

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, MARCH 27, 2008**

**MEMBERS PRESENT:** Frank Feinberg, Chairman  
Ellen S. Jarvis, Vice Chairman  
Gail E. Johnson, Secretary/Treasurer  
Fred L. Gold  
Leo I. Quinn, III

**STAFF PRESENT:** Robert Tate, Township Manager  
Barbara Sultzbach, Assistant Township Manager  
Elliot M. 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 7:15 P.M., by Chairman Frank Feinberg.

The PLEDGE OF ALLEGIANCE was led by Gail Johnson, followed by a moment of silence for our men and women in uniform around the world.

Leo Quinn, asks the people of Warminster to keep in their prayers the McCann family. They lost their grandfather, Jim McCann, at the age of 82 he lived in Warminster almost fifty years and raised five children.

**ANNOUNCEMENTS, COMMUNICATIONS & MINUTES**

- Frank Feinberg asked for the motion to approve the Minutes of March 13, 2008. Fred Gold so moved the motion. Ellen Jarvis 2<sup>nd</sup> the motion. The vote carried 5-0-0.
- Ellen Jarvis, at the request of the Seniors & Health Advisory Committee, reminds all residents of Warminster, especially our seniors, to file your income taxes this year so that you qualify for the stimulus payment offered through the federal government. You must file this year even if you were not required to file in previous years. There is assistance for preparation and filing your income taxes at the Ben Wilson Senior Center.
- Gail Johnson says he and Karen Whitney met with Dan Mummert from PA Wildlife Commission to take a look at our parks to see if we were doing everything we could to stimulate as much wild life as possible. He was very impressed with what we had done. He will send us a full report and provide us with some recommendations.
- Gail Johnson mentions that one of the trees on Norristown Road fell. He firmly believes that heavy equipment weaken the roots. An arborist said a lot of them needs to be removed, approximately 27 trees. Christ's Home needs to do that to limit their liability. I am hoping that a few more trees will be planted in that area.
- Jim Messina announced there is going to be a Giuseppe Giaimo Fishing Tournament (Oregon Inlet North Carolina) May 17<sup>th</sup> to May 19<sup>th</sup> 2008. The proceeds will benefit Giuseppe Giaimo Scholarship Fund which partners with Warminster Rotary International. Package (\$385.00) includes entry fee and all fishing costs. Ray Kerber 266-767-6738 is the contact for accommodations. William Tennent High School, Archbishop Wood and the Vo-Tech School are given scholarships. This year scholarships will be given to students in first, second and third place. Next month, he will provide information regarding the upcoming September Golf Tournament to be held at the Five Ponds Golf Club.
- Jim Messina mentions that St. Andrews United Methodist Church will have a "Support our Troops" (wounded men and women from the Vietnam era) event Friday, April 11<sup>th</sup> from 8:00 P.M. to 10:00 P.M. The Daisy Jug Band will be there in concert. Admission is free.

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**PRESENTATIONS**

**Horsham Land Reuse Authority (HLRA) - Donnamarie Davis**

Donnamarie Davis presents an overview of the Horsham LRA (HLRA). In October of 2005, the Horsham Township Council adopted a resolution which established the HLRA to plan the reuse of the Willow Grove Naval Base and the land in Warminster and Ivyland. The Department of Defense recognized the HLRA for this planning. There are nine members on this board (handouts were given to executive board member with names and web site). Michael J. McGee is director and the assistant is Carol Berger. One member (Donnamarie Davis) is from Bucks County and the other eight members are from Montgomery County. Representing the commissioners of Montgomery County is board member Ms Carluccio, Esq. and representing the Commissioners of Bucks County is board member Donnamarie Davis, Esq.

Since the Governor of PA has stepped in, what seems to be happening is that the Governor will tell the Navy what he intends to do and what he sees as a footprint for the Naval Base. The Navy will then transfer the lands to the Air Force. The Air Force will either license or lease out the property to the state. Those are the steps subsequent to the HLRA being formed.

It is likely that the land that is in Warminster (Shenandoah Woods) and the land that is in Ivyland will be deemed surplus property. When the land is deemed surplus property it will go through the BRAC process. From the date BRAC process begins, the HLRA will have thirty (30) days to advertise ...land deemed surplus....in the vicinity of the base (Montgomery Newspaper, the Intelligencer, the Bucks County Courier Times all generally circulated newspapers). The advertising will bring forth non-profit and for-profit entities submitting their notice of interest. When that is done, the HLRA will then have two hundred and seventy (270) days to generate a redevelopment plan. A waiver for extension could be granted for good cause. After the plan is done, it goes to HUD. HUD would then have sixty (60) days to review the plan and make a determination.

Under the HLRA, there are five sub-committees that give recommendations:

1. Buck County Committee / Warminster Sub-Committee
2. Reuse Planning Committee
3. Economic Development Committee
4. Environmental Committee
5. The Housing and Homeless Committee

Ms. Davis goes on to say there is also something called Public Benefit Transfers or Conveyances. The Horsham Memorial Army Reserve Center on Route 611 is one piece of property that has successfully gone through the BRAC process. It was decided that what best suited the community was for that building to be a public benefit conveyance. Other categories are Parks and WREC, Education, Wild Life Reserve, Self Help Housing, or Historic Monuments. When the land is basically approved to be a public benefit conveyance, there actually is a discount of up to 100% for that property. This is negotiated between the HLRA, the government and HUD. Everything has to be approved by HUD.

**DISCUSSION:**

- Gail Johnson: There were plans mentioned in the Intelligencer newspaper article. One was totally devoted to the military land, another to the state. Is there any one plan that is being leaned toward?
- Donnamarie Davis: What you are talking about actually is under the auspices of the state. The article refers to the Kimball Report which is a conceptual drawing of plans that the governor and the powers that be would review. It will be decided which footprint best suits what is intended for the base, which is to make it a joint inter-agency installation. The state would pick a plan and present it to the Navy. The Navy would transfer the concept chosen to the Air Force. The Air Force leases the land back to the state.

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**PRESENTATIONS (Cont'd)**

**Horsham Land Reuse Authority (HLRA) - Donnamarie Davis**

**DISCUSSION: (Cont'd)**

- **Leo Quinn:** The newspaper article talked about 2011–2012. When Nancy (Szamborski) came and presented, she voiced a concern about when the Navy starts to exit. The buildings are going to become less and less occupied at Shenandoah Woods. My question is where does it leave us relating to all the water issues that we have been waiting to get done?

- **Donnamarie Davis:** Responsibility for the land now belongs to the current owner, the Navy.

- **Leo Quinn:** We need to make it an action item to talk with the Navy so, they know we are aware that they have all these issues and problems which will transfer to the next owner.

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Donnamarie Davis interjects because Mr. Quinn brought up the name Nancy (Szamborski). Although she was not allowed to watch the presentation (by Nancy Szamborski), so she could be neutral and keep an open mind, Ms. Davis needs to let the people who watched that presentation know the following:

- She has no right or authority to give a presentation to this board because it is not the function of the township supervisors to listen to future plans.
- She confused people who may have been listening to her presentation and prejudiced other non-profits that might be interested in that land.
- Ms. Davis has a list of 154 non-profit entities that have the right to put notice of interest in once the land is deemed surplus and you (township) heard from one.
- Although she respects that Ms. Szamborski is a zealous advocate for the people she represents.....she was really crossing the line.
- This board needs to be careful that they are not taken advantage of, that they don't send the wrong message to the township which could be quite confusing.....
- Ms. Davis can attest to getting emails.... She was able to tell them that Ms Szamborski did not follow the process and it will be open to everybody interested not just her.
- When the business plans are submitted for what they would like to see happen to Shenandoah Woods, it's a level playing field that has to go by what is in the best interest..... in the community,.....economic development, .....development, and what's in the best interest of any homelessness in the vicinity. It's a balancing act of all these components not just one component.

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• **Leo Quinn:** Do the residents, when the properties are deemed surplus, voice concerns with HLRA?

- **Donnamarie Davis:** Yes! The meetings for the HLRA are open to the public. They will begin again when the land is deemed surplus.

- **Leo Quinn:** Can the land be deemed surplus before its transition.....in 2011?

- **Donnamarie Davis:** When the Governor and the powers that be pick a footprint, possibly out of the three concepts, that is the moment in time when the transfer happens from the Navy to the Air Force. That is the moment in time when the government will say that is the land we don't want and that's the land deemed surplus. This will happen long before everything is closed in 2011.

- **Leo Quinn:** The property was rezoned R 2 a number of years ago. How does that play into this?

- **Donnamarie Davis:** The government has decided that the land was rezoned properly. The reasoning behind this decision is called reverting back. When you have a piece of land and then you have developments all around that land zoned R2, the land in the middle or on the side of all the other land that was R2 was just reverted back to R2, it makes it contiguous with its surroundings and appropriately zoned.

- **Ellen Jarvis:** Can Shenandoah Woods be released prior to the release of the Willow Grove Naval Air Station?

- **Donnamarie Davis:** Most likely that is what will happen.....

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PRESENTATIONS (Cont'd)

Horsham Land Reuse Authority (HLRA) – Donnamarie Davis

DISSCUSSION: (Cont'd)

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• Ellen Jarvis says when we were approached by Ms. Szamborski about making a presentation it was because she had made a presentation before David Sanko, the Chief Operator Officer in Bucks County and the Commissioners. (1) She was told to contact the board here because we are key stock holders. (2) When she did contact us and wanted to meet with us to give us information about what was going on, I was the one who said please come in and do it publicly rather anything being done behind the scenes, backroom dealing or maneuvering. I did check with Mr. McGee to make sure we were appropriate in meeting with Ms Szamborski. He said absolutely go ahead and do it. It was with the Executive Director of the HLRA authority that we met with her. We did do it in a public sense because we didn't want to do anything inappropriate .....

• Donnamarie Davis says, I am sure that is what was represented to you by Ms. Szamborski, but I have emails with me that contradict that. I can actually tell you first hand that the commissioners pointed her in the direction of the HLRA. ...I have an email with me....that states she had never spoken to the director Mike McGee prior to that email. Two days before that I spoke with him because I had to be in touch with all the powers that be and discuss what she was trying to do. She in fact did speak to Mike McGee and she was told that was not appropriate for her to do.....I understand that you had good intentions and actually I sent an email to Mr. Feinberg saying that I could not meet with her behind closed doors because it would be, as you said, looked upon as unfavorably, would be unethical and could be construed as a backroom deal. The same could be said about the supervisors and I was gently trying to admonish and give a friendly warning that you need to be careful because this woman is knocking on a lot of doors looking for a way in and she's being told no you're suppose to go this way....and she didn't want to go that way.

• Frank Feinberg interjects. There are no backroom deals if you have no authority to make any deals. She was brought strictly for informational purposes; we were really given no information by anybody..... I really appreciate your coming tonight and bringing us up to speed. I haven't been on the board that long but I did attend several meetings and I don't remember this Horsham group disseminating much in the way of information to the different townships involved, other than what we got from the newspaper and you even said the newspaper left some things out,..... We have no authority; we make no decisions with respect to what is going to be done. What I hear tonight is that everybody from HUD, to the environmental, to the homeless authorities, to the Navy, to the Air Force, to the state government will all be involved in that decision process. Unfortunately, Warminster Township won't. I guess we will hopefully get our input, but we don't get a vote.

• Donnamarie Davis says that is not true.....

• Frank Feinberg: We get a vote?

• Donnamarie Davis: You do, because the members of the Warminster Sub Committee are residents of Warminster. The Warminster Sub Committee is comprised of Tom Panzer, who is Warminster appointee, Vic Lasher, who is a School Board appointee, Mr. Stan Allen who is an alternate Warminster appointee, Scott DeRosa, who is Warminster appointee and Ed Oldroyd who is the Ivyland appointee. You are definitely well represented.

• Frank Feinberg: We should be getting some feed back, but we are not.

• Donnamarie Davis: That's because there's nothing to tell you yet. .... There has not been a HLRA meeting for quite sometime. There is no reason to until the trigger is pulled and the government decides what land is surplus..... I am not trying to say that anybody here did anything wrong; what I am trying to do is admonish you not to have anybody do that again. ...It is not the function of the board and the people watching probably misconstrue that this is where they need to come. This is not where they need to come.

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**PRESENTATIONS (Cont'd)**

**Horsham Land Reuse Authority (HLRA) - Donnamarie Davis**

**DISCUSSION: (Cont'd)**

- **Ellen Jarvis:** The Horsham LRA is interested in Montgomery County and Horsham. Although you did mention there are sub committees involved in Warminster etc., should we be looking at developing a Warminster LRA? When I spoke to Mr. McGee, there was no interest expressed at all. Should we separate the two in the governments mind and have our own land reuse authority here....so we are not left behind in the process?

- **Donnamarie Davis:** That actually has been proposed. ...Whether or not that would happen we would still be well represented because the Warminster Sub Committee would actually be the committee who would be giving the recommendations to the HLRA for what they want to see happen in Warminster. It would be done by all Warminster residents and handed up to the HLRA.

- **Frank Antonucci – 16 Thompkins St – Asks of Donnamarie Davis to explain the McKinney Act.**

- **Donnamarie Davis:** In 1987 Congress enacted the Stuart B. McKinney Homeless Assistance Act. Title V of that Act made serving the homeless a priority for surplus property. In 1994, to address the multiple interests for the large parcels, there was a change. It was recommended that the McKinney Act be changed. This lead to what is called the Base Closure Redevelopment and Homeless Assistance Act which was amended in 1996. This law on the BRAC commission installations is exempt from Title V of the McKinney Act and instead any LRA is responsible for developing the reuse plan using the balancing test. The Homeless Sub Committee would be following this.

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On a personal note, Donnamarie Davis wanted to recognize a community leader who is a very quiet magnanimous humanitarian, Father Citino. He is a wonderful role model for everyone. Ms. Davis wanted to acknowledge and thank him for everything he has done since he came to Warminster.  
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**PLAN REVIEWS**

**1. Pfeiffer Minor Subdivision – 715 Reeves Lane – Mylar Signing**

Elaine Landmesser – Pennoni Associates– All that remains to be done is the signing of the plans.

Note: Elliot Drexler, Esq. did not receive the Pennoni Sign Mylar letter dated March 19, 2008.

Fred Gold makes the motions for the signing of the Mylar. Leo Quinn 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**2. Farabee - Lots 22 & 23 – Nina Way – Preliminary Plan**

Ken Farabee (owner) – The plan calls for the construction of two 12,000 square foot industrial buildings on lots 22 and 23 in the Street Road Industrial Park. Both will be supplied by public water and sewer. He gave the board members a photo of a similar building – standard industrial type building – rock face block – overhead doors - mainly a warehouse unit - small office - ADA powder room located in the interior.

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**PLAN REVIEWS (Cont'd)**

**2. Farabee - Lots 22 & 23 – Nina Way – Preliminary Plan (Cont'd)**

**Mr. Farabee makes reference to the Pennoni letter dated March 6, 2008:**

- #1- regarding proposed signs - is a will comply item
- #2 - regarding steep slopes - are man-made
- #3 – asking for a partial waiver regarding features within 400 feet of the property (Pennoni Associates agree that features shown on the plan are acceptable).
- #4 – regard to tree removal on lot 22. Plan calls for 66 inch caliper replacement on site. Provided the board with a hand out that indicates which trees and sizes were removed and says our plan actually calls for a couple more inches than were removed.
- #6 – requesting a waiver for sidewalks – currently within the Street Road Industrial Park there are no sidewalks. A note has been added to the plan that at some time in the future if the township deems sidewalks appropriate, the owner (Mr. Farabee) will be financially responsible for the installation.
- #7 – requesting waiver - the ordinance calls for a 54 foot entrance width with regard to the parking area, we are proposing 65 foot for safer ingress and egress. Pennoni Associates agrees.
- #8 – requesting waiver on curbing within the parking area – curbing is being installed up to the parking area. The request is twofold: 1) within the industrial park, currently, none of the parking areas adjacent to buildings are enclosed by curbing. 2) With the design of the storm water system, we have proposed that any sheet flow which is not caught by the inlets is going to pass over the parking area. We have a two foot stone area in which the surface water will penetrate into our storm water system. With the installation of curbing, we would not be able to take advantage of this.
- #9 – regard to parking area – The parking area is located on the side of each building, a pretty standard practice in the Street Road Industrial Park. There is a variety of parking in the front and back but the majority is parking to the side. We have also enclosed with arborvitae and trees the parking area as to visually keep it from eye level at the street.
- #10 to #16 – deal with storm water management – a variety of waivers are being requested – item #15 is a will comply, that is a maintenance agreement the solicitor will prepare. Items #10, #11, #12, #13, #14 and #16 waivers requested in regard to the storm water system design on the site.
- The storm water system that is proposed for both lots entails the following:
  - a) It will hold the 1, 2 and 5 year storm
  - b) Any storm that is above the 5 year storm will surcharge the system. It will go into Nina Way to the regional basin which is already in existence.
  - c) Some piping and inlets are being changed and added on to Nina Way to take care of any excess storm water that may derive from these parcels.
  - e) The type of system designed has a system recharge. It's a thirty-six inch perforated pipe that will go back into the system. We perk the site and it also adds water quality issue and provides for storm water control.
- #17 – deals with traffic engineering – requesting a fee in lieu of traffic impact study. Fee to be determined by the board of supervisors.

**Leo Quinn: Asks if Pennoni Associates has any comments.**

**Elaine Landmesser: Pennoni is satisfied with all the storm water issues. The waivers are recommended #6, #7, #10, #11, #12, #13, #14 and #16 however #14 is separated into an A (waiver) B (waiver) & C (statement). There are actually twelve (12) waivers being requested; one is partial the rest are full waivers.**

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**PLAN REVIEWS (Cont'd)**

**2. Farabee - Lots 22 & 23 – Nina Way – Preliminary Plan (Cont'd)**

**Ellen Jarvis:** Recommended the fee in lieu of the traffic impact study be set at \$2,500.00. It is accepted.

**Ellen Jarvis** makes the motion for the preliminary/final plan approval - Lots 22 & 23 – Street Road Industrial Park subject to the conditions noted (Planning Commission letter dated March 24, 2008). **Leo Quinn 2<sup>nd</sup>** the motion. The vote carried 5-0-0.

**PUBLIC COMMENTS**

**Walt Clemens – Saxony Manor**

- Says, that he has conclusive evidence that the meeting tapes were cut, spliced and a major portion of his comments were deleted.
- Says, that in the presence of witnesses, Mr. Richard Luce (former chairman of the board of supervisors) said that on four different occasions he informed Mr. Tate that Mr. Calhoun (videographer) was tampering with the tapes.
- Says, Mr. Tate acknowledged receiving only one call from Mr. Luce. Mr. Tate further stated that Mr. Calhoun will refrain from any further tampering with the meeting tapes.
- Says, Ellen Jarvis voted against the PA Fair proposal thereby rejecting an opportunity to get a \$50,000.00 minimum for our township treasury.
- Says, Ellen Jarvis agreed to grant a \$3,000.00 rent reduction to the tax collector calling it insignificant and declaring...we will not be distracted by a mere \$3,000.00.
- He compliments Leo Quinn for his vote for the fair.
- He requests, Mr. Feinberg to respond to comments on what was said about the tapes.

**Frank Feinberg:**

- I talked to Bob Tate this evening and asked him and he explained to me what happened. Bob, would you care to elaborate?

**Bob Tate:**

- There have been some technical difficulties in the recording of these meetings...
- We are in a very old building and we have some electrical problems.... We're subject to some problems in this building that we haven't identified.... We call it a blip. We don't know why it happens. It could be that a generator kicks on, a fan kicks on, the lights dim and the visual, the video recording is circumvented.
- What's going on in that booth, right now, are two recordings. One is audio and one is visual (video). .....As soon as Mr. Calhoun sees the video cut off, he immediately has to reset his equipment back there, to begin the recording. We sometimes may lose three to five to seven seconds of recording.
- In the case of the meeting Mr. Clemens, where a good segment of your comments was omitted, we lost about 15 seconds.... There was also some disruption in the audio....
- At the end of the night Mr. Calhoun may have four hours of audio and three hours and fifty-two minutes of video. In his attempt to rebroadcast the meeting accurately, he would have to run the video tape and insert some space so that the audio runs in sync with the video. That's the extent of the cutting and editing and splicing that Mr. Calhoun has been accused of. It has been his attempt to reproduce accurately, for the township residents, what is being spoken and presented here at these meetings.

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**PUBLIC COMMENTS (Cont'd)**

**Walt Clemens – Saxony Manor (Cont'd)**

**Bob Tate: (Cont'd)**

- Mr. Calhoun has spent countless hours checking every camera and all the video connections. Why it happens, just with the video, we have not identified... He does seem to pick up 100% of the audio, 99% of the time..... so, in his efforts to reproduce accurately what is being presented and spoken in this room, ....what he does is actually insert some footage to keep the audio and video in sync.
- If he were to just simply rerun the broadcast as is, you would have mouths moving, you wouldn't hear voices or you would hear speaking but you wouldn't see mouths moving because the two are not running simultaneously.....
- Since he does have a second backup recording the audio separately, which our recording secretary does use in the minutes.....he will go back to try and reinsert the audio and the video and run them simultaneously.
- I'm not that technical so it's the best I can explain it and we will make the effort to try to discover and solve the problem but, it's an aging building; we put a lot of money into it already. We will have to find where this electrical short fall is occurring.

**Walt Clemens:** In our discussion Bob you said that, from now on the tapes will be let to run, in totality. There will be no cutting, no splicing, no anything and we'll see what happens for a few meetings, Right?

**Bob Tate:** That's the discussion that I started with Mr. Calhoun, until he further explained that the editing and cutting in some cases was to eliminate dead space, down time so to speak in a meeting, but also when there is a blip. If a blip occurs and he has to reset his equipment, in that case he will have to correct it so that 100% of the broadcast is accurate.

**Walt Clemens:** I appreciate your explanation, Bob but that totally differs from what Mr. Luce said.

**Frank Feinberg:** I have been informed that the five minute time is up. We can talk to you further outside the meeting, and try to resolve it, to everybody's satisfaction.

**PUBLIC COMMENTS (Cont'd)**

**John Priovolos - 674 Joseph Avenue**

- Says, he is here this evening as the owner of A-Z Auto Center to ask the board of supervisors to put him back on the duty tow rotation roster because it is his opinion that he was treated unfairly and got a slight of hand at the police station. Suggests he should be able to go back on duty tow without question because that was not the way the process was supposed to be handled.
- Says he saw Glenn Natter on the televised tapping of the public meeting. It seems Glenn had some concerns and it appeared the board was going to open up the duty tow. It then seemed the board decided not to do it. It just went away.
- Says, he didn't get a chance to voice his opinion. The calls to the police station in an effort to talk with the chief were not returned. The calls were placed within the time schedule to get the current application; yet the police representative should have, but never mentioned, it was posted in the newspaper or tell him to come in and get an application. What she actually said was that the rotation stays as follows, continue with it. There will be no changes.

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**PUBLIC COMMENTS (Cont'd)**

**John Priovolos - 674 Joseph Avenue (Cont'd)**

- Says, it was a call to the radio room to sign on that he (A-Z Auto Center) learned that his company was no longer on the township duty tow because they didn't fill out an application.
- Says the calls to the police department requesting a meeting with the chief resulted in no response.
- Says that, there is room on the Warminster duty tow roster for a tow vendor that has provided the township many years of good service.
- Says, he worked with the board of supervisors on many occasions with township towing problems. Tom Thern's name is given to back that up.
- Says, as far as the parking lot and the for sale cars, he cleaned up that mess.

**Frank Feinberg:** I am sorry for all the mix up. What I am going to do is to ask Bob to look into this matter and discuss it with the chief.

**SUPERVISOR'S COMMENTS**

**Leo Quinn:** The fund raiser bowling event held by the Warminster Rotary at Thunderbird Lanes to benefit the skate spot was a rousing success! The Warminster Rotary will be coming to one of our meetings to present a check to the township.

**TREASURER'S REPORT**

**1. Check List for March 27, 2008**

Gail Johnson, Secretary/Treasurer, presented the Check List for the period March 27, 2008.

2008 Prepays - \$21,276.35

General Fund	\$167,606.19
Park & Recreation Fund	20,442.76
Storm Water Management Fund	1,794.00
Golf Fund	32,300.53
Highway Aid Fund	12,747.71
Legal & Engineering Escrows Fund	182.00
Payroll Date March 20, 2008	<u>265,160.36</u>
 Grand Total	 \$500,233.55 =====

Gail Johnson, Secretary/Treasurer, made a motion to approve the Check List for March 27, 2008. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.

**2. Transfers for February 2008.**

Gail Johnson, Secretary/Treasurer, made the motion to approve the Transfers for February 2008. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**PROFESSIONAL REPORTS**

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

**Parks & Recreation**

- The Fitness Open House (3/3 to 3/7) was a huge success bringing new participants to the programs at the WREC center. The Basket Bingo fundraiser (Fri 3/29) raised \$3,500.00 for P& R department. The Easter Egg Scramble (Thurs 3/20) was attended by over 480 children and their families. Our thanks to the Senior Center for their support and Fulton Bank for their sponsoring the event.

**Public Works**

- In addition to their routine maintenance schedules, our PW crews have assisted in planting new trees (Warminster Community Park), installed a new playground at the WREC center, and assisted in picking up donated foods from the schools, for Operation Helping Hand Food Collection (received a letter of thanks). Our special thanks to Geoff Depree and Josh Wark who, with the contractor, assisted with the installation of the HVAC system at the Warminster Library. Working with P & R staff, the crews have prepped the baseball fields, buildings and parks for spring sport. Parks will be ready by April 1<sup>st</sup> (weather permitting).

**License & Inspections/Fire Marshal**

- In March, inspectors have conducted 65 annual fire inspections, 123 re-inspections and issued 26 annual operational permits. My thanks to Jason Hauser (L&I Dept). Last Thursday morning I joined Jason at the scene of a house fire on Chaucer Court. The property owners (personal friends) expressed their appreciation for Jason's patience, courtesy and professionalism during the course of his investigation.

**Police Department**

- Interviews, testing and background checks continue as the PD seeks to identify the top five candidates, from a field of fifty-nine applicants, who will be offered a position within the department. The PD has just completed the installation of an impound yard on-site (with the help of PW), allowing for the secure holding of up to six vehicles for processing in an investigation.

We have been entrusted by the county to house and take care of a \$380,000.00 Bucks County WMD/SWAT/MIRT vehicle. Essentially, it is through the efforts of the PD, our chief and Lt. Donnelly working with the emergency management committees of five counties and the police chief out of Philadelphia. This vehicle will service the entire county as well as the five county areas, if needed. It was suggested that the vehicle be in the Memorial Day Parade.

**Administration**

- The Municipal Authority (Mon 3/24) started construction of a new water main in Citation Lane. The project should be completed by the end of next week. On Monday, April 7<sup>th</sup> construction will begin for replacement of the sewer main in Second Avenue. This project will continue for at least four weeks. NOTE: Property owners will experience disruption of the street in front of their property and traffic may be interrupted at varying times. Hazardous waste collections in the county for 2008 – the first of six collections will be Saturday, April 12<sup>th</sup> at the Bensalem Township Public Works Facility – 3800 Hulmesville Road. The flyer is posted on the bulletin board and on the township website. Grass and leaf collections will resume beginning Tuesday, April 1<sup>st</sup>. Place grass and leaves in cans or in 50 gallon biodegradable bags.

**Five Ponds Golf Course / Clubhouse**

- All of us are looking forward to the completion of the new driveway entrance. Work is progressing on schedule with the installation of the sanitary sewer lines across portions of the golf course and connecting into the Phase II project of the Villas at Five Ponds. The Easter Brunch brought 59 guests to the Five Ponds restaurant. Friday night dinner specials at the restaurant will continue into the golf season except when there is a golf outing on a Friday afternoon. The new website (fivepondsgc.com) for the Five Ponds Golf Course will have daily course conditions, updates and online tee-time reservations.

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**PROFESSIONAL REPORTS (Cont'd)**

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

The project transition with Pennoni is now completed. The Engineer's First Report provides the names of projects, type, description, status and comments. The projects that Gilmore Associates has now taken over have been outlined on the report under three classifications - General Township Projects (12), Subdivision & Land Development Projects (14), and Construction Projects (3).

The Engineer addresses the following:

**General Township Projects:**

**2008 Road Paving Program** – Brookdale, Aster & Garden Roads have been surveyed and measured – next phase will be preliminary design.

**Twin Streams Box Culvert** – survey work completed – next phase will be preliminary storm water design.

**Valley Road Drainage Project** – survey work completed – next phase will be preliminary storm water design.

**Golf Course Maintenance Building** – survey work completed – working with township staff on building layout and specifications.

**Subdivision & Land Development Projects:**

We have twelve current reviews (1-12).

**Warminster Plaza (13)** – Working with township staff and developer on proposed renovations to shopping center.

**Waterloo Gardens (14)** - Applicant received zoning use approval and waiver of land development. I am waiting for plan and report submission from the design engineer.

**Construction Projects:**

**McGrath Homes Phase II** – Golf course driveway modifications and sanitary sewer installation are being installed under Interim Agreement approved by township. We are working with the Authority's engineer, the golf course and McGrath Homes.

**Christ's Home** – Limited site work has started. This includes tree clearing, removal of topsoil, installation of erosion control measures and tree protection fencing.

**Anne's Choice** – Neighborhood 4 is approximately 25% complete. We have taken over inspection of neighborhood 2 & 3 which is approximately 90% complete. There are still a couple of minor changes that have previously been approved by the board. Pennoni will continue to wrap up neighborhood 1 and dedication.

<p><b>Frank Feinberg:</b> Asks Bob Tate to obtain from Pennoni Associates a similar listing of the projects they still have remaining.</p>
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**PROFESSIONAL REPORTS (Cont'd)**

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

The Solicitor's report provides the names of projects, scope, description, anticipated completion date, status and comments. There are forty-three projects listed

The Solicitor addresses the following:

**Christ's Home** – Spoke with their counsel. They are working on an interim development agreement and just clearing the land. We will be preparing financial security agreements and improvement agreements for them. We are waiting on their cost estimates. Easements will also be needed (conservation & right-of-way).

**Wawa Curative Amendment** – Final hearing was held on March 20<sup>th</sup>. We are waiting on the transcript. Findings of Fact and Conclusion of Law and Briefs will be submitted by both counsels. The board will then have to make a decision.

**Zoning Ordinance Amendments** – started by the Bucks County Planning Commission. Other issues were presented to them for consideration. Currently, I am waiting for a response. I will try to get something for the next report.

**Volpe** – The board approved the compromise at the last meeting. The draft of the documents, court order and agreement was sent to their counsel. There is an issue as to how the ownership is titled. They applied in single names and there is a corporate name also. We must be sure the ownership is consistent and we use the proper owner's name.

**Hartsville Professional Center** – On the agenda for April 10<sup>th</sup> - The dedication of a portion of the professional center and at the same time, they will be able to advertise the vacated portion of Old York Road, which is all part of the planning and redoing of the roads there. You have to have an ordinance to vacate a portion of road.

**Waterloo Garden** – The second advertisement for Zoning Ordinance Amendment will be advertised April 10<sup>th</sup> to permit garden use for this applicant.

**Acorn Development** – 955 Mearns Road – A notice was received from the zoning board that a zoning board application is schedule for April 9<sup>th</sup> for two variances. One is for reduction of parking spaces and the other for re-location of buffer yard for the buffer plantings.

<p>Leo Quinn: Asks the solicitor to check with Steve Harris regarding the Billboard on Street Road (along the railroad) for landscaping. Mr. Harris last stated that a plan was being approved by the owner of the railroad tracks.</p>
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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**OLD BUSINESS**

**1. Authorization to advertise amendment to Towing Ordinance #676 – Discussion item.**

- **Ellen Jarvis:** The ordinance is drafted. Comments have been received from Mr. Natter and I would like to get input from other duty tow operators (Modern, Million, & A-Z). Comments have also been received from Mr. Drexler, Esq. I would be happy to update the ordinance when all the comments are received. Presently, there is need for clarification and there some inconsistencies throughout. It is not yet ready to be advertised.

- **Leo Quinn:** Has received several comments on draft:

1. Suggests the tow be \$125.00 as opposed to the \$95.00. Most times this amount is paid for by the insurance company.

2. Clean ups – it is suggested that \$20.00 - \$25.00 be added in there. Normally this is paid by the insurance company.

3. 15 minutes response – extend to 30 minutes.

4. 2 year license period - needs some thought.

- **Ellen Jarvis:** There are inconsistencies

1. Should this remain with the police department or go to L & I. Presently, it's being monitored by the Chief of Police but being administered by L & I.

2. Mr. Drexler, Esq. – brought up that we have that there will be no more than three duty tow operators on the list. How are the three going to be selected? It has to be fair and equitable.

3. Primary verses Principle issue.

4. Vehicle requirement would be - two standard tow trucks or one standard tow truck and one wheel lift tow vehicle as well as one flat bed tow vehicle. This may be difficult, especially since some current tow operators would not meet that requirement.

5. Clarifications relative to the PA vehicle code.

6. Standard Tow Truck is listed as needing 100 ft of steel strand cable, whereas a flat bed standard comes with 50 ft of cable.

7. Response time should be changed to 30 minutes

8. Complaints. Copies of complaints should be given to the duty tow operator.

Ellen Jarvis requested that this issue be tabled until the next meeting so comments can be collected.
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- **Ellen Jarvis:** In response to A-Z (John Priovolos), the reason Glen Towing came before the board was because Mr. Natter sent a letter to me personally. I was not aware that you had a similar situation as Mr. Natter. In the case of Mr. Natter, we did re-open the application process. His business was inspected by the police department and found that he did not meet the qualifications of the existing ordinance so he did not receive a license, therefore is not on the duty tow rotation list. If Mr. Tate finds your circumstance to be the same, it would be my recommendation to the board that, to be equitable in the face of the existing ordinance, that again the application process be re-opened.

- **Ellen Jarvis** responds to Gail Johnson's transition concerns. There are those on the duty tow currently, if there are those who missed the application process we should make sure we capture them for 2008. This ordinance will be effective five days after enactment but, the applications under this ordinance will be due November 30, 2008 for consideration in 2009.

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**OLD BUSINESS (Cont'd)**

**1. Authorization to advertise amendment to Towing Ordinance #676 – Discussion item (Cont'd)**

John Priovolos (A-Z Auto Center) - read over the tow ordinance and found several items that should really be looked at:

- How to qualify a company to be on duty tow needs to be expanded.
- The primary function of the duty tow operator is to help the public get off the highway safely, to help the police department clear the scene, get the vehicles off the road in a timely fashion, and to open up the road so as not to create more problems.
- This type of duty tow setup is married to auto repair, auto body type business not just towing companies.
- When the application is set up, it should be tied in to some other kind of service that goes along with just storage.
- Fees and the heavy wreckers (tractor-trailers) - maybe these operators should be put on call and not charged a \$300.00 fee, you may or may not need them. Should be as need service.
- Tire changing equipment – air tanks – jumping cables etc - It not a good idea to be going out on a major highway and changing a tire.
- Solicitation for tows – getting a job from an accident scene doesn't really happen out here. In the city, yes! It may just need a change in the wording. Needs a little latitude.
- Removal of impounds in about fifteen days, I like that idea. Do we necessarily have to call the police station to get it cleared? I don't think so, if we are following the proper paper work and documenting everything we do.
- \$25.00 PennDot fee – it's hidden in the draft. \$10.00 to PennDot, the rest goes to paper work. That can be done in a different way. I have never seen anybody do a PennDot fee.
- After hour fees – the fees should go up - another issue is tow trucks. When you have more than one truck out there, you should be able to charge accordingly. It should be spelled out.
- Admin fees – Once you bring cars back to your lot there is administration efforts. Insurance Companies don't have a problem paying between forty to forty-five dollars for Admin Fees.
- Oil dry costs - you are close to the cost. Maybe it should go up a little more to \$15.00.
- Storage Costs – Insurance companies are paying \$45.00 per day.
- Complex Tow rate – should be \$80.00 to \$100.00.
- Valid Driver's license prior to application – I can't hire a driver anymore without having him go through the insurance company. I send their driver's license and their medical cards to the insurance company and they do the check on them and send me back an approval. It has to be clarified. If the insurance company is willing to insure that driver he should be able to drive.
- Helpers - should they be included in background check?
- Removal of illegally park vehicles from parking lots – should be spelled out.

Frank Feinberg: You have a tremendous amount of detail please put it in writing and give to Ellen.

**2. Approval of 2008 Community Assistance Grants Recommendations**

Leo Quinn made the motion to approve the 2008 Community Grants Recommendations as provided. Gail Johnson 2<sup>nd</sup> the motion.

Ellen Jarvis: In light of the fact that we have \$7,500.00 in Community Assistance Grants, I would like to see the Warminster Volunteer Ambulance Corps awarded \$1800.00 not \$1300.00. The Corps has taken a lot of hits financially because of the closure of emergency services at Warminster Hospital. They did apply for \$2,000.00.

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**OLD BUSINESS (Cont'd)**

**2. Approval of 2008 Community Assistance Grants Recommendations (Cont'd)**

**Bob Tate:** I reviewed this earlier with Karen Whitney. Each year she holds back \$500.00 in case there is another organization that comes forward with an emergency need. Last year it was not awarded. This is early in the year and it is requested that it be held back. It could be awarded to the Ambulance Corps later in the year if there is not another emergency need.

**Barbara Sultzbach:** Last year it was not awarded but two years ago a student from William Tennant High School was going overseas to do some health care work. She was able to pay so much on her own and she applied to P & R and they gave her the extra five-hundred dollars. That is why Karen likes to hold back for emergency situations.

**Ellen Jarvis:** In light of the circumstances the ambulance corps is facing, I would like to amend the motion. To amend was not seconded.

**Frank Feinberg:** A vote is called on the original motion. The vote carried 5-0-0.

**Leo Quinn:** When Karen moved the numbers from the worksheet to the Memorandum coversheet, the amount for Warminster Rotary was incorrectly stated. It should be \$700.00 not \$500.00. The total is accurate.

**3. Approval for payment to G & M Enterprises for Woodland Drive sewer project in the amount of \$42,136.80.**

The motion was so moved by Leo Quinn. Ellen Jarvis 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**4. Responsible Contractor Ordinance Discussion**

- **Ellen Jarvis:** Under public policy, the goal would be to insure that all contracts for public works are awarded to reputable responsible firms that have qualifications resources and the personnel required to successfully perform the contract work. This ordinance requires that for any public works job over more than \$10,000.00 that all contractors and sub contractors of any tier abide by the responsible contractor ordinance.

- **Jim Krueger:** Under the bid process, chapter 14 of contracts for public works (62ps 339 section), when we bid any type of public works where township funds are going to be expended, the responsible party is submitting to the engineering firm, through the plans and in the formal bid document, what they are going to accomplish and how they are going to accomplish it. The engineering firm then makes a recommendation, from the bids that are received, which company is awarded the bid. The responsible bidders are covered through the bid process. You can add to it the responsible contractor ordinance but under the present draft it falls under the L & I department. The L & I department has not been party to this. It's normally handled through the public works department and the engineering firm. Mr. Krueger gave out several handouts and a copy of the contract ordinance for general contractors (licensed with the township) that do work within the township.

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**OLD BUSINESS (Cont'd)**

**4. Responsible Contractor Ordinance Discussion (Cont'd)**

- **Ellen Jarvis:** The problem with most township ordinances and I believe this is probably true with ours as well is that the term responsible is not adequately defined or enforced. As a result, the public bodies sometimes hire contractors with little or no regard for qualifications or past history and then encounter serious problems during the contract. For example; our existing ordinance only requires contractors not sub contractors. We get into a position that the contractors are responsible but the sub contractors are not. Having witnessed some of the work at my home at the Villas at Five Ponds and/or we witnessed at the school district in our high school, that some of the work might have been done by less than responsible sub contractors; whereas, the contractors themselves are licensed and responsible. So, this more clearly defines the term responsible contractor and puts in certain qualifications that they need to meet in order to be considered responsible. Responsible contractor ordinances have been adopted by many communities throughout Bucks County. It is a going trend to make sure you don't have fly by night companies, especially fly by night sub contractors, coming in and doing work.

- **Jim Krueger:** Basically this ordinance that is in the draft deals with public projects and not home owners projects.

- **Ellen Jarvis:** At this time it does just qualify for public works.

- **Jim Krueger:** Under chapter 14 (bid process) contracts for public, we can draft an ordinance and adopt it but it also has to be part of the bid package for any work that's bid to the township.

- **Ellen Jarvis:** It definitely should be part of the bid package.

- **Jim Krueger:** It should fall under public works and the engineering firm to makes those recommendations rather than the L & I department. We are not technically capable without using the engineering firm, to find a responsible contractor when it comes to storm water work and street construction etc. We don't have inspectors. The engineering firm has the inspectors; that provides that service to the township.

- **Ellen Jarvis:** You are suggesting that there be some modifications to this draft ordinance that might put the onus more on public works and engineering.

- **Craig Kennard, PE:** I thought you mentioned at a prior meeting that you were looking to focus on, your example of, more the private work, home builders, the ones that are not already under the bidding process. This is all related to the public process. You may want to look at something a little more broad .....and more general toward the contractors that are working in the township. This was the direction I thought you were headed. This draft seems to go in a different direction. I would recommend, before we get too much further, that you have the solicitor look at it from a legal standpoint. There are a couple things in here about public review period, thirty days after notice of intent which seem strong..... If you are only doing public projects, most of that is already covered... In the private industry (home construction) you tend to hear the problems.

- **Ellen Jarvis:** I do agree that it might have been an oversight on my part....I really did want to try to encourage responsible contractors throughout the township.....there are a lot of people that have gotten burned in every township..... I just feel that the starting place was in public projects.....I think extending it further and saying that we would expect certain standards if you are going to be doing work in Warminster. To protect our residents is a good thing too. ....this is just a discussion item at this point.....

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**OLD BUSINESS (Cont'd)**

**4. Responsible Contractor Ordinance Discussion (Cont'd)**

- **Jim Krueger:** We do license sub contractors for any job that we are aware of. There are times that an individual could come into the township, bid a job, come in and get a license, and we don't know he is not going to be doing the plumbing work. In that case, if he is caught without it that individual who does the plumbing work has to come in and apply for a contractor's license. In part 6 of the contractor license of the codification, a procedure to go through is spelled out in the event they fail to provide a license. ....the biggest single problem we run into is the quality of work versus whether it's the code or not. There is always a discrepancy.....it is a very delicate balance we have to be involved in when it goes before a court system. Today, under the LLC licensing, they are in business for an X amount of period..... We provide the homeowners with the insurance information that's required under the contracting licensing ordinances .....some have been successful in collecting through the insurance company.

- **Gail Johnson:** I thought we were going to look more at people working for homeowners. It does seem to me that we are pretty well equipped to figure out who is a good contractor and who is not. We pay good money for that expertise. I am also concerned about creating new laws as opposed to revising our existing laws to include what is being addressed.....

- **Craig Kennard, PE:** .....As far as public projects, the township is well covered.....

**5. Appointment of New Committees – Discussion**

a) **Finance & Budget Advisory Board - Resolution was not changed, per updated statements.**

b) **Economic Development Commission –**

- **Frank Feinberg:** The intent is to have an advisory board to interface, get input.....be involved with respect to the community,.....an outreach with the business community in particular.... get the lay of the land and share the information. I have spoken to a few people that were in the former finance and planning group that indicated an interest but beyond that it (membership) has not been pursued since the resolution has not been approved yet..... The question is how are we going to implement it? It's not an easy one to answer

- **Gail Johnson:** To me, it is just an authorization to put together a committee and its up to them to figure out how to meet the objectives.... We all perceive that there's a problem that the business community feels like they have with our government, accomplishing what they're trying to do, running decent businesses.... It seems like a good idea to put a committee together to start looking into these things.

- **Fred Gold:** I personally don't think this is a committee that could speak for the supervisors

- **Frank Feinberg:** This is a fact finding committee, not to speak for anybody...

- **Fred Gold:** It's tough to get facts when you don't have the authority....to interact with the business community is something that should be a committee of the supervisors, as a body, to do this type of work not a committee.

- **Frank Feinberg:** It's confiding in a group that does have authority. You tend to tell the group that does have the authority what they want to hear. If you're talking to people.....just to find out what their problems or issues are, what they think can be done to improve the business community development, and are specific to how they relate to the township, the other buildings or wherever they're located, you are more likely to get forthright input, the real story.....

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**OLD BUSINESS (Cont'd)**

**5. Appointment of New Committees – Discussion (Cont'd)**

**b) Economic Development Commission (Cont'd)**

- **Ellen Jarvis:** My feeling is that it's incumbent upon this new committee to advise the supervisors in terms of how to make Warminster a more business friendly community to help offset our tax base. We need to see what we can do to enhance the quality of the businesses that we attract to Warminster so that we can grow our community. We can't be all things to all people here as the five members of our supervisory board. If we attract, as this resolution states, representatives from light industry, retail etc., we can see how we can grow Warminster better from business as well as from the residence community, and how we can balance our community. I think we just need a couple sets of eyes and that is what this community can do for us.

- **Frank Feinberg:** ...Let us do some talking with some of the people.....that want to be involved in this type of activity, there are good people out there..... come back next week, have some names. Look to make this, along with the Finance & Budget Advisory Board action items for the next meeting.

**6. Appeal of the Magliari Land Use Zoning Decision**

**Elliot Drexler, Esq.:** We had a conference with the judge...Mr. Shaffer, Esq. and I indicated to the judge that we still wanted to discuss....we weren't going to proceed in the short term until I could see what the board wanted to do. You have the copy of what Mr. Shaffer, Esq. prepared, which is a general idea of what he is looking for in terms of a settlement. The board has two options for consideration, one you can do nothing this would proceed to let the judge decide and secondly you can authorize me to work with the outline of the proposal.... If you want to consider this publicly as far as settling, I suggest that you notify the Benn Lane people who were at the zoning board hearing (most of whom objected). This is not required; you can just authorize me to settle this in terms that are mutually satisfactory. Just tell me what you want to do.

**Frank Feinberg:** Mr. Schaffer, Esq., letter indicates that we have already lost.

**Leo Quinn:** We lost what?

**Frank Feinberg:** Mr. Schaffer, Esq. basically said that his opinion is that the judge is leaning toward granting his client the requested variances.

**Elliot Drexler, Esq.:** The board decides what it wants to do. I wouldn't look at this as a win or lost situation. Look to the merits as to:

- What you think of the decision by the zoning board – whether you want to defend that or whether you want to come to some agreement.

**Frank Feinberg:** What we said at the last meeting, while we were leaning toward the applicant, is that we wanted Elliot to negotiate.

**Elliot Drexler, Esq.:** I did drop back a little bit and suggested a different procedure but, if that is what you want to do I'll go through this and make some comments...I'll get it back to you before I get back to Schaffer. Individually, give me your comments by email.

**Frank Feinberg:** Is it being suggested that Magliari can't sell the property without doing this?

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**OLD BUSINESS (Cont'd)**

**6. Appeal of the Magliari Land Use Zoning Decision (Cont'd)**

**Elliot Drexler, Esq.:** The property can be sold as a one house 4+ acre property. What this would do is create a second lot that they would sell, the lot which would be two houses on 4+ acres. (Each lot two acres).

**Ellen Jarvis:** My recollection of our last meeting was that we talked about having ...our engineer work with our solicitor to see if there was any problem from an engineering prospective (storm water). Craig said at our last meeting there really weren't any..... As I see it, the attachments from Mr. Schaffer, proposing certain stipulations ...he's drafted, to me seem very reasonable. He talks about that neither of the proposed lots would be subject to further sub divisions.....also currently there is a non-conforming commercial nursery on that property which does have it's own traffic and they will abandon that business and the appellant agrees never to assert a right to operate a commercial endeavor on this property ever again.... The only structures permitted on the proposed lot two will be a detached single family dwelling and a recreational accessory building (shed etc.) in compliance with the zoning ordinances. I don't know why we are basically wasting our solicitor's time to go back. This seems very reasonable.....let's just accept this as proposed and move forward.

**Craig Kennard, PE:** If you have any problems with these conditions, I believe you are getting deed restriction from further sub division which you can't require under the current ordinance, you are getting removal of a non conforming use that they can't come back which you couldn't do under your current zoning or sub division land development ordinance. We can address storm water. Traffic is not an issue. The only condition I would add...there are a lot of trees on the site...we said we would make it a condition that trees would be preserved and field located with supervision of the township engineer. Something to the fact that they just can't clear everything and we try to save the mature trees. ....that's the only thing I see missing. The rest are pretty good conditions. My recommendation for Elliot is to discuss that with their attorney and add that condition. I could work with Elliot on crafting the condition to preserve as many trees on the site as we can.

**Ellen Jarvis:** I make that motion that we accept this and just settle this without spending any more time and energy. Leo Quinn 2nd the motion, to authorize the solicitor and engineer to move forward. No vote was taken. The consensus of the board was in agreement.

**Elliot Drexler, Esq.:** I will get it back to the board.

**Ellen Jarvis:** Could we also ask that the parties registered might be notified that a settlement is being considered.

**Craig Kennard, PE:** recommends that a copy of the draft settlement be given to the parties.

**Ellen Jarvis:** I think open is a good thing, so I would say give them a copy of the proposed settlement as a FYI.

**7. Legal & Engineering Escrow Releases:**

a) Professional Development Services in the amount of \$1,023.32.

Leo Quinn so moved the motion. Fred Gold 2nd the motion. The vote carried 5-0-0.

b) AMC Delancey Rosemore – Rosemore Shopping Center in the amount of \$200.30.

Fred Gold so moved the motion. Ellen Jarvis 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**OLD BUSINESS (Cont'd)**

**8. Approval of vehicle fuel agreement with Ivyland Borough**

Leo Quinn made the motion to accept terms as written (Public Works 3/19/08 Andy Witt). Gail Johnson 2<sup>nd</sup> the motion.

**DISCUSSION:**

- **Fred Gold:** We have had problems in the past about Ivyland paying promptly. How do they stand about the animal control officer who had problem getting money?
- **Bob Tate:** I believe they are the one borough that does not pay a flat fee. They choose to pay per usage. I am not sure if they are in arrears at this time. I will look into that.

**Fred Gold:** Would like to table the approval for fuel till we know if Ivyland owes us money. All members of the board are in favor.

- **Leo Quinn:** We could issue them a debit card. They are going to be getting a very nice break getting the fuel through us. If we have them give us the money up front, do a prepay, how much money are we talking about?
- **Barbara Sultzbach:** I spoke at length with Andy Witt – he said that Ivyland will be given the same card and keys that our people have. A very strict record will be kept on their usage. They have two police vehicles – they are not 24-7. Day time usage – night time emergencies. Andy had no idea of how much usage. They would be billed monthly.
- **Barbara Sultzbach:** Last year there was a mix up. They wanted an itemized bill from our animal control officer. Unfortunately, the officer (various reasons) couldn't give them an accurate enough listing of how many hours he spent in Ivyland. We did get paid for what he had records for. It was agreed upon. Normally we bill, Warrington, Northampton, Warwick twice a year. Ivyland will now be billed as needed. We have signed contracts and we are very specific, this year, about the animal control issue.

**9. Employees Suggestion Program – Discussion**

- **Frank Feinberg:** I personally think it's a good idea to have a program which recognizes employees who do the jobs, come up with ideas to do something more efficiently and save money. The program needs to be structured.
- **Barbara Sultzbach:** Two years ago Andy Witt developed a machine for spreading brine at a cost of \$300.00. To buy, it would have cost the township about \$10,000.00. In appreciation, he was presented with a gift card. There are other instances where employees have come up with good ideas
- **Frank Feinberg:** Good example. I would like to see a formalized program encouraging employees to come up with ideas.
- **Bob Tate:** It would have to be linked somehow to the budget. If it is a real savings, we are truly under budget for a particular line item, category or expense..... It will never create an over budget situation. It's an idea to save money not spending the budget. If it's a qualified suggestion and its linked to a budget savings, we are clearly justified.
- **Frank Feinberg:** Even if it's not linked to a qualified savings if it makes something safer, easier, save man hours, or make something more efficient, we could have something minimal like \$25.00. We'll leave it to Mr. Tate to come up with a program and provide an outline by the first of May.

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**NEW BUSINESS**

**Lt. Jim Donnelly speaks about the new WMD/SWAT/MIRT Vehicle.**

- This vehicle is one of five or six in the county. The county (special operations) is divided into three sections. We are in the north end, there's south and central. Other vehicles are dispersed around for the major instant response team (MIRT) this helps with presidential details or if there is a riot somewhere. It is part of the five county programs based around a major city. Each county has one of those vehicles plus the other additional MIRT vehicles. The vehicles capabilities are basically to evacuate people, if need be, at a hot zone, for weapons of mass destruction whether it be biological or radiological. It is equipped with SCBA which is self-contained breathing apparatuses that help the officers go into certain polluted or contaminated environments that have a hostile person still inside. The fireman can't go inside due to the fact that there is someone in there with a weapon or such. That helps them get into that environment and coupled with the other vehicles in the county, helps the whole county respond in a better and more efficient manner.

- **Bob Tate:** How many officers can be transported and equipped?

- **Lt. Jim Donnelly:** About 18 officers including front cabin and back. If you go in the back it is fully developed with jump seats. They can put their SCBA on and still get up and move around and not fall and trip over each other.

- **Bob Tate:** And that equipment cost?

- **Lt. Jim Donnelly:** It is seated for twelve (12) SCBA at a cost of \$2500.00 a piece. The camera system is a couple thousand dollars, suits (triple thread for contaminated environment) about \$1800.00. You go in different mechanisms to check for polluted areas and contaminated areas. They are \$1,000.00. You have the radio systems. The outside has the various tools use by the police to get in and out of environment (tents, items for logistical purposes).

- **Frank Feinberg:** What is our responsibility with the vehicle here?

- **Lt. Jim Donnelly:** Basically, it is our responsibility to maintain the \$380,000.00+ vehicle. It is leased to us for approximately \$1.00 a year for as long as we want it. The only obligation we have is to share it with the other county areas. It was purchased through homeland security money. We staff it. If we go out to another part of the county, we are reimbursed for that officer's time. Training time is \$40.00 an hour and for an actual operation time \$50.00 an hour.

**PUBLIC COMMENT – None**

**SUPERVISOR'S COMMENTS**

**Gail Johnson: congratulates Frank Feinberg on his new granddaughter born last Friday.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, MARCH 27, 2008**

**AGENDA FOR APRIL 10, 2008**

- **Presentation of \$7500.00 check to VFW- Memorial Day Parade**
- **Warminster Rotary presenting check for the skate spot**
- **Authorization to advertise Ordinance for Vacating Portion of Road – (Hartsville Professional Center)**
- **Authorization to advertise the Towing Ordinance**
- **Ivyland Fuel Issue**
- **Ordinance for Shopping Center Garden Center**
- **Finance & Budget Advisory Board**
- **Economic Development Commission**

**INDIVIDUAL ACTION ITEMS:**

**1. Robert Tate**

- **Per Leo Quinn’s suggestion, there is a need for communication with the Navy, relating to the issues and problems (Shenandoah Woods) not addressed that will be transferred to the next owner when the land is deemed surplus.**
- **Elliot Drexler, Esq. did not receive Pennoni Sign Mylar letter dated March 19<sup>th</sup> (Pfeiffer)**
- **Check with Chief Murphy regarding John Priovolos (A-Z Auto Center) – duty tow issue**
- **Notify the chair of the Memorial Day Parade that the WMD/SWAT/MIRT Vehicle can be in the parade.**
- **Inquire of Pennoni to provide the board of supervisors with listing of the projects they still have. Ask for format similar to our township engineer’s report.**
- **Ivyland – Are they in arrears to the township? Debit Card? Pay money up front? How much money are we talking about?**
- **Preparation of draft for Employee Suggestion Program. Outline is scheduled for May 1, 2008.**

**2. Elliot Drexler, Esq.**

- **Check with Steve Harris regarding the Billboard on Street Road along the railroad for landscaping.**
- **Collaborate with township engineer in preparation of the “settlement condition for preserving the Magliari trees”.**
- **Negotiate settlement proposal terms with Magliari counsel (Mr. Shaffer, Esq.)**

**MEETING ADJOURNED AT 10:30 P.M.**