

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 31, 2008**

**MEMBERS PRESENT:** Frank Feinberg, Chairman  
Ellen S. Jarvis, Vice Chairman  
Gail Johnson, Secretary/Treasurer  
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 7:30 PM, by Chairman Frank Feinberg.

The PLEDGE OF ALLEGIANCE was led by Gail Johnson, Secretary/Treasurer, followed by a moment of silence for our troops overseas.

**ANNOUNCEMENTS, COMMUNICATIONS & MINUTES**

- Frank Feinberg asked for the motion to approve the Minutes of January 17, 2008. Ellen Jarvis so moved the motion. Fred Gold 2<sup>nd</sup> the motion. The vote carried 3-0-2 (Leo Quinn had not arrived and Gail Johnson abstained because he wasn't at the meeting).
- Frank Feinberg asked for the motion to approve the Minutes of December 13, 2007. Fred Gold so moved the motion. Leo Quinn 2<sup>nd</sup> the motion. The vote carried 3-0-2 (Frank Feinberg & Ellen Jarvis abstained because they were not members of the Board at that time).
- Fred Gold announces and welcomes the following new businesses that have moved or will be moving into the Township.

- |   |                                |
|---|--------------------------------|
| 1. Global One Financial Service               | 1422 W. Street Road            |
| 2. Luxury Bath of Lower Bucks, LLC            | 831 Nina Way                   |
| 3. Warminster Financial                       | 223 C York Road                |
| 4. Telecom Electric Supply, Inc.              | 320 Constance Drive, Section 5 |
| 5. American Home Health Care                  | 375 Ivyland Road, Unit 26      |
| 6. J. H. Crouthamel, LLC                      | 605 Louis Drive, Suite 501 A   |
| 7. Thermal Shield                             | 437 Ivyland Road               |
| 8. Barclay Funding                            | 780 Falcon Circle, Suite 113   |
| 9. Healthy Habits, Inc                        | 780 Falcon Circle, Suite 122   |
| 10. Nectyr Productions                        | 780 Falcon Circle, Suite 126   |
| 11. Warminster Deluxe Car Wash<br>(New Owner) | 90 York Road                   |
| 12. Fox Run Apartments<br>(New Owner)         | 365 Newtown Road               |

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

- **Frank Feinberg, regarding Memo of Understanding to Board of Supervisors and Robert Tate, reads summary to capture the essence of the areas of concern in the 2008 Budget prior to adopting the required appropriation measures to put the Budget into effect:**
  - ....provides this Memorandum in an effort to clarify concerns and alert the Public there may be issues that may warrant budgetary amendments and reductions in spending this year.
  - ...stated Budget surplus is based on paper funds transferred to the General Fund of cash accumulations in other separate funds.
  - ...transfers have not actually taken place, may take place, may not or the amounts may be different then those stated. Based on this and other factors the 2008 Budget may have a deficit, may have a small surplus or break even....
  - The pronouncement last year that there was a \$266,000.00 surplus in the 2008 Budget was incorrect.
  - In expectation of the surplus, the outgoing 2007 Board of Supervisors subsequently reconsidered requesting Department Heads that have been trimmed in the preliminary budget.
  - ...examples of expenditures...Ben Wilson Center got appropriated...\$5,000.00. The anticipated Tri-Centennial Committee received \$25,000.00....in the 2008 Budget.
  - Proposed expenditures in the 2008 Budget may need to be reduced.
  - Recommendation of the last Board's Chairman of self financing, borrowing from other funds, we believe was ill advised.
  - .....the Second Class Township Code, funds cannot be transferred during the first three months of the calendar year. Further discussions with the new Auditors advised that inter fund loans in large amounts, that are in excess of \$100,000.00 or for periods more than a few months, is not considered good practice.
  - Without these transfers, Warminster Township would run out of operational funds after February 2008 unless provisions are made to cover operating expenses until tax revenues start coming in.
  - It is...recommended to authorize the Tax Revenue Anticipation Note (TRAN) that has been done in the past to cover these funds.
  - .....we can borrow at 4%.....our Money Market Funds are getting 4 ¼%.....
  - After many discussions with our Township Manager, Solicitor, Municipal Accountants and others....we are now headed in the right direction with respect, to the 2008 Budgetary matters.
- **Mr. Feinberg extends his thanks to Mr. Tate, who has been most helpful, cooperative and supportive..... The Board appreciates Mr. Tate and his efforts.**
- **Ellen Jarvis states that today marks the 50<sup>th</sup> Anniversary of the United States entry into the Space Age. Recommends reading the article in today's Intelligencer about Warminster's Role in the Space Age. Reminds us that tomorrow February 1 marks national wear red day. This is a national awareness campaign for women about Heart Disease. Heart disease in the number one killer of one out of four American women.**
- **An advertisement, appearing in today's Intelligencer, from Abington Memorial Hospital noting that the Urgent Care Center is closing at Warminster Hospital tomorrow February 1, 2008 has prompted a prepared statement that Ellen Jarvis reads:**

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**ANNOUNCEMENTS, COMMUNICATIONS & MINUTES (Cont'd)  
Ellen Jarvis - Warminster Hospital (Cont'd)**

- Tomorrow Warminster will lose an important Asset. After 9 PM the immediate Community will no longer have Emergency or Urgent Health Care Services at Warminster Hospital.
- For more than three decades Warminster Hospital was a vital asset to our Community. Many lives were made well and were saved by the dedicated and talented Doctors and Nurses ....
- The Hospital was one of Warminster's largest Employers and as such provided a economic anchor for our Community as both a non-profit facility and later as a for profit Hospital committed to this Community. Warminster Hospital provided physicals and immunizations to our Police, Ambulance Crews and Fire Fighters.
- The police were able to take DUI suspects to Warminster Hospital for blood testing.
- ...Hospital was in easy reach of the medically indigent in our Community.
- When it was a for profit entity, hospital owners paid their fair share of property taxes that helped support our schools and township public services.
- At an open meeting.... Warminster Hospital interim owners promised new life for the hospital, including Capital Expansion Projects, Equipment Upgrades, and new and targeted Services for our seniors. Within a week of that meeting ownership changed to Abington Memorial Hospital and those plans were dropped.
- At the meeting of the Supervisors.....in December, an Abington official acknowledged that it would take "sometime" to educate the public about the new Urgent Care Services... She promised an aggressive marketing campaign to build the Services. That campaign never happened and services never grew.
- In addition, Abington was not able to quickly acquire insurance reimbursement contracts for Urgent Care Services; that to would take time that Abington was unwilling to invest. As a result, after its failed three month experiment with our health, Abington is converting the facilities.... to profitable out patient services.
- I am deeply disappointed and concerned about the immediate and long term impacts of the closure of ... Hospital.....and the lost of Emergency Services.
- Warminster Township has one of the Commonwealth's largest populations of Senior Citizens. Our seniors are of higher risk for heart attack and stoke, where in an emergency every second counts.
- The nearest hospital is seven to ten miles away, on heavy traffic roads. We added at least twenty minutes in travel to the nearest hospital.
- With the opening of Anne's Choice, the calls for our Ambulances have doubled and each call takes at least double, if not longer, in transit time. Also we have medically indigent residents who now have no public transportation to the nearest hospital for basic subsidized health services.
- It is my opinion that Warminster Hospital was never given a fighting chance to succeed as a small high quality community oriented hospital. It always tried to be all things to all people in a highly competitive market. I think we all hoped Abington Hospital would have spent more time in looking at what medical services were needed here in Warminster and we hoped for earnest discussions and honesty.
- It is my hope that through the Townships Seniors and Health Advisory Committee, our leadership will explore relationships with Abington and other surrounding hospitals and health providers to insure that our Community's health is protected.
- I also challenge our leadership, to move forward conversations started with Abington, to receive payments in lieu of taxes or tax payments since the hospital has announced it will be using its property here for profit making services.

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**PRESENTATIONS**

In the presence of his wife Stacy and daughter Natalie, Lt. Christopher Springfield was sworn into the office of Deputy Chief of Police by Frank Feinberg, Chairman of the Warminster Board of Supervisors. Lt. Springfield is the first officer with the Warminster Township Police Department to hold that title.

**PLAN REVIEWS**

**1. Dr. Klein, Etal – 965 W. County Line Road – PC# 05-10**

Frank Feinberg asked for the motion of the Mylar and Financial Agreement Signing for Dr. Klein. Leo Quinn so moved the motion. Ellen Jarvis 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**2. Elon Group Ltd – 200 Jacksonville Road – PC# 05-02 – Final Plan**

Greg Edelman spoke on behalf of the applicant. A proposed Flex Office Development (approximately 5 acres) consisting of three proposed buildings each 19,200 square feet in size together, with some associated storm water improvements as well as 120 parking spaces. In September 2007, the Board of Supervisor did grant a preliminary conditional preliminary approval. A final application was filed in November 2007 and appeared before the Planning Commission January 16, 2008 and received their recommendation for final approval. Received a letter from the Planning Commission on January 17<sup>th</sup> setting forth the conditions of approval and have agreed with those conditions.

There were only three topical issues that were left outstanding with this application that was:

**i. Storm Water Management** – One of the issues from PennDot is the stone channel along Jacksonville Road to the north, north-east of the property. That stone channel has an existing condition that does not comply with the Townships Ordinances. We are improving that existing condition as much as possible. The majority of Storm Water comments that have been raised throughout this applications review have dealt with that stone channel. We have those designs into PennDot, they have been submitted to the Township as well. They are subject to PennDot approval since it is actually their stone channel.

**ii. PennDot, HOP (Highway Occupancy Permit)** - We have submitted and resubmitted our HOP application and it is currently under review from PennDot. We received some minor comments the end of November, we resubmitted them and are waiting for PennDot to respond to those outstanding items.

**iii. Access to the property on Jacksonville Road** dealt with the ability to exit the property without swinging trucks out into conflicting traffic movement. We obtained an easement from the adjacent property owner to give us additional room to exit the property, thereby eliminating that conflict.

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**PLAN REVIEWS-Elon Group Ltd (Cont'd)**

**Waivers are needed for the following items:**

- **Deals with the Driveway stopping area slop.** The requirement says that the slop may not exceed a grade of 4%. We show some slops of 9% and some of 5%. We don't believe it is a dangerous condition and have agreed that the waiver would be conditioned on PennDot approval because ultimately we need the HOP to access the state road.

**Note:** Mary Stover, Pennoni is in agreement subject to HOP approval.

- **Deals with Driveway width.** Easement solves this problem. The driveway is a maximum of 54 feet at the curb line. We have addressed the safety concern issues given that we have the additional 200 square feet from the adjacent property owner enabling the trucks to make the adequate turning movements onto Jacksonville Road.

**Note:** Mary Stover, Pennoni is in agreement.

- **Grading within five feet of the property line.** Waiver was granted this fall as part of preliminary approval.

- **Deals with stone channel** - is presented by project engineer, Michael Hartman. Waiver is required due to complications with the stone channel. We were required to provide a deceleration lane to enter our site and this would overlap with the existing stone channel. Our design is to remove the existing channel and replace it with a two foot by three foot box culvert and extend the box culvert up to the adjoining property owner's bridge over the culvert. The waiver we are requesting is due to the fact that the culvert doesn't meet the Ordinance requirements for the conveyance of storm water, it improves the situation but there is so much water coming through that we can't alleviate it completely.

**Note:** Mary Stover agrees that they need the waiver but, it would be conditioned on PennDot and the Township Engineer's approval. ....to make sure the new design was equal or better than what is out there existing.

- **Storm Water requirements** – the Ordinance requires a manhole for an inlet placed at any horizontal deflection of height. Within the storm water design for the site we have two underground detention systems, one specifically has multiple pipes in parallel and rather than providing an inlet at every end of the pipe, we are proposing to provide inlets at the corner of the system and access points throughout the system to insure it is functioning as is designed.

**Note:** Mary Stover, Pennoni is satisfied. They don't need to have a structure at every junction point.

- **Waiver of the reduction of the one hundred year storm posted on the flow to the ten year storm free development flow.** This is only for the Point of Interest B located on the north eastern corner of the property. The waiver is being requested because the only area that is draining the point of interest B after construction is the landscape berm. We are reducing the post development flow below pre development flow but we are not reducing it down to the Ordinance requirement of the 100 year storm level of 10.

**Note:** Mary Stover, Pennoni says the waiver is only to reduce water coming from the portion of this property which drains to it, that doesn't actually make it to the retention basin. It is less than existing conditions but she is fine with that.

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**PLAN REVIEWS-Elon Group Ltd (Cont'd)**

- **Mary Stover states that the only other outstanding issue is that an escrow amount needs to be determined for tree replacement. The Tree Ordinance requires that you replace trees on an inch to inch basis.**
- **Greg Edelman suggests a figure of \$300.00 a tree. A total of 12 (\$3600.00) trees are potentially at risk. We negotiated a proposed landscape plan where we did not go inch by inch. As part of this project, a \$100,000.00 contribution will be going to the Township's Park Fund for tree placement throughout the Township and in exchange we have created an exceptionally, vegetated earthen berm along the front of the property to screen it from traffic on Jacksonville Road as well as planting as many trees as possible around the perimeter.**
- **We went through a long and arduous process to avoid exceeding the actual purchase price of the property which would have resulted based on inch by inch tree replacement.**
- **Leo Quinn stated that in order not to penalize and bankrupt the project a compromise was reached. The assessment is accurate.**

**Frank Feinberg asked for the motion of Final Plan approval for the Elon Group Ltd. Fred Gold so moved the motion. Ellen Jarvis 2<sup>nd</sup> the motion.**

**Elliot Drexler, Esq., after conversation with Mr. Edelman and Mary Stover suggests to the Board of Supervisors that the motion be amended. This Final Plan Approval should include and incorporate all the previous Preliminary Plan Approval, all previous Variances and be subject to PennDot, the Approval Agreement and the Financial Security Agreement approval.**

**Frank Feinberg asks for a motion to amend the Final Plan Approval motion to include and incorporate that which was suggested by the Solicitor. Motion was so moved by Ellen Jarvis. Gail Johnson 2<sup>nd</sup> the motion. The vote carried 5-0-0.**

**PLAN REVIEWS (Cont'd)**

**3. Warminster Equities, LLC – 450 York Road - PC# 07-01 – Preliminary Plan**

**On behalf of the applicant, before the Board of Supervisors tonight is Kelly Sullivan and Mike Jeitner, Engineer. Ms. Sullivan states that being presented is the preliminary land development plan for the 4.69 acre lot where the existing Commerce Bank is along York Road. In this commercial district they are proposing to develop two additional buildings for retail space. This plan has been presented to the Planning Commission and they have received the Planning Commissions conditioned recommended approval in a January 17<sup>th</sup> letter. It is their purpose tonight to ask for the Preliminary Land Development Approval and to request several waivers.**

**Mike Jeitner continues, he states that the plan that is before the Board is a plan that has received approval from the Board back in 2000 and an amended approval in 2002. The Commerce Bank lot and the access (adjacent to the Commerce Bank lot) on York Road was part of that approval. Commerce Bank and the driveway on the northern end of the property has been constructed..... The balance of the site was not constructed....**

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**PLAN REVIEWS -Warminster Equities, LLC (Cont'd)**

- The plan has been presented to the Planning Commission for two additional buildings on the lot, the same size as the building that was proposed back in 2002. A 12,000 sq ft building in the middle and the 7200 sq ft smaller building (on the southern end of property).
- The property will also contain another access drive (directly across from Lemon St.) that was previously approved by PennDot and constructed. It was constructed slightly off center of the design and, as part of this application, that driveway will be reconstructed in its correct location in order to align with Lemon St.....
- .....Two of the major items of discussion of the Planning Commission:
  - .....the southern access point in regards to the turning movement....the Project Traffic Engineer John Caruolo of Caruolo Associates, Inc., Pennoni Associates and PennDot met....The concerns raised.....specifically, the left turn movements. Through analysis and discussion with both Township Traffic Engineer, Brian Keaveny and also PennDot it was determined that peak hour restrictions by way of signage would be proposed for both the AM peak hours 7 to 9 AM and PM peak hours 4 to 6 PM for that driveway location. That is a condition that the applicant is willing to agree with.
  - .....stemmed around the MS 4 requirements and BMP water quality items in regard to storm water management system. We have revised a plan in regard to those facilities in the forms of sumps, BMP facilities both in the basin and around the basin..... We believe the intention and design has been met in regard to those requirements and the minor details that remain will be applied and complied with in regards to the final plan.....
- There were some landscaping considerations that were discussed with the Planning Commission specifically along the rear of the property in regards to potential head light glare.....into.....residential lots. The applicant agreed to provide a hedge row along the entire rear curve line at the high end of the curve line.....the intention of the applicant will provide, as a condition of approval, a row of shrubs at the top end to block head lights coming around the corner of those properties.

During a question and answer dialogue between Leo Quinn and Mike Jeitner the following information came forward:

- The rear yard set back or the dimension we have is approximately 71 feet.
- There is an existing fence.....also some plantings.....some of those planting were conditions of the Commerce Bank approval. Most...are mature providing a nice screen....some are in poor shape.....as part of this application they will be removed and replaced with new plantings.
- When the two buildings are on the site, we have proposed an underground storm management basin at the rear of the property that will control the rate of water release.

**Waivers Needed-Pennoni Review Letter 1/2/08:**

- **Regarding providing features within 400 feet of property (pg 3 #10).**  
In regard to the prior design back in 2000, 2002 and the design we have before the township for review, we believe, we have acquired all the necessary information around the property in question and those off property, in regards to the facilities we need for storm water connection and to analyze any impact to surrounding properties. We believe, we have necessary additional information in the form of 400 feet around the property.....

**Note:** Mary Stover, Pennoni is in agreement to waiver.

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**PLAN REVIEWS-Warminster Equities, LLC (Cont'd)**

**Waivers Needed-Pennoni Review Letter 1/2/08 (Cont'd):**

- **Regarding monument at each change of direction around boundaries of the property (Pg4 #17).**  
At various locations throughout the boundary, a rather curvy one at certain locations, there are monuments in the form of iron pins or rebar pipes. At the locations where there are not monuments, we will be providing concrete monuments. A condition was raised at the Planning Commission by a property owner, ...in regard to a rectangular shape swath of property at the rear and requesting that all four corners be noted with concrete monuments....The applicant will supply those monuments. We are asking for a partial waiver....in regards to the other locations that currently have monuments in the form of iron pins or rebar pipes not have to be replaced with concrete monuments. If there are no monuments out there today we will provide new concrete monuments.

**Note:** Mary Stover, Pennoni is in agreement to waiver.

- **Regarding Belgian Block Curbs in lieu of Concrete Curbs (pg 5 #19).**  
The Commerce Bank is constructed with Belgian Block Curb. The intention of this development is to continue that and provide one unified looking development in regards to Belgian Block. Waiver needed for the consistent look of the center.

**Note:** Mary Stover, Pennoni is in agreement to waiver.

- **Regarding Improvements within the Storm Sewer Easement that exists between the pipe run from York Road through to the rear of the property where the existing 42 inch pipe is today (pg 5 #22A).**  
We are proposing some parking and some curb islands within certain portions of that easement that exists today. No building will be constructed within that easement. Waiver was anticipated with the prior plan 2002 in regard to those improvements within that easement

**Note:** Mary Stover, Pennoni says a condition of that waiver is that the applicant should enter into an agreement with the Township, which states that the applicant would be responsible for improvements, should the Township have to repair the pipe. \*\* Mike Jeitner said that the applicant does agree to that condition.

- **Regarding crowns of pipes tying in at the inlets and other structures (pg 8 #30).**  
We are complying with that in all locations with the exception of three locations. This was discussed with Pennoni and the Planning Commission and there was no opposition to that waiver request in those three locations.

**Note:** Mary Stover, Pennoni is in agreement to waiver.

- **Regarding providing manhole or structures at each deflection point within the underground basin (pg 8 #31).**  
We have a long rectangular basin and we do have manholes at the four corners of the basin. The length of the rows would necessitate 4 manholes at each corner of the underground basin structure itself. In talking with Pennoni, we felt that putting in the additional manholes in the center of the underground basin would be a more practical location in regards to accessing those locations and clearing out the basin itself. We are providing those at various locations in the basin but not at every deflection point so we are asking for a partial waiver from that section.

**Note:** Mary Stover, Pennoni is in agreement to waiver.

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**PLAN REVIEWS-Warminster Equities, LLC (Cont'd)**

**Waivers Needed-Pennoni Review Letter 1/2/08 (Cont'd):**

- **Regarding methodology of the storm water management analysis (pg8 #32C).** We are requesting use of the rational method as oppose to the SCS method as we provide information to Pennoni in the form of storm water information and also the discussions with the Planning Commission. We are meeting the requirements of the Ordinance in regard to the rate of release from the 100 year post to a 10 year pre. We are requesting the rational method as the drainage area in question is four to five acres in size, the rational method is utilized for small water shed areas where the SCS method is utilized for larger water shed areas of 100 acres or more. We are requesting that relief with the intention that all the other storm water management requirements are being met in regard to water quality and rate of release.

**Note:** Mary Stover, Pennoni is in agreement to waiver.

- **Regarding the traffic study (pg 13 #48).** The traffic impact study that was previously presented to the Township with the prior approval was for a slightly larger facility 21,280 square feet of retail area, this proposal is for 19,200 sq ft of area. Supplemental information along with additional meetings with Pennoni and PennDot yielded some peak hour restrictions at the access drive. The applicant is requesting a waiver of the requirement for a full traffic impact study.

**Note:** Mary Stover, Pennoni is in agreement to waiver, with the prohibited left turns.

Frank Feinberg asks for the motion for approval of the Preliminary Plan of Warminster Equities, LLC., which will be subject to the terms of the Planning Commission Report, the Pennoni letter of January 2, 2008 and the Traffic Report of January 31, 2008. Fred Gold so moved the motion. Ellen Jarvis 2<sup>nd</sup> the motion.

Leo Quinn asked for a motion for Discussion. Motion was 2<sup>nd</sup> by Ellen Jarvis.

Leo Quinn asks the question:

“Do we have a fee in lieu of, for the Traffic Study in this proposal”?

Mary Stover answers:

- No, but it is something that the Board can consider.
- There was a Gap Study done for this application which brought about the left turn restrictions.
- There was a Full Traffic Study done for the original application back in 2000.
- We are recommending that a Full Traffic Study be waived for this application.

The Board did not address the issue further. The Solicitor stated it can be addressed between now and final approval. The original motion carried a vote of 5-0-0.

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**PUBLIC COMMENT**

**Walt Clemens – Saxony Manor**

**Issue: Rent collected for the Tax Office in the Township Building.**

- **Up until 2006 rent collected was \$350.00 a month. As of 2007 for no understandable reason that was reduced to \$100.00 a month. This is outrageous and there is no reason for it except political patronage.**
- **This issue was presented to the previous Board. At that time I suggested that it be discussed and they should vote on reinstating the rent to what it was prior to 2007. The only member that voted for that was Mr. Johnson.**
- **Requests that the Board see that the people in Warminster get the rents they are entitled to and increase the revenues. “Open up this issue and address it and see if we can get this corrected...”**

**Frank Feinberg states that the Board will gather the necessary information and put it on the Agenda for the next meeting.**

**SUPERVISOR’S COMMENTS**

**Leo Quinn: Warminster lost two young fathers this week, Tom Hartman (46) and Bill Wolf (49). Warminster Area is a better place due to their efforts. They will be dearly missed.**

**Tom Hartman, father of three young children, was a Warminster resident for twenty-two years. He spent many years in the Warminster Sport Organizations. Donations to the Memorial Fund can be sent to:**

**Thomas Hartman, Trust for the Children  
C/O Lisa Herter, Willow Grove Financial Bank  
K-Mart Plaza, 1141 Ivyland Road  
Warminster, PA 18974**

**Bill Wolf, father of two young sons, was an Archbishop Wood Class of 1976 graduate. He was an All Catholic Soccer Player and a life time member and coach at VE Soccer and Sports Organization.**

**There will be Scholarships Funds set up in the children’s names. For more information, please contact Archbishop Wood.**

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**TREASURER'S REPORT**

**1. Check List for January 31, 2008**

Gail Johnson, Secretary/Treasurer presented the Check List for the period January 31, 2008.

Gail states:      Prepays - 2007      \$5,219.80      -      2008      -      \$40,241.64

General Fund	\$ 79,286.87
Park & Recreation Fund	20,442.96
Storm Water Management Fund	3,497.89
Sanitation Fund	289,749.33
Golf Fund	34,448.67
Highway Traffic Capital Improvement Fund	5,379.35
Highway Aid Fund	5,383.57
Legal and Engineering Escrows Fund	60,701.66
Payroll Date January 24, 2008	<u>283,235.73</u>
Grand Total	<u><u>\$782,126.03</u></u>

Gail Johnson, Secretary/Treasurer made a motion to approve the Check List for January 31, 2008. The motion was 2<sup>nd</sup> by Frank Feinberg. The vote carried 5-0-0.

Gail states:      Bank Balance -      \$3,497,006.84      -      General Fund-      \$721,322.94

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

Gail Johnson, Secretary/Treasurer made the motion to approve the Transfers & Statements for December 2007. The motion was 2<sup>nd</sup> by Leo Quinn. The vote carried 5-0-0.

**PROFESSIONAL REPORTS**

**1. Manager's Report – Robert Tate, Township Manager**

**Parks & Recreation**

- Registration for winter programs going well; staff working on summer program schedule and any camp program changes.
- Negotiated and completed lease agreement with PSU for use of the anechoic chamber.
- Work continues on the DCNR grant for constructing labyrinth garden, dog park, maintenance facility and basketball courts at WCP.
- Working on the WCP Biennial Report required by the Dept of Interior for Lands to Parks Project. Needs to be filed the first quarter of the year.
- Walgreen's corner gateway at York & County Line Roads is completed. The Township invites civic organizations to place their symbol on the wall at this location. On the Township's behalf, letters will be sent to all organizations.
- The Tree Vitalize grant will pay for approximately ten trees to be replaced at WCP.
- The Township's former engineer Pennoni is assisting Gilmore & Associates with Christ Home's open space project to insure that the rain garden and drainage will enhance this area in accordance with review of the County Open Space Board.

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**PROFESSIONAL REPORTS (Cont'd)**

**1. Manager's Report (Cont'd)**

**Public Works**

- Continues with maintenance and building upkeep throughout the Township's municipal properties including renovation and repairs at the Senior Center and Library.
- Continues clearing inlets, repairing potholes and assists with repair of water main breaks.
- Completed test-cuts of curbing in Warminster Heights. Buddy Mullen and his crew tested a new device that enables the curb to be cut on the proper angle so the repairs can be done.
- There are only two companies that have the equipment to do this type of work. Currently we are procuring estimates at so much per linear foot. Afterwards, Public Works crew will repair the cut curbing.

**License & Inspections/Fire Marshal**

- Regarding the Villas at Five Ponds – Staff is working with the builder and they are in the process of finalizing the construction permits and the final U & O certificates.
- Regarding the Villas at Five Ponds – Addressing the outstanding punch list for this project.
- During January, inspectors have conducted 42 annual fire inspections, 54 re-inspections and issued 19 annual operational permits.

**Police Department**

- The WPD thanks the community for remembering them with cards and treats throughout the holiday season. The heartfelt best wishes were appreciated.
- The WPD wishes to thank Senator Greenleaf and his staff for their assistance in procuring the grant that has secured for the department and is now put into service a new generation of Automatic Electronic Defibrillator (AED).
- The Highway Safety Unit has two new pieces of equipment, the ENRADD speed timing device which allows officers to remotely monitor speeds and a Radar based speed survey equipment.
- On January 22<sup>nd</sup> the department switched over to new winter uniforms that were selected by a committee of officers who studied appearance, comfort, durability and cost. The new uniforms compliment the summer uniforms and they replace uniforms that were in use for more then 10 years.

**Administration**

- My thanks to Larry DerHagopian from our Parks & Recreation Department for coordinating our cellular phone service switch from Nextel to Verizon (completed today). The Township will realize a yearly savings of between \$5,000 and \$6,000 as we move forward.

**General Comment**

- I would like to thank all of the Staff who assisted in the transition of the Pennoni Engineering Group and the Gilmore Engineering Group (Buddy Mullen, Jim Krueger, Tom Thern, Karen Whitney & Barbara Sultzbach). We have all been participating in meetings. There were a good number of projects that had to be transitioned and to date things have gone very well. I want to thank everyone for their cooperation.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**PROFESSIONAL REPORTS (Cont'd)**

**1. Manager's Report (Cont'd)**

**Five Ponds Golf Course/Clubhouse**

- In 2007 there were 45,636 rounds of golf as compared to 46,889 in 2006. A decrease of 1,253.
- January 2008 there were 1150 rounds of golf with a revenue of \$42,470 as compared to January 2007 there were 1108 rounds of golf with a revenue, of \$31,706. The number of rounds increased by 42 and the revenue increased \$10,764. This resulted because of 2008 price increases and the collections for reserved tee-time memberships.
- Overall restaurant revenues from golf, lunches and Friday night specials: January 2008 totaled \$13,499 as compared to January 2007 which was \$11,442. Revenue increased \$2,057.
- Restaurant will be open for a Valentine's Dinner on Thursday, February 14<sup>th</sup>, please call ahead to make a reservation.

**2. Engineer's Report – Craig Kennard, PE**

- We will be starting our Report next month.
- I want to thank the Staff, Pennoni Associates and particularly Mary Stover on our transition.
- We have had three meetings so far. Gilmore had meetings with the Township Staff on the 16<sup>th</sup> of January, with the Township Staff and Pennoni on the 23<sup>rd</sup> and 30<sup>th</sup> of January. We should have our last meeting, to go over traffic, next week.
- After the last meeting, I will finalize the transition list for Elliot Drexler, Esq. to prepare agreement, to move forward over this next year, with the transition.
- Everything is going really smooth. I want to again thank everybody for their help..
- We should start getting involved in inspections and plan reviews within the next couple weeks. We received our first couple plan reviews this week.

**3. Solicitor's Report – Elliot Drexler, Esq.**

- I met with Mr. Harris and Mr. Titus. I authorize them to continue to completion all matters regarding the following two projects
  1. Pennsbury Excavating (Colonial Surety) and
  2. Stitz Land Use Appeal
- For a number of years I have been a Solicitor in this Township. The Township has grown in terms of Business Development, Developments generally and senior citizen housing. The amount of work that has come into the Township to improve the Township in various areas has been dramatic. It seems it is a good sign for the Township that people want to come here to live and to work.
- Zoning Ordinance Revision project is important. The previous Board authorized the Bucks County Planning Commission (Lynn Bush) to prepare the revisions. In talking with Mr. Thern, there are other ideas I would like to submit for them to consider. The comprehensive plan was revised a few years ago and the zoning ordinance needs work, it is a good idea to do this, and hopefully this year. This should be pushed.
- J. G. Petrucci sketch plan (Transit Oriented Development) is scheduled for the Planning Commission on February 6<sup>th</sup>. The property is located on Jacksonville Plaza next to the Train Station. It's a vacated medical building residential with a walking way to get to the train station. It has some commercial property in the front. The idea is to do an overlay proposal to change the zoning. I would like the Board to authorize me to go to that meeting. I would like to go there because it is going to include a zoning change recommendation....I would rather get in on the front end rather than the back end.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**PROFESSIONAL REPORTS (Cont'd)**

**3. Solicitor's Report (Cont'd)**

- Regarding Warminster Heights (Repair and Replacement of Curbs), it is Leo Quinn's suggestion, because of his attendance at the meeting where Mr. Harris and Thomas Panzer, Esq. (representing the Homeowners Association) discussed the Warminster Heights particulars, that Mr. Harris should follow through with this project. It is my intention to contact Mr. Harris and follow up in this matter.
- The Wawa Curative Amendment hearing is scheduled for February 21<sup>st</sup>.
- Regarding Waterloo Gardens, their Engineer needs to forward the Engineering and Financial Agreements to Warminster Township.

**General Comment**

- I received a letter this day from Mr. McGrath's Attorney (Hecker). The letter makes mention that Phase I has a License Agreement between the Township and Mr. McGrath which was used to confirm the Township's approval for the work required at the Golf Course. It further explains that Phase II has a similar situation in connection with the relocation of the entrance of the Golf Course.
- A new License Agreement was enclosed with the Attorneys letter and attached were the specifications for work to be completed in Phase II which is similar to those that were previously employed. ....
- I recommend this License Agreement for Phase II of the McGrath project and if everyone agrees it can be approved at the next meeting.
- Also, upon reading a Draft Agreement, there is a paragraph that states "that on each anniversary the developer is to set aside such additional financial security as required under the Municipalities Planning Code". This language most likely is in all the Improvement Agreements and Financial Security Agreements for all Projects.
- We need a follow up to assure that each year there is enough funds in the Escrows. Craig Kennard mentioned to get the Developer to post additional monies becomes difficult. It has been his practice to withhold 10% on every Escrow Release. We have a responsibility to how the Agreements read. We need some additional coordination, possibly by either the Staff or the Engineer.

**OLD BUSINESS**

1. Leo Quinn, based on the suggestion of the Solicitor, makes the motion that the Interim Agreement be approved for McGrath Driveway Relocation subject to clarification language that the Engineer wants to submit. The motion was 2<sup>nd</sup> by Ellen Jarvis. The vote carried 5-0-0.

2. Leo Quinn made the motion to authorize the Escrow Release to McGrath Phase I in the Amount of \$139,074.87. The motion was 2<sup>nd</sup> by Frank Feinberg. The vote was 2-3-0 (Jarvis, Johnson, Gold), the motion was defeated.

3. Frank Feinberg requests a motion to authorize the appointment of Lt. Donnelly to a three (3) year term to the Emergency Management Council. Leo Quinn so moved the motion. The motion was 2<sup>nd</sup> by Ellen Jarvis. The vote carried 5-0-0.

4. Frank Feinberg requests a motion for final authorization to appoint LarsonAllen as Township Auditors. Ellen Jarvis so moved the motion. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.

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**OLD BUSINESS (Cont'd)**

5. Frank Feinberg requests a motion for approval of Ordinance # 671 establishing Mae Drive as a One-Way Street. Leo Quinn so moved the motion. The motion was 2<sup>nd</sup> by Ellen Jarvis. The vote carried 5-0-0.

6. Frank Feinberg requests a motion to approve \$2,000.00 to the Warminster Symphony from the Community Assistance Grants. Leo Quinn so moved the motion. The motion was 2<sup>nd</sup> by Ellen Jarvis. The vote carried 5-0-0.

7. Frank Feinberg requests a motion for the adoption of Resolution 2008-4 the Tri-Centennial Committee. Ellen Jarvis so moved the motion. The motion was 2<sup>nd</sup> by Fred Gold.

Leo Quinn asks for Discussion and suggests the following:

i) Change the Committee term from three to four years and call it the Tri-Centennial Executive Committee.

#6 should read: The Tri-Centennial Executive Committee shall consist of at least five and no more than nine residents of Warminster Township, appointed by the Board of Supervisors each for a four year term

ii) Change 4d to say information and monies and include B of S if necessary.

#4d should read: All requests for information and monies shall be directed through the Township Manager and, if necessary, the approval of the Board of Supervisors.

iii) Change 3b - Ellen Jarvis suggested the following:

#3b should read: Work in cooperation with the Warminster Township Parks & Recreation Board to establish recreational celebrations to recognize the township's 300<sup>th</sup> anniversary.

iv) Mr. Quinn requested that the following statement be noted:

As a start up for the Tri-Centennial Monies, the Budget for 2008 has a separate Line Item Fund (within the General Fund) that has been set up in the amount of \$25,000.00. All monies for the Tri-Centennial (coming in/going out) should flow through this account.

**Note:** It was not determined "if" or "where" the above statement would be noted.

Mr. Gold made the motion to table the original motion until the changes are made by the Solicitor. The vote carried 3-2-0 (Jarvis, Johnson).

8. Ellen Jarvis made the motion for authorization to advertise DCED. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.

**Note:** It is the intention of the Township to Finance a five-year note in the approximate amount of \$471,000.00 at a percentage rate of 4.25%. This will cover all the 2008 acquisitions for Vehicles and Equipment.

The advertisement, which will be done in the early part of next week, is the first step to show the intent to enact an Ordinance.

The Ordinance will be ready to be approved at the February 14, 2008 meeting. If it is approved another advertisement will be required to state we have approved the Ordinance.

When all approvals and documents are signed, we must file the DCED with the state.

9. Ellen Jarvis motioned to adopt Resolution 2008-05 to authorize a TRAN for 2008 at a rate of 4% not to exceed one year. The motion was 2<sup>nd</sup> by Frank Feinberg. The vote carried 5-0-0.

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**NEW BUSINESS**

- Robert Tate mentioned that half of the employees have I D Badges. The Police Department has the equipment to make badges. He'll be coordinating with the Chief on moving forward for I D Badges for the remaining Staff Members. If the new badges can't be matched to the existing badges, it will be recommended that everyone get a new badge.
- The Board was in agreement that Elliot Drexler, Esq. should attend the Planning Commission meeting Wednesday, February 6, 2008, for the J. G. Petrucci sketch plan (Transit Oriented Development).
- Leo Quinn asks that details for implementing the Employees' Five Year Recognition Program is ready by the next meeting.
- Robert Tate, regarding Codification of Ordinances, has placed two calls to Penn Valley and will be following up with them to start the process.
- Employee Policy – In the interest of expense, Ellen Jarvis has volunteered to take leadership on this effort. Robert Tate will get the available information to her.
- Frank Feinberg stated that he would schedule an Executive Meeting and invite Elizabeth Carter so she could give her input with respect to Volpe. This will occur before the next Board of Supervisors Meeting.

**PUBLIC COMMENT**

**Ed Hoffman – 801 County Line Rd - Deputy Chief of Warminster Volunteer Ambulance Corps**

- Welcomes the new Board Members.
- Mentions he does speak for the Squad at times and ....a Board of Directors that also direct him to speak....
- Our organization .... continues to serve the Township, the Residents and the Community
- We want to thank the Board of 2007 for the subsistence and support they have given us.
- We received the first of the Expeditions from the Township. The vehicle should go into service in about a week.....
- We just received and purchased the Vehicle that the Township is supporting us....it is currently being lettered.
- .....in March or April there will be a dedication of all the vehicles the Township has supported and the Residence have supported to this Community Ambulance.
- We are working and striving to do better things in this Township. This past Sunday, I did an AED (Automatic Electronic Defibrillator) training at the Villas at Five Ponds in which twenty-eight of its residence attended. Hopefully the information provided will help to save their lives.
- We welcome anyone to come and tour our Organization.
- Being a member of the Emergency Management Council as a Representative for Warminster Ambulance Corps – is very much appreciated.
- Discussed his dissatisfaction with Mascaro Trash Collectors.

**Mr. Robert Tate stated that the Township does have an ongoing problem with Mascaro Trash Collectors. He mentioned that he has a scheduled appointment with a representative from a Waste Hauling Service that is interested in bidding, not only when the Mascaro contract expires but they are also interested in negotiating with Mascaro to possibly opt out of the last year of their contract. He indicated that a change seems necessary.**

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**SUPERVISOR'S COMMENTS**

**Leo Quinn:** Warminster is going to be in the national limelight because of Craven Hall. Craven Hall will be recognized and placed on the National Registry. At Craven Hall on Thursday evening February 7, 2008 Craven Hall will be officially recognized. This is a tremendous tribute to this organization for all the work they have done.

**Leo Quinn:** Warminster Rotary is going to conduct a Fund Raiser to raise money for the Warminster Skate Park. On March 15, 2008, they are going to hold a Bowling Event at Thunderbird Lanes. All monies raised will go to the Warminster Skate Park.

**SUPERVISOR'S COMMENTS – Warminster Symphony**

**Leo Quinn** stated that he thinks we should do more to publicize the fact that the Warminster Symphony exists, what they are doing and rally behind them. They do a super job!

**Ellen Jarvis** mentioned that a Subscription for the Warminster Symphony is reasonably priced. She encouraged anyone that is interested to contact them. The next concert of the Warminster Symphony is Saturday, March 15<sup>th</sup>. Ed Elgar will be performing music from “The Bridge on the River Kwai”, English Dances, etc. Tickets at the door are \$15.00 Students with I D’s \$8.00. A Spectacular Concert is planned for May. Tickets at the door are \$30.00.

**AGENDA FOR FEBRUARY 14, 2008**

- Tax Collector’s Rental
- Revised Tri-Centennial Committee Resolution
- License Agreement McGrath Phase II
- Employee Recognition Information
- Archbishop Wood - Discussion – Traffic on York Rd
- Presentation by the Skate Park Commission – Approval to sell Advertisement
- Fire Alarm Ordinance
- Approval of the DCED Ordinance
- Authorization to sell old Truck on EBay - Public Works

**INDIVIDUAL ACTION ITEMS:**

1. **Robert Tate**
  - Codification follow up with Penn Valley
  - Employee Policy information forwarded to Ellen Jarvis
2. **Elliot Drexler, Esq.**
  - Zoning Ordinance Revision Project – ideas for consideration
  - Contact Mr. Harris regarding Warminster Heights Project
  - Revise Tri-Centennial Committee Resolution
3. **Frank Feinberg**
  - To schedule an Executive Meeting (Volpe matter) with Elizabeth Carter

**MEETING ADJOURNED AT 10:30 PM**