

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 17, 2008**

**MEMBERS PRESENT:** Frank Feinberg, Chairman  
Ellen S. Jarvis, Vice Chairman  
Fred L. Gold  
Leo I. Quinn, III

**STAFF PRESENT:** Robert Tate, Township Manager  
Barbara Sultzbach, Assistant Township Manager  
Elliot Drexler, Esq., Township Solicitor  
Craig Kennard, PE, Township Engineer (Gilmore)  
Thomas Thern, Zoning Officer  
Jim Krueger, Fire Marshal / L & I Director

**CALL TO ORDER:** The Public Meeting of the Warminster Township Board of Supervisors, held at the Township Building, 401 Gibson Avenue, Warminster, PA, was called to order at 7:35 PM, by Chairman Frank Feinberg.

The PLEDGE OF ALLEGIANCE was led by Supervisor, Leo I. Quinn, III followed by a moment of silence for our Troops overseas. An additional moment of silence and condolences were extended by Ellen Jarvis to the Steele family in recognition of the death of Elizabeth (Betty) Steele. Betty and her husband Jim were good friends to many in Warminster because of Jim's great work year after year organizing Warminster's Memorial Day Parade.

**ANNOUNCEMENTS, COMMUNICATIONS & MINUTES**

- Approval of Minutes for Reorganization Meeting of January 7, 2008 -

Leo Quinn states he will approve the minutes, but first has some comments:

1. "During the Township Solicitor vote where I took exception, I would like to have added back into the record the reason that I did not vote for Mr. Drexler...I mentioned....something to the effect that Mr. Drexler was the Treasurer of the Democratic ticket....I take exception to the fact that I think it was a political appointment and that was the reason I gave for that vote".

2. "The second vote was for Township Consulting Engineer. I voted no against that and the reason I voted no against all the other appointments was, although there is an opinion that we voted for change, .....I don't necessarily believe that we have to do it all at once. The Democratic Party is in power for at least four years without any changes. Myself, I am more conservative. I would like to see us ease into that and that is why I voted no against the engineer.....I think the extra work it is going to bring upon the Township could be spread out over time and we could ease into that".

3. "The third vote Conflict & Special Projects Engineer, the reason I voted no for that was we had one engineer, now we're changing and all of a sudden we need two. Pennoni was able to handle all our projects by themselves. We no longer have Pennoni and now all of a sudden we need two companies. I also don't like the phase Special Projects it is too broad, too vague. I understand the concept of conflict in the event Gilmore was representing a Builder. Our previous Engineer did not bid any engineering work that would compete against itself so we never had a conflict for the many years they were here".

4. "In Old Business, item 5, The Curative Amendment, where we were looking for a new attorney, I did mention, although I was kidding, I said it in a friendly manner, I was serious, that I suggested that Mr. Harris be approached and I would just like that to be a part of the public record that I did recommend him for consideration".

Frank Feinberg made the motion to approve the Minutes for Reorganization Meeting of January 7, 2008. Fred Gold 2<sup>nd</sup> the motion. The Vote carried 4-0-1 (Johnson is not present).

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**ANNOUNCEMENTS, COMMUNICATIONS & MINUTES (Cont'd)**

- **Approval of Minutes for Auditors Meeting of January 8, 2008.**

Frank Feinberg asked for the motion to approve the Minutes for Auditors Meeting of January 8, 2008. Leo Quinn so moved the motion. Ellen Jarvis 2<sup>nd</sup> the motion. The vote carried 4-0-1 (Johnson is not present).

Regarding AUDITING SERVICES – At the January 7, 2008 meeting, Frank Feinberg requested that the Ad that was incorrectly published naming the Incumbent as being selected for Auditing Services must be rescinded and a new Ad must be placed naming LarsonAllen for Auditing Services. He also mentioned a Resolution is needed to appoint LarsonAllen for Auditing Services. Tonight, Frank Feinberg says his request was erroneous because The Township of the Second Class Code states that this does not have to be done. This was verified at the Board of Elected Auditors meeting and by letter which the Board just approved saying that the Ad didn't need to be corrected, didn't need to be rescinded and the name shouldn't have been put out there, that is not required by the code. No resolution is needed.

Frank Feinberg announced there was a brief Executive Session for the Board of Supervisors Friday, January 11, 2008 with Chief Michael Murphy to discuss the creation of the position” Deputy Chief of Police”. This was followed by an interview of Chief Murphy’s selected candidate for that position, Lt. Christopher Springfield.

Frank Feinberg also announced there was another Board of Supervisors Executive Session this evening before this meeting solely for the purpose of the two new Supervisors he and Ellen Jarvis, to be brought up to speed on what is going on in Personnel Matters and Personnel Issues.

**PRESENTATIONS**

**First Presentation: GM Suburban Development:**

GM Suburban Development as stated by Eric Kuhn, VP is the developers of the newly acquired Warminster Plaza Shopping Center. Mr. Kuhn states that his company focuses on developments in and around the Philadelphia Area. Their principle Mr. Joseph Grasso and his family have been doing development for twenty years. They have to their credit twenty-seven (27) Shopping Centers. He stated that their most recent project the Pavilion at Lansdale on South Broad Street in Lansdale, was a redevelopment project that has recently been awarded the Montgomery County Revitalization Award for 2007. This project is much like the Warminster Plaza Project. It was a Shopping Center suffering from the vacancies and neglect of the property.

Mr. Kuhn had with him Colored Board Displays showing the Shopping Center in its current condition and with proposed changes. Currently the Plaza has about 120,000 sq. ft. foot print. It is essentially a sea of black top. It has a dated facade and some infra structure issues in the likes of storm water etc. GM Suburban has plans for Warminster Plaza with regards to the redevelopment of it, as well as the re-tenanting of it, and they look forward with that in working with the Township.

- Their proposal would include a revitalization of the parking field to make a more functional traffic flow. There will be updated landscaping packages along the street side as well as the interior of the project. They are also going to propose an additional square footage within the project. They will propose some pad site locations out on the York Road Frontage. There will be approximately 20,000 sq ft of new construction onto the 120,000 sq. ft. foot print.
- A question from Leo Quinn prompted a response from Mr. Kuhn, that it is their intention to revitalize the side of the property which was previously occupied by Staples.

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**PRESENTATIONS (Cont'd)**

**First Presentation: GM Suburban Development, Eric Kuhn**

- As part of their proposal they will be asking for re-zoning from a SC Shopping Center District to a Commercial District. It would allow for the additional square footage.

Mr. Kuhn showed a Board Display of the proposed change to the facade of the Buildings. They are looking to give it a more Village look. Leo Quinn asked if it their intention to do the work when the tenants are still in or will they have to vacate. Mr. Kuhn states, unfortunately there will be sidewalks broken up, there will be facades taken out and replaced, and they will try to minimize the impact to the tenants as much as possible. The end result is going to be a large enough benefit to the tenants to be worth the growing pains.

- Mr. Kuhn further stated that they are looking to improve the traffic flow, will be working with the Township, and will work with Waterloo Gardens in terms of possibly some cross traffic easements into the parking just for an overall better flow for the center. Also, there will be an updated lighting package.

Ellen Jarvis asks, with 140,000 sq. ft. now anticipated for that Center, with the proposed additions, will you have adequate parking? Mr. Kuhn thinks they do. It will require a balance in what we can do landscaping wise and isle wise out in the center. We would like to err on more green and as the Township feels right we can balance that out. She also asks Mr. Kuhn to talk about some of the land development type of issue they face in terms of Storm Water Management there. Mr. Kuhn indicates they have spoken to the Township. There is some need for Storm Water Management, as we are redoing the parking lot. That will fall into the plans for that.

Jim Krueger mentioned that in a meeting with Mr. Grasso and Mr. Kuhn, the Archbishop Wood's situation was discussed. The school needs a traffic person and is looking to upgrade the intersection where they exit at the northern portion of the building and possibly looking at a Street Light. He suggested possibly working with Archbishop Wood, if it becomes necessary, to put a traffic light at a control intersection in that area. Many in the community are looking for a controlled intersection at the end of a school day and the exiting of school buses. In addition, he mentions that the storm water management for this (Plaza) property will mostly be underground retention. We don't know until we start seeing the calculations if they are going to have enough on site. If they don't maybe there could be some sought of agreement with them as to the Tenneyson Avenue regional basin, maybe taking that over as part of the maintenance project to use that additional capacity that might be in that basin, that's directly under York Road through the wooded area above Roberts road and goes back to Tenneyson and Roberts. So, these are some of the things that might be pluses for the Township, for some of our inherit problems such as the traffic on York Road at Archbishop Wood and this large Canyon Basin we have off of Tenneyson Avenue that the Township has to maintain. Maybe we could come up with some sought of agreement to take that off our hands, put it into a maintenance agreement, so they could get the need of meeting the ordinance.

Discussion on zoning change pursued. It finalized with a directive from Mr. Krueger that Eric (GM Suburban Development) would have to make a zoning change request through our Solicitor, Elliot Drexler, Esq. to have an ordinance drawn to amend the zoning map and the zoning ordinance for the Warminster Plaza location. They would then make application to Zoning (Tom Thern). It will then be forward to L & I for execution. Frank Feinberg, Chairman further explained it would then come to the Board and the Board would authorize a hearing on the zoning change. It would be done at a regular Public Meeting and it would be a sub part of that meeting for Hearing on Zoning Change. It would have to be advertised.

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**Frank Feinberg announced that the “York Road Traffic Issue” will be presented Thursday, February 14, 2008.**

**COMMENTS: First Presentation: GM Suburban Development, Eric Kuhn**

**John Capozzi – Penrose Lane - commented on the retention basin mentioned by Mr. Krueger. He states...we have had quite a few floods over the years on Fisher, Spencer, Penrose, & Brooke during the heavy rains and most of the water comes from that retention basin that sits behind Roberts off of Tenneyson ..... Any opportunity to improve that retention basin...would be greatly appreciated. .... He further mentions that the underground water storm pipe is getting dated and getting old .....and he detailed the path the water takes.....**

**Tom Thern: explains to John Capozzi that there actually are two (2) basins.**

- a. The basin Mr. Krueger refers to is behind the Meyer Business Campus, across from Perkins. It is located at Tenneyson & Roberts to the left behind the woods into that big basin in which there is hardly ever any water in it. The water from this basin does not flow near Mr. Capozzi house.**
- b. The basin Mr. Capozzi refers to is located behind Archbishop Wood. It is located off of Tenneyson. The water from this basin does flow near Mr. Capozzi house.**

**PRESENTATIONS: Second Presentation: Traffic Calming Policy  
Brian Keaveney with Pennoni Associates**

**The Traffic Calming Policy as stated by Brian Keaveney was prepared by the Township Traffic Safety Committee. It was previously presented to the Board of Supervisors and discussed in detail at the Public Meeting November 29, 2007. With him this evening is Kevin Hunt (Pennoni) who has done a lot of work with the Traffic Safety Committee as well as resident volunteers of the Committee. Brian Keaveney suggests that the Board choose the manner of presentation. Frank Feinberg selected an overview of the Traffic Calming Policy.**

**Mr. Keaveney said the Policy originated out of the Committee’s Number One Complaint. “Resident speeding, perceived cut through traffic in a number of areas in the Township”.**

- This policy is largely based upon other well established policies not only within PA but Nationally.**
- It incorporates a lot of procedures, definitions and policy guidelines that have been tried and tested in other locations. Fundamentally, what this policy does is try to consistently evaluate complaints, and the ultimate result is intended to improve the quality of life and safety in mostly residential areas of the Township by addressing speeding and cut through traffic.**
- The policy is intended to apply to local residential streets, collector streets and arterial roadways....with relatively low posted speed limits and more localized uses.**
- The Traffic Calming Policy outlines several guidelines typically referred to as the 3 E’s Education, Enforcement and Engineering. The engineering aspects, is when we get into Physical Modifications of the Roadway whether it is Signage, Pavement Markings or more extreme measures. There is a wide variety of potential measures each of which has a positive and a negative aspect to their installation. Each is detailed in PennDot accepted Traffic Calming Guidelines Document.**

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**Second Presentation (Cont'd)**

**Traffic Calming Policy - Brian Keaveney with Pennoni Associates**

In the past Multi-Way Stop Installations were simply put in to try to control speed. Historically, the people learn that those stop signs are not enforced as often as other stop signs. Often times multiple installations of unwarranted four way stops actually result in an increase in speed between the intersections that are signed with Multi-Way Stops.

- The Issues that are considered in the Policy effectively start all the way back to a Residents inquiry. It outlines .....a twelve step process, to ultimately implement any recommended measures. The steps include, an initial contact by Residents, followed up by Data Collection by the Township Police Department to try to ascertain the magnitude of the Issue as far as the volume, speed data, accident history, then we move on to .....where the Township Staff would review, with Residents, the actual affected area and the minimum petition requirements for public support.
- Throughout the Policy Documents public support and public involvement is emphasized. ....one of the negative drawbacks of implementing traffic calming measures may be to actually divert traffic to other parallel roads. This simply moves the problem. ....it is not the intended result. .... traffic calming is ...a simple issue.....it has impacts that can extend well beyond the streets that the actual measures are applied to.
- There are Guidelines for making informational presentations, so the neighbors know about what measures may be appropriate. ....many measures have both positive effects and negative effects when it comes to drainage, ascetics, ...noise implications ..... and then we move on to doing more detailed traffic studies, .... this guideline outlines a hierarchy of steps so as to really make sure we separate real problems from what may be respectfully perceived problems among several residential areas.
- After appropriate traffic studies are performed they are rated in the scoring system .....then we separate real issues that may warrant further attention. There may be roadways that could be treated with less intrusive types of measures such as Pavement Markings, Signage, perhaps increase Police Enforcement. We have a scoring system that utilizes data collected with respect to vehicle speed, vehicle volume, the number of accidents or crashes that have occurred on a certain roadway segment, whether or not there is any presence of school children (elementary or middle school), how many pedestrian generators exist along the subject roadway. ....the Committee in Warminster wanted to insert consideration of any Physically Disabled or Special Needs Residents on some of the subject roadways. Effectively, each road that is considered will go through the scoring system. If the scoring system reveals that the road may warrant some further investigation into solving the problem then we would move into developing a plan in conjunction with a representative of the community of the subject roadway so the plan would then be taken forward to try to reach public consensus effectively with the affected neighbors. Then it will be brought ultimately to the Board of Supervisors for a vote to as to whether to proceed with any modification of the roadway.
- We have Specific Guidelines. They include how the residents or adjacent residents of a roadway .....are included in the process. The guideline does identify affected residents in two categories. .... “Generally Affected Residents” .....the wide surrounding area of a roadway ....and .....“Specifically Affected Residents”.... those are residents that live on the exact roadway or directly adjacent to the roadway..... that ....are typically the ones in the policy that have the direct vote. ....in favor of implementing traffic calming measures and what types of measures, and how many and what the ultimate plan will look like.

This is a variable that different municipalities may have different thoughts on how to define those two groups specifically as well as the voting requirements.

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**Second Presentation (Cont'd)**

**Traffic Calming Policy - Brian Keaveney with Pennoni Associates**

- This policy right now indicates that once a plan is derived for a particular area that votes are sent out to all the ‘Specifically Affected Residents’. The requirement that we currently have outlined is that for a vote to be valid, we must receive at least 50% of the votes sent out back, and of the 50% receive back at least 60% must be in favor.

This is another variable. At the time this was discussed with the Committee, the percentages were felt to be reasonable.

**COMMENTS: Second Presentation: Traffic Calming Policy Comments**

**Ellen Jarvis:** Thanks the Traffic Safety Committee for their hard work in establishing “The Traffic Calming Policy”. She states that her concern is about the definition of “Specifically Affected Residents”, because one of the Roadways being looked at is Delmont Avenue. As an example, she uses, The Villas at Five Ponds and the Mallard Circle Residents because these residents have no choice but to use Delmont Avenue and are not considered “Specifically Affected Residents”. She asks that the definition for “Specifically Affected”, be expanded.

**Leo Quinn:** Indicates that “Specifically Affected” should only be limited to the people that are bordering the area that could possibly have a calming device is in front of their property.

**Brian Keaveney (Pennoni):** States, the final decision lies with the Board. Certainly, consideration of expanding those “Specifically Affected Residents” could be approached on a case by case basis. There will have to be some common understanding of who you would include or who not to include. This would assure a consistent Policy. It is the intent of the Policy to give a base line to consistently handle things it doesn’t mean it can’t have some latitude.

**Frank Feinberg to Brian Keaveney (Pennoni):** Does your policy, as worded, allow that latitude in “special cases”?

**Brian Keaveney (Pennoni):** As worded now, I would read the “Specifically Affected” definition not to provide that latitude. The way it reads is pretty specific.

**Fred Gold:** I agree with Ellen regarding Delmont Avenue. For the number of people affected, there seems to be an inequality.

**Ellen Jarvis to Brian Keaveney (Pennoni):** Regarding the ranking system, what is a minimum score that would permit a road to merit a study?

**Brian Keaveney (Pennoni):** It should be defined as 25 points cumulatively, so it could be any number of the categories equaling 25 or more points. We would then recommend further investigation.

**Frank Feinberg:** Suggests, adding words that say, “Allowing for special circumstances, the Residents of an adjacent area, could petition the Board of Supervisors, to allow them to be considered the “Specifically Affected” class, in order to cast a vote. We could take it one step removed and allow the Traffic Safety Committee to determine if “Specific” circumstances are acceptable.

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**COMMENTS (Cont'd): Second Presentation: Traffic Calming Policy Comments**

**Fred Gold:** I can't go along with that. If they are turned down by the Traffic Safety Committee then they can't come to the Board of Supervisors.

**Ellen Jarvis:** Suggests that the line "A Specifically Affected Property "must" have at least one side or portion of the parcel butting the roadway" could be changed to read, "A Specifically Affected Property "can" have at least one side or portion of the parcel butting the roadway and special exceptions will be made for developments or roadways that may be land locked or dependent upon the road". With a simple modification I think we can reach a compromise and a middle ground.

**Frank Feinberg:** I don't like the word "can". Is there another work we can use? Does anyone else have a suggestion?

**Brian Keaveney (Pennoni):** We can certainly change the wording to say "should", unless there are some extraordinary circumstances or unless there are adjacent Residents that have no other means to egress to an adjacent roadway. You may also want to revisit the percentages. You may want to adjust them when you are going beyond the adjacent street just to account for the potential effect.

**John Capozzi - Penrose Lane - Member of the Traffic Safety Committee:**

Thanked Brian Keaveney and Kevin Hunt for representing the Committee tonight and doing such a great job. He thanks the Board for listening to this presentation. He states, there is another point to be discussed which has to do with financial responsibility. The Board of Supervisors was asked at a previous meeting, to determine what the Township and the Residents would pay regarding financial responsibility

- Mentions categories that were suggested.
  1. The Township purchases and the Residents will maintain
  2. The Resident purchases and the Township will maintain.
  3. The Township does it all.

Says, if there is any financial responsibility from Residents, that would raise the question as to who can be "Specifically Affected" (to vote) and who is "Generally Affected". It will be the "Specifically Affected" that will pay, if there is any financial responsibility.

**Leo Quinn:** By putting this funding paragraph in here (Policy) as far as where the residents might be responsible, we are just trying to cover any circumstances that could theoretically happen. I would say it would be remote. I would say in most cases the Township would be figuring out a way to fund it... In minor cases the Resident Group would be asked to foot the bill.

**Joy Capozzi – Penrose Lane – Member of the Traffic Safety Committee**

Tells the Board, we definitely need a Traffic Calming Policy. Says, she does not believe this Policy can be adopted in this type of Forum. She suggests that the Board Members, the Traffic Safety Committee, the Engineering Firm, and a few other selected citizens should come together in a round robin type of meeting. She tells the Board that they are not going to get all the answers tonight. It's a matter of whether they are willing to put in the time. The Committee has already put in tons of time. Some things in the Policy need tweaking. She finalizes by saying, "I would like to come away from this thinking that the Board of Supervisor agrees that we need this (Policy) and agrees to work on it with us so that when it is adopted, it is good.

**Frank Feinberg:** I agree with that, but you do have to realize that anything we do as a Board has to be done in a Public Forum

**Joy Capozzi: - Penrose Lane - Member of the Traffic Safety Committee:** It would come back to a Public Forum.

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**COMMENTS (Cont'd): Second Presentation: Traffic Calming Policy Comments**

**Frank Feinberg:** Encourages, anyone who wants to express their concerns should send an Email to the Traffic Safety Committee. They in turn can gather them up and put something together and bring it back to the Board.

**Fred Gold:** I agree with Mrs. Capozzi. This has to be studied a little further. There are many people that are concerned about this and I think the weather has kept them away tonight. Tonight is no night to pass this so I think it has to be tabled again and studied a little more before we vote on it.

**Joy Capozzi: - Penrose Lane - Member of the Traffic Safety Committee:** She tells the Board, there is no more work that the Traffic Safety Committee needs to do on this. It is the Board of Supervisors that need to decide what they would like to see changed... It would behoove the Board to have input from the Traffic Safety Committee and from Pennoni. She again tells the Board, it is easier to just get together and have a nice meeting ....that has been done before. I have been involved in those meetings and they are productive. She suggests that the Traffic Safety Committee members.... the Board of Supervisors.... the Township Manager, Police, and Representatives and anyone in the Township that this is going to affect, come to this meeting. She said, Let us get the Policy to where it needs to be and then bring it back to this Public Forum and vote on it.

**Leo Quinn:** Suggests that the Policy be uploaded again on the web site and be put on the Character Generator to ask for additional input.....

**Ellen Jarvis:** I was going to suggest Mr. Quinn, that we ask the Traffic Safety Committee to initiate a work study, a work group. Have a special meeting dedicated only to this (Policy). Any Community Member can join us and perhaps have a public meeting (not televised) so people can give their comments and take a good look at it. Perhaps we can also make copies of this.....for those people who do not have internet access. Let's try to get that scheduled as soon as possible so we can give all of our input and no one feels like they are left out.

**Frank Feinberg:** As Liaison, I will attend the Traffic Safety Committee meeting. Directs the Township Manager to get the Policy up on the Web Site and advertise it on the Character Generator.

**Joy Capozzi: - Penrose Lane - Member of the Traffic Safety Committee:** She says,.....You are the people that have to vote on this eventually, you really do have to sit and read this whole thing and if you haven't, you have to. There are a lot of things in here you have to think about and whether it good, bad or otherwise. This is great stuff, but, there's a few things that need tweaking and if you don't sit and really read it and jot down your own thoughts you can't have a good discussion, it just is not going to happen. So, I am asking you to do that.

**Leo Quinn:** Tells the Board, in the Policy on page 13 of 22 .....We talk about Votes being received, and when they are final, when they count, when they don't count. Suggests that one of the things we need to think about here, is how are we going to log these in? How are we going to officially date them in the event it becomes an issue.

**Jerry Chesney – 240 Kent Road:** Tells the Board that at the November 29, 2007 Meeting, prior Chairman Luce gave him his copy of the Policy Draft which was then scheduled to be discussed at the December 13<sup>th</sup> meeting. He acquired a copy of The PA Traffic Calming Handbook (Publication 383) and compared it to the Policy Draft. He found many differences. Because of those differences he called PennDot, the Bureau of Highway Safety & Traffic Engineering.

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**COMMENTS (Cont'd): Second Presentation: Traffic Calming Policy Comments**

**Jerry Chesney (Cont'd) – 240 Kent Road:** The engineer with whom he spoke, said that they do not make any distinction between “Specifically Affected”, and “Generally Affected”. If a Resident is affected then they are affected. The PennDot Engineer stated that you can be affected by where you live and can be greatly affected by the streets that you use on a regular basis.

Warminster Policy Draft makes the distinction that only those that live on the street, in question, are considered “Specifically Affected”, Mr. Chesney further says, if a certain route is the only one or the most reasonable way to get to where you are going and coming from, you are “Specifically Affected”. The PennDot engineer agrees that how a street is used determines who is affected.

The Warminster Policy Draft would have to be expanded to be in agreement with PennDot.

The PennDot handbook says that Community approval is one of the most important steps in any Traffic Calming Program. The Warminster Policy Draft agrees, but goes on to say that only those “Specifically Affected Residence” can influence the project or participate in a vote, the other “Generally Affected Residents” would be listened to and politely dismissed.

By using Delmont Avenue as a case study, the way the Warminster Policy Draft is developed it would mean that fifteen streets and the residents of the Villas at Five Ponds who use Delmont Avenue on a regular basis would not be able to vote. The PennDot engineer says that a community or neighborhood can be one street or a group of streets depending on many things like how the streets depend on the main project street for access.

Regarding the requirement to initiate a study, The Warminster Policy Draft says you need 50% of those on a Specifically Affected Street and then only 60% of that 50% is needed to initiate a study. This would be around 30%.

The PennDot handbook says you need 70% of the residents in the Community that are being affected to initiate the study. Once you get the study developed and you go back for approval and they require 70% of that initial population, not 70% of the 70% but 70% of the total, so that is a big difference as it relates to this Warminster Draft Policy.

Using Delmont Avenue as a case study, there are ninety-three (93) homes with one side on Delmont Avenue. Fifty percent (50%) of that 93 is 47 and sixty percent (60%) of 47 is 28. He further states that he counted about six-hundred and fifty (650) homes that are directly affected. As related to the way the Warminster Draft Policy is developed now, twenty-eight (28) votes could decide the issue and that is only about four percent (4%) of all of those directly involved whether they live on the street or use it all the time.

Regarding speed bumps, that of the fifty (50) notices he distributed for opinions he received thirty-five (35) replies. Thirty-three were against, two were in favor.

**Frank Feinberg:** Suggests, Mr. Chesney, attend the next Traffic Safety Committee Meeting. He commends Mr. Chesney for his hard work. He said no action will be taken on the “Policy” tonight.

**Jerry Chesney – 240 Kent Road:** Says, the word Policy has a rigid application of something whereas a handbook, a procedure or guidelines do not.

**Frank Feinberg:** If you list enough stuff in the Policy to give you enough options to pursue its not as rigid.

**Jack Diamond - Kent Road:** Says, he has never seen such a railroad job in the works in my life. ....I empathize with the people that live on Delmont Avenue but not to the extent of what they intend and you heard the saying “the cure is worst than the problem”. .... we are getting hyperventilation, overreaction over this whole thing, in my opinion. Thinks that, Thirty-five (35) miles a hour is a reasonable speed for the traffic (on Delmont Avenue) to go and that is what most traffic goes and that is reasonable. The twenty-five (25) mile hour posted speed in my opinion is unreasonable and nobody goes it.

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**COMMENTS (Cont'd): Second Presentation: Traffic Calming Policy Comments**

**Jack Diamond (Cont'd) Kent Road:** Says, lets us be realistic here....you are forestalling it..... you are not making a decision tonight. You make a decision you say that's the end of it. States, you want to make a policy. PennDot does not want to make a policy.....they make a suggested guidelines. They cover the whole state.... not just this ....town. Says, PennDot suggests that 70% of the people should want action not just the ones on the street. Then ... discuss it. Says, You want to have a policy to put something into effect, if you do that there will be somebody on Delmont Ave. the next day, sitting out there on a lawn chair writing down license numbers..... . This whole deal is entirely out of whack. You should forget about a policy go by the PennDot guidebook. Let the Police do their job, they have more things to do then worry about Delmont Ave..... Says he empathized with the people but what is going on here is absolutely suggesting a solution that worst than the problem. Says, As far as he is concerned this whole thing should be shot down, there is no purpose served by it. Says, PennDot has the recommendations, observe them .....enough of the hyperventilating.

**Richard Rodgers - Pres. of the Homeowners Association of the Villas at Five Ponds:** Tells the Board, anything that affects Delmont Avenue affects the residents of the Villas at Five Ponds. He describes these residents and the Cul-de-sac residents as a captive audience with no choice. To get home they have no opportunity to go any other route but to come down Delmont from either Street Road or County Line. Says, he agrees with the calming, but would like to see that the group that is considered as participants, making a decision, include the captive audience that have no choice and are affected by this whether directly or indirectly, because they have no alternative. That would be the Cul-de-sac residents, the Villas at Five Ponds residents or any others on a no thoroughfare street. States, he would like to see, at the bare minimum that we expand the group that's being counted ..... include those affected homeowners.....

**John Capozzi - Penrose Lane - Member of the Traffic Safety Committee:** States, the "Policy" is not about Delmont Avenue. It is the entire Township....about everyone that lives in Warminster and has problems with speeding and cut through traffic. We have many people...with those concerns and there hasn't been a Policy in effect to address them.

**PUBLIC COMMENT**

**John Capozzi – Penrose Lane:** Reminds, the citizens of Warminster... to abide by the ordinance of removing cars off the street for snow removal and to park the correct way on the Street. Park on the right hand side, facing the direction of traffic.

**SUPERVISOR'S COMMENTS**

**Frank Feinberg:**

- Congratulations to Mary Schultz from L & I, she has thirty years of service as of January 16<sup>th</sup>.
- In a conversation with our new Township Engineer, Craig Kennard, he voiced his appreciation for the Township Management Team and employees for being helpful and supportive.

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**SUPERVISOR'S COMMENTS (Cont'd)**

**Frank Feinberg (Cont'd):**

- Received a letter from Richard Fahnstock, Executive Director of Warminster Heights Homeowners Assoc. He expresses his frustration that the Township has not met their responsibility to Warminster Heights regarding the Curbs that need to be finished. Note: Pete Carter, from Public Works, stated that a contractor was out today to try an alternative to the proposed method. They did a demo. Tomorrow the pictures & videos taken today will be shown to the Board and Mr. Tate. It's being addressed it just hasn't been finalized.

**TREASURER'S REPORT**

**1. Bill List for January 17, 2008**

Fred Gold presented the Check List for the period January 17, 2008

General Fund	\$ 895,155.34
Park & Recreation Fund	100,045.87
Storm Water Management Fund	6,401.85
Sanitation Fund	8,820.00
Golf Fund	97,896.43
Highway Traffic Capital Improvement Fund	14,266.32
Highway Aid Fund	15,944.64
Legal and Engineering Escrows Fund	74,472.60
Payroll Date December 13, 2007	368,780.86
Payroll Date December 27, 2007	238,500.99
Payroll Date January 10, 2008	<u>239,028.86</u>
 Grand Total	 <u>\$2,059,313.76</u>

A motion was made and 2<sup>nd</sup> to approve the Bill List for January 17, 2008.  
The vote carried 4-0-1 (Johnson is not present).

**2. Transfers & Statements for November 2007**

Fred Gold made the motion to approve the Transfers & Statements for November 2007. The motion was 2<sup>nd</sup> by Ellen Jarvis. The vote carried 4-0-1 (Johnson is not Present).

**OLD BUSINESS**

1. Frank Feinberg asked for a motion to appoint Paul Elker III to the Communication Advisory Board for a term of three years. Fred Gold so moves the motion. Leo Quinn 2<sup>nd</sup> the motion. The vote carried 4-0-1 (Johnson is not present).
2. Frank Feinberg asked for a motion to approve the Affirmation of the Meeting Policy. Fred Gold so moves the motion. Ellen Jarvis 2<sup>nd</sup> the motion. The vote carried 4-0-1 (Johnson is not present). Policy is to be signed by all members of the Board.
3. Frank Feinberg asked for a motion to authorize payment to Ventresca & Son for 2007 Roadway improvement- Handicap Ramps in the amount of \$4,379.70. Ellen Jarvis so moves the motion. Fred Gold 2<sup>nd</sup> the motion. The vote carried 4-0-1 (Johnson is not present).

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**OLD BUSINESS (Cont'd)**

4. Frank Feinberg asked for a motion to authorize the Escrow release to McGrath for Phase I in the amount of \$95,684.16. Fred Gold made a motion for discussion. Frank Feinberg 2<sup>nd</sup> the motion for discussion.

- Mr. Gold:** Says the Escrow Release should not be authorized because there are still a lot of Phase I outstanding items. He spoke with Mr. Krueger today in this regard.
- Mr. Krueger:** States, he will be meeting with the McGrath people tomorrow. He will bring to their attention Construction wise and Land Development wise items and questions from Residents.
- Mr. Gold:** Mr. Chairman. I would like to withdraw my motion for discussion and make the motion to Table the Escrow release to McGrath for Phase I, till we get all the answers to the items discussed by Mr. Krueger.
- Mr. Feinberg:** I will second the motion to Table. He calls for a vote to Table the original motion.
- Mrs. Jarvis:** I have one question? Mr. Krueger, the Cloverly fence was to be a Split Rail and I believe at a Zoning meeting a PVC fence was promised, is that something Mr. McGrath would agree to?
- Mr. Krueger:** Will check...
- Mr. Feinberg:** Asks for a vote to Table the original motion.
- Mrs. Jarvis:** No, This money should be released. It is for work that is done. Erosion, control measures, the design of the five ponds driveway, and the internal paving. ...
- Mr. Gold:** We are not releasing money. This is in a form of a Bond that he pays a premium. It does not put any money in his pocket. It's a letter of Credit. I have asked Pennoni to give me new estimate of what it will cost to finish this project, which I never did get it. I don't know if McGrath has enough in there. This is for work that is done but there may not be enough money left to finish the work. Until we can ascertain that I would rather table this motion.
- Mr. Feinberg:** We have to vote on the Table motion. Frank Feinberg & Fred Gold voted to Table the motion , Ellen Jarvis & Leo Quinn voted not to Table. The motion to Table carried a vote 2-2-1 (Johnson is not present). The vote is tied. The motion does not pass.
- Mr. Feinberg:** States we now go back to the original. Leo Quinn makes the motion to Authorize the Escrow release to McGrath for Phase I with discussion. Ellen Jarvis 2<sup>nd</sup> the motion.
- Mr. Quinn:** There is still \$665,846.13 left. Based on the punch list, a little more than 10% of the money is left. I say we should do it.
- Mrs. Jarvis:** I do agree. I just want to say that I did cleared it with our Solicitor that Fred Gold and I could both vote on this measure because we have no pecuniary interest with Mr. McGrath. I wanted to make that clear, that we do not have to abstain.
- Mr. Feinberg:** Chairman votes, yes. The motion carries a vote 3-1-1 (Gold – Johnson is not present).

5. Frank Feinberg asked for a motion Awarding Library HVAC project to Air Control Technologies. Ellen Jarvis so moves the motion. Fred Gold 2<sup>nd</sup> the motion.

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**OLD BUSINESS (Cont'd)**

**Kathie McDonough (P & R):** We have received a grant (Keystone Library Grant) to replace some HVAC units in the meeting rooms at the Warminster Library. Tonight, I am asking the Board to actually approve and sign the contracts with Air Control Technologies.

**Frank Feinberg:** We now amend the minutes to show that the motion is to approve and sign the Air Control Technologies contracts. The Vote carried 4-0-1 (Johnson is not present).

**6. Frank Feinberg calls for a motion for discussion and to approve the Deputy Chief Position. Fred Gold so moves the motion. Leo Quinn 2<sup>nd</sup> the motion.**

**Mrs. Jarvis:** Read a prepared statement to the Board in which she states, .....if there are extra dollars ..... it should not be used, to promote one administrative individual, for the sole benefit of that individual but rather it should be used toward continuing to increase the efficiencies of departmental operations, returning more Officers to the street and improving our departments physical plan.....it is clear to me .....the Warminster Police Department .....needs Capital Investments in technology and equipment for file and record maintenance..... It's my view that our department could benefit from having additional officer's assigned to assisting in the booking and processing functions.....I learned that an Officer who makes an arrest ..... handles the suspect from start to finish.....Notably, in our Financial Report from 2007, the use of Police overtime was the single largest expenditure overrun, the total cost of police overtime in 2007 was \$396,000.00 which was 76% over Budget .....it is our Statutory Duty and Authority to act as Trustee's for the Taxpayers dollars..... I am genuinely concerned we do not have the surplus..... This person is already second in command. This is only a change in rank, title and salary. .... I see this as unnecessary..... I vote no in filling the position of Deputy Chief..... I urge my fellow Supervisors to do the same. I call for this motion to be tabled for future discussion or vote it down tonight.

**Mr. Feinberg:** Asks for someone to 2<sup>nd</sup> the motion to table. No one seconds the motion.

**Mr. Quinn:** Reiterated on the process that took place regarding the Deputy Chief Position. He mentions that there were many meetings with the Chief, and numerous Executive Sessions, in the pursuit to support Chief Murphy in his theory and approach to doing his job. He states, "It's going to be his (the Chief) baby, if it doesn't work, it is him that is going to be held accountable, he knows that". He tells the Board that the Deputy Chief position will be reviewed in six months. Chief Murphy will submit a report. He says, "I feel it is important to support the Chief, in this effort and allow him to go down this path". I am supporting the decision.....

**Mr. Gold:** "I agree with Mr. Quinn's estimation of the situation and I concur". I will support this appointment

**Mr. Feinberg:** "I do not believe in micro-managing, if you have managers working for you, let them manage. If you like their decisions and discuss their decisions, you move forward. If you don't like their decisions, you remove them, as simply as that. The one thing you don't do is micro-manage and let people go around them and totally subvert their authority". He states, "There will be six month probationary period for this position since it is a totally new concept and that applies to the position and the person that fills that position". I call for a vote. The vote carried 3-1-1(Jarvis – Johnson is not present).



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**OLD BUSINESS -DISCUSSION (Cont'd)**

**Pete Carter:** “Just for the record, the wall went to completion. It never was stopped being constructed”.

**Elliot Drexler, Esq.:** Inquires, if the site line triangle is consistent with what the Township requires.

**Tom Thern:** It is less than the Township requires. They require 25 feet, theirs is 20 feet, roughly a 5 foot difference.

**Elliot Drexler, Esq.:** “I don’t know why this particular settlement was reached oppose to having to meet the clear site triangle, the way the Ordinance required. The height of the wall might be less important than having the clear site triangle meet the Ordinance”. “Were there some meetings”?

**Tom Thern:** No, Basically there were negotiation between Mr. Volpe’s attorney and Mr. Titus. The Judge suggested settling verses going to court. If this settlement is rejected it will go back to Bucks County Court.

**Pete Carter:** Mentions that the Volpe’s have been parking illegally for the past year. “...You can’t park within thirty feet of a stop sign”.

**Fred Gold:** “We’ll have the police periodically check out the illegal parking”. In respect to the more important issue here, I don’t feel comfortable going forward with this proposed settlement and I think we need to look into the ramifications, the impact, on our insurance and liability, with not meeting code.

**Elliot Drexler, Esq.:** Suggests, since this is a Litigation matter, we should have an Executive Session and have Elizabeth Carter attend and see if there is room for compromise, if not, we must discuss what the options are, going forward with the Court Case. I don’t think we should continue to discuss it publicly.

**Pete Carter:** Since the wall was built, we had to put in portable temporary stop signs to make a four way stop. Technically they are illegally posted. Technically, by law you are not allowed to let anybody build a wall that makes you put in a four way stop. You have the right to have all that stuff removed through the PA Code if it’s a site obstruction .....

**OLD BUSINESS (Cont'd)**

**8. Frank Feinberg** calls for a motion for the adoption of Resolution 2008-02 to establish the Finance & Budget Advisory Board. The motion is so moved by Ellen Jarvis and 2<sup>nd</sup> by Fred Gold. Leo Quinn asks for a discussion.

**Leo Quinn:** Asks that the resolutions be discussed in further detail and not be voted upon tonight. His concerns about the Finance & Budget Advisory Board is just what type of bandwidth are we asking this advisory board to take on when we have a Finance Department, a Township Manager with a CPA, an outside accounting firm and an Auditor that audits that.

**Frank Feinberg:** This Finance & Budget Advisory Board has limited oversight. Their efforts will go through the Manager not around him. They will tell him what they want to look at and the Manager will make it available to them. The Auditor is really looking at the end of year and what’s happened, this is something that’s ongoing and if a little flag is raised they bring it to the Managers attention.

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**OLD BUSINESS (Cont'd)**

**Ellen Jarvis:** The Finance & Budget Advisory Board gives the Citizenry an opportunity to look at our Budget, make recommendations or how we can economize and save money. It is wise to have this Committee. Their responsibilities and charges will not supersede the work of our professionals.

**Fred Gold:** The Finance and Budget Advisory Board shall have oversight responsibility for all financial transactions conducted on behalf of Warminster Township. This was not discussed. Where did that come from? As Leo said, we have a Finance Department, a Township Manager with a CPA, an outside accounting firm.....

**Frank Feinberg:** I gave this to you in an email. I said look it over and come back with any comments and there were no comments. I make a motion to table the adoption of Resolution 2008-02 until the next meeting. Ellen Jarvis 2<sup>nd</sup> the motion. The vote carried 4-0-1. (Johnson is not present) Motion is tabled.

9. Ellen Jarvis made the motion to approve the establishment of the Economic Development Committee. No 2<sup>nd</sup> was given.

Frank Feinberg states that it is obvious we don't have the kind of support we need right now to do it and it requires further discussion. I make the motion to table the adoption of Resolution 2008-03 until the next meeting. Fred Gold 2<sup>nd</sup> the motion. The vote carried 4-0-1 (Johnson is not present).

10. Frank Feinberg made the motion to table the adoption of Resolution 2008-04 until the next meeting. Fred Gold 2<sup>nd</sup> the motion. The vote carried 3-1-1 (Jarvis – Johnson is not present).

11. Wawa Curative Amendment hearing has been scheduled for Thursday, February 21, 2008 at the Township Building. It will be open to the Public.

- Ellen Jarvis made the motion to accept Mr. Mike Savona, from the law offices of Friedman, Schuman, Applebaum, Nemeroff & McCafferty, as the attorney defending the Township Ordinance at the Wawa Curative Amendment Hearings. The motion was 2<sup>nd</sup> by Frank Feinberg. The vote carried 3-1-1 (Quinn – Johnson is not present).
- Elliot Drexler, Esq. brought to the Board's attention that there may be a possible need for an expert planner to help defend the Ordinance at the Wawa Curative Hearings. It was suggested by Mr. Savona that the Board may need to authorize up to \$3500.00 for this expert.
- Elliot Drexler, Esq. explained to the Board the Hearing process.
  - i. The Board of Supervisor acts as a Judge
  - ii. The Attorney for Wawa will present their case, crossed examined by the Township
  - iii. The Township Attorney will present our case, crossed examined by Wawa.
  - iv. The Solicitor will act like a hearing officer.

After the evidence is in, the Board will be given so many days to make a written decision. If Wawa is denied they can file an appeal to the "Court of Common Pleas". They can go further, the "Commonwealth Court", than the "Supreme Court".

12. Budget of 2008

Ellen Jarvis asks, does the line item "RE Taxes" in the 2008 Budget take the following into account:

- i. That almost 80% of RE taxes are paid within the 2% Discount period.
- ii. Granted reassessment appeals, in particular The German Club.
- iii. Sale of Warminster Hospital to Abington Hospital.

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**OLD BUSINESS (Cont'd)**

If they have not been taken into consideration, it would significantly lower that item. She was reassured by Mr. Tate, that all items would be checked.

Ellen Jarvis questions the Inter Fund Operating Transfers in particular the Storm Water Management Fund and the Sanitation Fund. She states, "Never before have we made any inter fund operating transfers, why is it we are making these transfers, is it to balance the Budget"?

Mr. Tate replies: What has been projected to do in terms of projects verses the estimated taxes and revenues coming in for both the Storm Water Management Fund and the Sanitation Fund has a "cash surplus".... I am taking the surplus just for the 2008 year and moving that to the General Fund. In the grand scheme of things there is no balancing. Whether it transferred or left in its prospective fund we are still going to have the same excess in our budget for 2008..... Again, nothing is being done to balance the Budget. We have healthy reserves..... I am recommending the excess be transferred to the General Fund and not stay in the funds they have been accumulating in.

Mr. Quinn: Part of the reason we have excess cash is because of Shenandoah Woods. We appropriated money some time ago, with the expectation we would come to some kind of settlement with the Navy. Once that happens we will need the money.... some day it is going to happen and we need to be ready to put in our piece of the funding.

Mr. Tate: I'm not saying that it is all pure surplus, for spending.... There are funds that are unspent from prior years that at some point in the future will have to be spent somewhere. "I am not dipping into the funds that are setting there, all I'm doing is saying the excess we have for '08, in that particular fund, if there's an excess, let's move it into General where we can consolidate all our cash".

13. Authorization to Advertise Fire Alarm Ordinance – This Ordinance has been prepared to align with Act 45 from 1999, the Uniform Construction Code. The Author did not take into consideration the elimination of the now standing Ordinance. Mr. Krueger will provide the Board with the necessary details to make that correction. It was determined that the "Ordinance" is to be uploaded to our Web Site and mentioned on the Character Generator. Ellen Jarvis made the motion to advertise the Fire Alarm Ordinance for our Agenda, February 14, 2008. The motion was 2<sup>nd</sup> by Frank Feinberg. The Vote carried 4-0-1 (Johnson is not present).

**NEW BUSINESS**

Ellen Jarvis made the motion that the Public Meeting begin at 7:00 PM beginning February 14, 2008 (the first meeting in February). The motion was second by Fred Gold. The vote carried 4-0-1 (Johnson is not present).

Frank Feinberg suggests:

1. The development of a complete set of Employee Policies and an employee handbook
  - Mr. Pete Carter defines that such a copy exists, that Kathie McDonough had a copy.
  - Ellen Jarvis mentions that Gail Johnson had a meeting earlier this week with three Township employees to start facilitating this process. Because of his absence tonight he's unable to discuss it. Mr. Tate was aware there was an scheduled meeting with the Risk Manager, Kathie McDonough and Mary Schultz.

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**NEW BUSINESS (Cont'd)**

2. That we have Photo I D's for the Township's non-uniform employees
  - Mr. Pete Carter told the Board that the Police Department bought a whole system to make picture I D's. The Police and most of Public Works employees have picture I D's.
  - Mr. Tate said he would check with Chief Murphy so the I D's can be made for those who do not have them.
  - Ellen Jarvis mentions to the Board her awareness of other uses for a Photo I D Card, a card swept instead of keys and a card swept as a time clock.
  
3. That the Township Ordinances should be put in order by Subject (Codification) and/or as Mr. Tate suggested electronically uploading them to the Township Web Site, making them available to the public.
  - Elliot Drexler, Esq. agreed that Codification of Ordinances should be done so they are searchable. It is his understanding that the Ordinance's were last codified in 2002 (by Penn's Valley) and we have some Codified Sets. The publisher may still have the code on disks and may possibly be able to incorporate the Ordinance updated from 2002 to present.
  - Leo Quinn mentions that we now have a Five Year Recognition Program, as an Employee Benefit, for the Employees of the Township. Our 2008 Budget includes monies for this program. It is not something that has to be put out for bid because its cost will be well below \$10,000. This Employee Benefit should also be noted in the Policy Manual when that is developed. Mr. Tate stated that the process is in place, to define and implement this benefit.

**PUBLIC COMMENT**

**John Capozzi- Penrose Lane**

**Question: Will the Wawa Curative Amendment Hearings be opened to the Public and Televised?**

**Answer: The Board said that the Hearings are open to the Public. It's questionable that they would be televised.**

**Question: What is going to become of the property that Chapman owns.....could this property at Mearns & Street Rd which did have a gas station, be used by Wawa for that purpose?**

**Answer: Tom Thern tells Mr. Capozzi that Chapman did not buy the property, they are leasing it for a year, until they are able to build a new showroom in Horsham. Wawa could not build a gas station in the location you mention because the lot is too small. The whole lot is not highway commercial, just the gas station building and a little around it, behind the gas station it is zoned residential.**

**SUPERVISOR'S COMMENTS**

**None**

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**AGENDA FOR JANUARY 17, 2008**

- **Appointment of LarsonAllen (Curtin & Heefner) as Auditor**
- **Swearing In of Lt. Springfield as to Deputy Chief Position**
- **For Discussion and Action: Resolution 2008-02 – Finance & Budget Advisory Board  
Resolution 2008-03 – Economic Development Committee  
Resolution 2008-04 –Tri-Centennial Committee**
- **Mae Drive: Approval of Ordinance #671 – Establishing as a one-way Street**

**INDIVIDUAL ACTION ITEMS:**

**1. Robert Tate**

- **Have Traffic Calming Policy uploaded on Web Site and Character Generator.**
- **Have Fire Alarm Ordinance uploaded on Web Site and Character Generator**
- **Check on Insurance Liability regarding Code.**
- **Have Police check Volpe Illegal Parking.**
- **Budget Item RE Taxes per Ellen Jarvis**
  - i. **That almost 80% of RE taxes are paid within the 2%Discount period.**
  - ii. **Granted reassessment appeals, in particular The German Club.**
  - iii. **Sale of Warminster Hospital to Abington Hospital.**
- **Check with Police to have I D's made.**
- **Check with Publisher of 2002 Code regarding updating Ordinance Codification.**

**2. Jim Krueger**

- **Details to be giving to the Board of Supervisors regarding the elimination of previous Fire Alarm Ordinance.**

**MEETING ADJOURNED AT 11:05 PM**