpose of discussion. In response to a question by Mr. Quinn, Mr. Luce stated that this street sees a lot of cut-through traffic. Mr. Johnson expressed his opinion that the Township should send the residents of Mae Drive a letter. Ms. Stover expressed her recollection that there was a petition from the residents and that more than half of the residents had signed the petition. Motion carried unanimously, 5-0.

### **NEW BUSINESS**

Mr. Quinn stated that he would like to establish a 300<sup>th</sup> anniversary committee. Mr. Luce stated that he would be interested in serving on such a committee. Mr. Quinn stated that he would be willing to serve as the liaison to this committee. Mr. Johnson suggested that the Historical Preservation Board take the lead for this project.

**PUBLIC COMMENT** – none

## **COMMENTS FROM THE BOARD OF SUPERVISORS**

Mr. Quinn had no comment.

Mr. Gold had no comment.

Ms. Davis stated that she is thankful that she stayed true to her core beliefs during her tenure as a Supervisor. She expressed thanks to her family and to the residents who supported her, and stated that it was a gift that she was able to serve the community.

Mr. Johnson had no comment.

Mr. Luce expressed thanks to everyone, especially the Township employees, who helped him during his tenure as Supervisor.

## **AGENDA FOR JANUARY 7, 2008 – REORGANIZATION**

The new members of the Board of Supervisors will take the oath of office; appointments will be made to Township boards and commissions. The auditor Board will reorganize on January 8, 2008.

There being no further business to discuss, Mr. Johnson made a motion to adjourn. Motion carried unanimously, 5-0. Meeting adjourned at midnight.

Respectfully submitted,

Leo I. Quinn, III, Secretary

kmcd