

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 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

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 7:05 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 thoughts and prayers the family of Norbert Ellis who passed away last week. Norbert, a resident of Warminster since 1964, was laid to rest yesterday.

ANNOUNCEMENTS, COMMUNICATIONS & MINUTES

- Bobbie Loftus, Warminster Tax Collector, reminds the residents that payment for the County, Township and Refuse Tax Bill at the discounted amount must be paid by 04/30/08. Says, her extended hours will be Saturday, April 26th from 9:00 A.M. to 12:00 Noon, and Tuesday, April 29th and Wednesday, April 30th will be from 9:00 A.M. to 7:30 P.M. She reminds the senior residents (62 yrs or older), in single family homes that pay the township for trash, that through the courtesy of the Board of Supervisors they are entitled to a \$55.00 discount on this bill. Says, seniors should remember to fill out the PA 1000 Form – Property Tax Rent Rebate Program. Changes have been made that allows more people to qualify this year than previous. These forms are available at the tax office and also at their state representative's office. Most importantly, seniors who do not normally file a federal income return should file this year to be eligible for the stimulus rebate.
- Ellen Jarvis gives her thanks to the Centennial School District for hosting the PA Music Educators Association Region 6 Chorus. The host director was Tyrone Dinkins (music educator at William Tennant High School). This event attracted students from 49 schools around the Delaware Valley to Warminster. It was a great concert.
- Ellen Jarvis mentions that Friday, April 11th from 8:00 P.M. to 10:00 P.M. the Daisy Jug Band in Concert will be appearing at St. Andrews United Methodist Church. This benefits our wounded troops. Admission is free. You are welcomed to give any appreciation offering during the concert. Refreshments are available.
- Gail Johnson reminds the residents that, Tuesday, April 22nd is the PA primary election. Suggests voters get out and exercise their voting privilege and become part of the expected large turnout.

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THURSDAY, APRIL 10, 2008**

ANNOUNCEMENTS, COMMUNICATIONS & MINUTES (Cont'd)

- Fred Gold presents the listing of new businesses and other interests that have moved or will be moving in the Warminster Township:

1. El Paso Express	289 E. Street Road
2. Valley Pediatrics PC	866 W. Bristol Road
3. Le's Nails (New Owner)	612 W. Street Road
4. Samir Shaya, Inc. – Sam's Auto Sales (New Name)	228 E. Street Road
5. Great Wall Restaurant	1135 B York Road
6. King's Island Chinese Restaurant	993 W. County Line Road
7. Nail Palaise	876 W. Street Road
8. F2D Entertainment	66 Evergreen Avenue
9. J. C. Hat Auto Tags, LLC	47 York Road
10. Ultimate Shower Door, Inc.	68 Evergreen Avenue
11. CT's Sale & Marketing	780 Falcon Circle, Suite 101
12. Electronic Recovery Corp.	780 Falcon Circle, Suite 124
13. Section 9 Studios	780 Falcon Circle, Suite 109
14. Lisa Farrell	780 Falcon Circle, Suite 109
15. Lizzy Leather	5 Evergreen Avenue (rear)
16. Dermagrafix	5 Evergreen Avenue (front)
17. Timeless Trim (E-bay Sales)	382 Nina Way

- Leo Quinn announces that the Park & REC Directory goes to print tomorrow. It will be mailed next week to the residents.
- Leo Quinn mentions that next week April 13th to 19th is Justice for Victims Week. This is put on by the U.S. Department of Justice, the National Center for Victims of Crime. On April 17th there is going to be a vigil held at Berks County court house at Reed & Washington Sts. at 11:15 A.M. At Kutztown, on April 19th, there is going to be a walk, speakers and butterflies released; part of the sponsors of this event are parents of murdered children. It starts at 9:00 A.M. goes to 10:00 A.M. The website for more information is www.ncvc.org and the telephone number is 1-800-FYI-CALL
- Frank Feinberg asked for the motion to approve the Minutes of March 27, 2008. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 5-0-0.

PRESENTATIONS - Dave Twiggs – Commander of VFW 6493 – Louis Drive

Thanks the township for their appreciation and the expenditure of the funds to help sponsor this parade. This year the Memorial Day Parade's route will be different. It will proceed down Henry Avenue to York Road (make left), York Road to Street Road (make right), down Street Road and make left on Louis Drive. It will be easier for the Police and Fire Company that blocks the highway. It is a little shorter and easier for people (older and younger) to get around. It is open to the public and back at the post, there will be sodas and hot dogs for everybody.

Leo Quinn: For the benefit of the board and residents could you explain from start to finish.

Dave Twiggs: We will gather at the township building at 9:00 A.M. The ceremony will start at 10:00 A.M. Immediately following, the parade will proceed. This will be about 10:30 A.M. to 10:45 A.M. The guest speaker will be Captain Kline from the Willow Grove Air Station. It's a solemn day.

Frank Feinberg presented the township check to Dave Twiggs in support of the Memorial Day Parade.

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THURSDAY, APRIL 10, 2008**

PLAN REVIEWS - Franklin Corp Center – Lot 5 - Preliminary

Becky Johnson, Esq. representing Franklin Corp Center apologizes to the board because they did not realize that they were on the agenda this evening. She asks the board to table this issue for two weeks. They will present their plan review at the April 24th meeting. She says they are wrapping up some engineering issues. Their engineer met with the township engineer this past week. It looks like we are on the same page. The company will verify tomorrow that the township engineer is ready to go in two weeks.

Gail Johnson: Franklin Lot 5 draws an amazing amount of birds and people come from all over the place. At some point, you scraped the land all the way down to dirt and now it is growing back. I would like to know what time of the year that was done and anything else you did to it that was unusual.

Becky Johnson said that she will check out the time of year of the scraping and provide the history of the site.

PUBLIC COMMENT - Frank Shilkitus -638 Lily Road

I live close to the construction project (improvements at the football stadium) at the High School. We just discovered that the fencing that is being used around the retention basin, which by plan was to go around the perimeter or the crest of that location, has instead been installed approximately 30 feet from that location all the way down to the property line. My neighbor Carol Jensen has found out that the school district intends to put up additional fencing from Lily Road up to the end connection of the fencing that runs parallel to Sweetbriar Road. Neither one of these things are on the plan that was presented to the Planning Commission and subsequently approved by the board of supervisors. They have deviated from the approved plan. I would like to know how they get away with that.

There were a lot of people that came out to that Planning Commission Meeting and we listened to everything that had to be said. Everybody was in agreement with that. At the subsequent supervisors meeting, three of the seated board members approved that plan 5-0. Specifically, at the Planning Commission Meeting, the Pennoni letter was reviewed and note 6 had to do with fences, monuments, etc. My copious notes, taken at that meeting, reads that the monuments would be reset, the iron pins would not be removed and the fencing to be done would go around the same boundary that was already existing for the football stadium. Since then, the school board has cried foul that the cost overruns were driven by the township by having to do additional work. By doing what they choose and not following the approved plan the school board is now putting their own additional cost into this project. This is not the plan we witnessed and was approved by the township. What is going to be done about it?

Tom Thern: Jim Krueger, not present this evening, was meeting with George (George Locke – Pennoni) today. I was out there yesterday. I issued another permit, not on the plan, to go up the side of Carol's (Jensen) property and back of all the houses on Sweetbriar. It has a different application that any business or homeowner can get. It does not have to be on the plan of the addition. I know Carol (Jensen) was complaining about it being off the property line and so forth. I have a letter here from Vick (Lasher) yesterday, stating that they are inside the property line thereby, giving Carol Jensen extra ground. If they were on the property line they would have had to cut down some trees. The letter states where the property line is and actually part of Ms. Jensen's driveway is on school property. They are just leaving that alone. Now, children will not be able to cut through her property which will be all fenced off with a 6' chain link fence.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

PUBLIC COMMENT – (Cont'd) - Frank Shilkitus – 638 Lily Road

Frank Shilkitus - The properties along Sweetbriar already have fences; most people have swimming pools. The only property that comes up to the school property that is not fenced is Ms. Jensen's. The other properties on Lily, with swimming pools, are fenced in the back.

Tom Thern: I guess they will have two fences then, because the fencing is going all the way over to the end of Sweetbriar.

Frank Shilkitus - If they are going to do that, they might as well fence the whole property.

Tom Thern: They might do that, I don't know. That doesn't have anything to do with the plan for the stadium. It's a separate entity, another permit issue, which I issue.

PUBLIC COMMENT - Walt Clemens – Saxony Manor

- Regarding the automobile impoundment behind the police station, he wants to know if there wasn't a better place, for instance the public works yard, to put that impoundment instead of at the municipal building.
- He discovered that we have a front end loader with a back hoe that cost \$166,000.00 and can't find it in the budget.
- He revisited the tax collector's income and from the 2008 Budget Page 5, Section 403 Tax Collection, listed various income items totaling \$49,254.00 which he says is the monies that Warminster Township pays the tax collector. Says, Warminster taxpayers also provide the tax collector with free air conditioning, heat, light, copier, fax machines, internet service, etc. Says, the money paid by Warminster and other income sources (the county, Centennial School, Real Estate Transfer Tax Certifications, dog licenses, and notary fees) totaling approximately \$126,757.00 is what the tax collector is making from the tax office in the Municipal Building. Says, since his accounting has been disputed the tax collector should make her 2007 Tax Return public.
- He would like comments on the front end loader and the automobile impoundment.

Bob Tate explained that the front end loader is in the 2008 Budget and is within the line item Capital Equipment / Capital Outlay \$471,000 (approximate). He said the actual price of the front end loader for public works was \$140,000.00 less trade in value of the old vehicle. The amount financed was \$118,000.00. Included in the capital expenditures were four police cars, two vehicles for licensing and inspections department, a breathalyzer, a service truck for public works (\$74,000) and another item that was a couple thousand dollars. He further stated that the fixed asset acquisitions (capital expenditures of the township) listing scheduled on a single page is available and free to anyone who wants a copy.

Ellen Jarvis interjected that when the board approved the expenditure of the \$471,000.00, and it is part of the minutes, I did ask Mr. Tate what those specific items were. Mr. Tate, at that time in a public meeting, detailed the front end loader, the police cars, the service vehicle, etc.....

Walt Clemens says they were not made public in the budget.

Ellen Jarvis stated they were made public in the meeting when the line item was approved, when we opted to spend that money.I just wanted to make it clear that it is part of the minutes that we would be happy to share with you.

Walt Clemens:I will stop by and get a copy of that from you, if you'll have it available....

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

SUPERVISOR'S COMMENTS

Ellen Jarvis: Just a point of clarification.....comments made at our last meeting ...I was quoted by one of the people in the audience to say.... Mrs. Jarvis agreed to grant a \$3,000.00 rent reduction to the tax collector calling it insignificant... I just want it corrected in the record that I never granted a rent reduction to the tax collector that I voted with other members of this board not to raise the rent. I never reduced the rent of the tax collector.

Gail Johnson: Mentions, he played Five Ponds Golf Course the other day and it is in great shape. He shot a 106. He recommends that everyone give it a shot.

Frank Feinberg:

A lot of work does go on outside of the meeting by the board of supervisors to try to do things. With the assistance of Mr. Tate and his staff, we have initiated a comprehensive review of major projects and programs such as streets, storm water, parks etc. This review will take several months to complete and results will be reported to the public once we have all the information.

Jim Krueger and Tom Thern were good enough to sit down with Bob Tate and I to explain the process and review of the land development approval process required. There have been complaints in the past of why it takes so long for Warminster to get development approved. After review, it is not us. We are required, by law, to respond within thirty days of getting the submittals. Developers and other outside engineers are not. We have cases in which we responded in thirty days and didn't hear back for six to nine months. We have had cases where people will come to a plan, try to come to a final plan and after going through many push backs many items are not resolved. I have the assurance that our staff works hard along with our township engineer to try to move the process forward as quick as possible and really do want to encourage redevelopment in Warminster. We have a lot of areas where we are living in the 50's and 60's with some of our strip malls and what not. We want to see things done properly and looking good.

We had an executive session prior to the meeting. The executive session essentially covered two main items:

1. Disciplinary action with respect to the police department.
2. Reviewing the situations regarding people building things on park property.

Fred Gold: I would like to wish all our Jewish neighbors a Happy Passover. The first Passover Sedar will be Saturday evening April 19th.

Leo Quinn: Gail, we received an extension from PECO on the clean energy proposal and you made a commercial. Do we have any updates? Are we getting the school involved? How long was it extended?

Gail Johnson: It was extended about a month or two. We still have to get our sign ups as quickly as we can. As far as I know the assistant principal at the high school is involved. The environmental committee at the high school is involved. I did put Molly Tsongas in communication with them. We are hoping they will be pushing it too.

TREASURER'S REPORT

Prepays: \$268,048.92
Grand Total \$1,112,537.46

Gail Johnson, Secretary/Treasurer, made a motion to approve the Check List (each board member has a copy) for April 10, 2008. The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.

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MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

CHECK LIST FOR PERIOD ENDING APRIL 10, 2008

Prepays - \$268,048.92	
General Fund	\$ 257,210.38
Park & Recreation Fund	27,930.38
Storm Water Management Fund	56,476.10
Sanitation Fund	289,749.33
Golf Fund	171,746.02
Debt Service	1,077.50
Highway Traffic Cap. Improvement Fund	5,736.78
Highway Aid	3,090.23
Legal & Engineering Escrows Fund	53,173.01
Payroll Date April 3, 2008	<u>246,347.73</u>
Grand Total	<u>\$1,112,537.46</u>

OLD BUSINESS

1. Adoption of Resolution 2008-07–P D Non-Mandatory In-Service Training Grant

Frank Feinberg asked for the motion to approve this resolution. Leo Quinn so moved the motion. Fred Gold 2nd the motion. The vote carried 5-0-0.

2. Reappointment to Bucks County Community Block Grant Advisory Board

Frank Feinberg recommends that this reappointment be tabled until the next meeting April 24, 2008 to give the board member’s time to review a few resumes for that position. Leo Quinn so moved the motion. The vote to table carried 5-0-0.

3. Appointment of New Committees

a. The Finance & Budget Advisory Board – Resolution 2008-02

Frank Feinberg asked for the motion to approve this resolution. Ellen Jarvis so moved the motion. Fred Gold 2nd the motion. The vote carried 5-0-0.

Leo Quinn: Who is gathering the resumes for this board?

Frank Feinberg: They will go to Bob Tate. We will advertise.

b. The Economic Development Commission – Resolution 2008-03

Frank Feinberg asked for the motion to approve this resolution. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 5-0-0.

Leo Quinn: One of the suggestions that I received is that we approach the Warminster Chamber of Commerce and allow them to appoint a member (must be a Warminster resident) to be approved by our board.

4. Approval to advertise Ordinance to vacate right-of-way at Hartsville Professional Village

Frank Feinberg asked for the motion for approval to advertise Ordinance to vacate right-of-way at Hartsville Professional Village. Ellen Jarvis so moved the motion. Fred Gold 2nd the motion. The vote carried 5-0-0.

Elliot Drexler, Esq.: There are two parts to this. There is the portion of the Old York Road right-of-way to be dedicated to Warminster Township which is the deed of dedication which we can do the same night that we will be accepting the deed of dedication. We should have the deed signed by the owner at this time. Secondly, there is a portion of road with two property owners; so, in order to vacate the road, you need to advertise the Ordinance. You need to authorize the advertisement of the ordinance. You can do that on the 24th. Pursuant to suggestion we just need to advertise that one time.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

OLD BUSINESS (Cont'd)

5. Authorization to award Constitutional Drive Storm Sewer project to Couzins, Inc.
Frank Feinberg asked for the motion for this authorization. Ellen Jarvis so moved the motion. Fred Gold 2nd the motion. The vote carried 5-0-0.

6. Appeal of Magliari Land Use Zoning Decision
Elliot Drexler, Esq.: As suggested at the last meeting, I spoke to Craig and we discussed the proposal and I am going to put something together based on our discussion to add some proposed conditions (storm water management and preserve additional trees subject to Craig's approval). We will get that back for your approval at the public meeting. What I would suggest is that the people who appeared at the zoning board but did not participate on the appeal be notified that this matter will be considered for settlement purposes at a specific meeting. Sometime next week I will give you the documentation. I will give it to Craig and let him look at it. It should be put on the Agenda for approval at the April 24th meeting.

Fred Gold made the motion to table until the next meeting when the package is complete. The vote to table carried 4-1-0 (Quinn).

Leo Quinn: We are just rehashing what we talked about two weeks ago, we didn't get anywhere.

Frank Feinberg: When we come back on the April 24th we want the full package and we will vote on the full package.

7. Authorization to approve Sunoco as 2008 Fuel Suppliers
Frank Feinberg asked for the motion for this authorization. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 5-0-0.

Gail Johnson: We did not get a flat rate. It will be a fluctuating market price.

8. Approval of vehicle fuel agreement with Ivyland Borough
Frank Feinberg asked for the motion for approval. Ellen Jarvis so moved the motion. Gail Johnson 2nd the motion. The vote carried 5-0-0.

9. Authorization to advertise amendment to Towing Ordinance # 676.
Ellen Jarvis: I would like to make the motion that we table this for two weeks. I have not yet incorporated the various suggestions that I have been receiving, some as late as today and John, from A-Z, this evening. The vote to table carried 4-0-1 (Quinn out of room).

John Priovolos – 674 Joseph Avenue – Owner, Operator A-Z Auto Center on Patricia Drive

- Provided the board with handouts.
- He accumulated surrounding communities' towing ordinances to give the board a view of what is out there in the surrounding areas.
- The scope of these towing ordinances may be two or three pages long. What we are trying to past in our township seems like a lot of paper work. I think we should try to streamline things and put it in more laymen's terms for people to understand.
- Provided a punch list that he prepared that may suggest additional changes.
- Said he is available to help work on this.
- Has a legal counsel that offered free service to put together a guideline.
- There are a lot of options that we can do to make this right.

10. Approval of Ordinance #675- Adding Garden Center Use to Shopping Center District
Frank Feinberg asked for the motion for approval. Fred Gold so moved the motion. Gail Johnson 2nd the motion. The vote carried 4-0-1 (Quinn out of room).

11. Employee Suggestion Program
Bob Tate: Presently, we are working with information that has not been formally adopted but it is an idea incentive that with work and input from other department heads can be developed. We are targeting the next meeting to present something on the employee suggestion program.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

NEW BUSINESS

Frank Feinberg asked for the motion for authorization to advertise three committees (the Finance & Budget Advisory Board, the Economic Development Commission and the Tri-Centennial Committee). Gail Johnson so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 5-0-0.

Ellen Jarvis:

I am the supervisor liaison to the Communications Advisory Board... which was previously called Cable Television Advisory Board..... Having attended the meeting on Tuesday night, it became clear that the existing committee that was in place from last year is dedicated to working on cable television.... They didn't realize that their responsibilities encompassed the broad range of communications. I am asking this board, by resolution....that I have written, to clarify the mission.

What we did in January was change the name of the organization to go back to its original purpose. I have a copy of the original charter of the organization and the group was called the Warminster Township Community Information Outreach Committee in which it says the intent of this policy is to provide criteria for electronic and print media programs in our community etc.... the various iterations of the committee have become focused solely on working on the franchise agreements,cable televisionhandling cable complaints. By changing the name,.....we still have a body that handles cable complaints but also has further responsibility.

What I am asking this committee to do is to consider keeping the name of the Communications Advisory Board but through resolution clarifying that perhaps there's a member to work on cable, a member to work on internet communications, a member working on print communications etc.. It has some very enthusiastic members that may want to be reappointed in those capacities. We need to give them more clarity, give them more direction; otherwise, we are going to be stalemated and won't be able to move forward being responsible to our community with appropriate communications.

We have a broad range of communications that are now available to us in today's world and we need to take advantage of some of the opportunities that present themselves for communications.

Ellen Jarvis gave the board members a copy of the resolution she prepared and asks them to look at this resolution in clarifying that committee (Communications Advisory Board). If necessary, appoint other members. Essentially, abolishing any other iteration, that may have existed in the past.....

Leo Quinn: Did you get a chance to run any of this by the members that are already on the committee now?

Ellen Jarvis: At Tuesday's meeting, the committee chairperson handed out a copy of a mission statement.....that only listed cable television as the sole function of the committee.other members ...handed out.....mission statements that included all ranges of communications.it is clear that there is much miscommunication..... They have not seen this document.

Frank Feinberg: This resolution will be on the agenda April 24th for action.

Ellen Jarvis: In the meantime I will send it to the members of the committee.

Fred Gold: There is a zoning meeting Wednesday, April 23rd about a cell tower on the water tower at Ivyland and York Roads. Does anybody have an opinion?

Tom Thern: There is already an antenna on top of that water tower. The hearing will be to co-mingle with another already on that tower. The other hearing that same night is for an antenna on the water tower at Centennial Station. I believe it is AT&T or T-Mobile. The water towers are on the Water Authority's property and the proceeds go to the Water Authority.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

NEW BUSINESS (Cont'd)

Leo Quinn: Is there anything official about a cell tower on the golf course?

Bob Tate: AT&T and Verizon are exploring sites within the township. Says, he has a letter from AT&T requesting to come before the board of supervisor the first meeting in May. I am not sure if they have a specific site in mind. They could do one tower and have both companies run off the same tower.

Fred Gold: I think we would be doing a disservice to our new residences that have not already moved in. There is going to be thirty-six units over there (Villas II). If this would pass before they move in, without them having a say, I think it is wrong. I certainly wouldn't want that cell tower near my house. Twenty-six out of thirty-six homes have been sold.

Bob Tate: The residents on Worthington as well as those who have at least put deposits on the property at the Villas II will be notified. They will have an opportunity to come and speak their opinion.

PUBLIC COMMENT - Carol Jensen – 625 Lily Road

My property is directly adjacent to the drainage basin that's been put in behind the football field at Tennant.I attended all the meetings, the zoning board's, the board of supervisors and the planning commission meetings. At those meetings, details were hammered out; they were explained. At the board of supervisors meeting, they were reviewed; they were accepted.

- The fence that is currently around the drainage basin exceeds the border on the blue print that was accepted by about thirty-two feet.
-It is not the way it was drawn up; it is not the way it was discussed; it is not the way it was accepted. It was approved by the board of supervisors.
- The issue I have...directly affects me....it (fence) is directly up against my property line..... The other situation for me is that I have learned that even though they stipulated and stated at those meetings that they were not interested in putting up any additional fencing, they now have applied for a permit to put additional.....chain link fencing which will go entirely around the outside perimeter of my property.
- I have a proposal which can save the school board a lot of money. I propose that they use the same fencing (since it is brand new), put it where it is suppose to be, directly on the top edge of the perimeter of the basin (it's only non-conforming on one side...the side where I live).....and save...a lot of money..... I did not move into this area so I could be fenced in.
- The board.....accepted and approved this plan as it was presented to them.
-I am asking for some kind of assistance with this. I don't believe the way they have conducted themselves (school board) is right. I believe that they had this as a secondary plan.....all along and that they merely changed it and did what they wanted.....
- It is not right.rules in place...need to have teeth in them otherwise everyone...is wasting their time.....I feel let down.

Leo Quinn: Mr. Thern do you have the plans with you. Did we actually approve the plan with fences? **Tom Thern:** Says, he wasn't at the meeting today with Carol and Jim Krueger. Says, he has the report that George (George Locke -Pennoni) did today after meeting with Carol but can't tell how close the fence is to Carol's property. Says, he was on the site yesterday and approved the additional 6 foot fencing that will go on the side of Ms. Jensen's property.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

PUBLIC COMMENT (Cont'd) - Carol Jensen – 625 Lily Road

Carol Jensen:

- The...meeting I attended.....it was stated that there will no additional fencing required other than around the retention basin. if that fence is put back to the edge of the retention basin the way it is in that drawing which is the plan that was accepted....then a fence around my property is not required.
-I don't understand why they (school board) are in such a hurry to spend additional money for a fence they don't really need. I do not have a lot of foot traffic through there. I ...don't get it.

Tom Thern: Says he doesn't have any control of the school boards spending. They are allowed to put up the fence. He approved where they want to put it even though it is not on the approved plan for the stadium. Says, any neighbor who would like to put a fence up would come in for a permit and if it meets all the criteria they would get a permit.

Leo Quinn: States, we approved a plan that had a fence (6') around it, just for the basin. The school board has decided that they don't want to put it on top of the berm but they still need to put up a fence around it so they decided to move it back.

Tom Thern: Says, correct. This way, the fence they came in for a permit for will meet up with that one and then continue all the way in the back of the houses on Lily to Sweetbriar.

Leo Quinn: Says, I don't know what we could do. The school board has complied with everything that they have asked us for and were told they had to do, and they have done additional fencing down the property line which is their prerogative.

Tom Thern: Says, I approved the additional fencing.

Fred Gold: Says, the original plan has the fence closer to the retention basin. Can they legally deviate from that?

Tom Thern: Says, I think they would have to come in for a modification. I don't know how it was recorded in Doylestown.

Craig Kennard, PE: Says, not being involved in the project, I will chime in..... Technically, Ms. Jensen is correct as far as where it is approved on the plans. In my experience that is a minor field change. I typically don't like to see a fence on the top of the berm; it creates more of a safety issue with someone falling down. Usually it's at the toe of slope or at the outside perimeter of the basin; that seems where they have gone. They have deviated from the plan as far as the fence but to bring that back in front of the board of supervisors you typically would not see with that type of minor change to the plans. Changes are made throughout the process. If it creates a health, safety and welfare issue obviously it would have to come back. If the zoning officer does feel that it violates another section of the zoning ordinance it would have to come back. As far as the additional fence, I agree with Tom that's something any property owner can do. Pennoni is handling this project but, Ms. Jensen is correct as far as the location of the fence. There are other logistics for adding fencing. Maybe it is a smart move to relocate the fence.

Fred Gold: Says, even if they put this fence at the top of the berm where initially intended, they could still put the fence behind your property. **Carol Jensen:** Yes they can.

Leo Quinn: Says, basically what we are saying to you is that they have done everything they said they were going to do and more.....

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

PUBLIC COMMENT (Cont'd) - Carol Jensen – 625 Lily Road

Carol Jensen:

- It is more for them not more for me.This is my home we're talking about, this is not an office building I go to when I get to look out the window for a couple hours a day and jump in my car go home to where its peace and quiet.
- This is my home! I paid a lot of money for that house and that property and I spent thirty-five years living there and I don't feel this is a proper way to treat a neighbor and that's really another thing it comes down to.

Leo Quinn: Asks, did you voice this to the school board in the same manner you're voicing it to us?

Carol Jensen:

- I didn't say anything to the school board Tuesday night because I had only found out about it Tuesday afternoon and was trying to explore my options.
- The first thing I did was to put in a call to the township and find out how I could get a hold of George (George Locke - Pennoni) so he could give me a proper reading.
- When I spoke to him on the phone today he said to me, you are correct the fence is not where it was approved to be.

Leo Quinn: Says, you're taking it out on us. The land owner is the school board and the person that put the fence there is the school board. The township did not put the fence there.

Carol Jensen: You are condoning what they did.

Leo Quinn: Says, what we are saying is we can't stop them from putting an additional fence on their property regardless of what they did here.

Carol Jensen: I understand that but what I don't understand is why you are not holding your feet to the fire on the other fence.

Craig Kennard, PE: Says, I just read the report from Pennoni. The ordinance says that the basin shall be surrounded by a fence. The location is up to their design engineer. I don't even support where it was, it sounds like it's in a better location.

Carol Jensen: It's not in a better location on the other three sides, because on the other three sides it's on the top of the berm.

Craig Kennard, PE: Says, the ordinance that the board votes on to enforce, for public health, safety and welfare, that moving the location still meets the intent of the ordinance. Technically, yes, it's a change from the plan but the ordinance that dictates that requirement doesn't say where to put the fence it just says to put it around the basin.

Carol Jensen: It also says there should be a fifty foot buffer. There is no fifty foot buffer. It is only thirty-two feet.

Craig Kennard, PE: Says, I can't comment, I'm not familiar with that part of the plan.

Carol Jensen: Well, it's in there. If you read the minutes, it is in there.

Tom Thern: Says, George (George Locke - Pennoni) has already looked at that. I will get a hold of him tomorrow and find out everything about the fifty foot buffer.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

PUBLIC COMMENT (Cont'd) - Carol Jensen – 625 Lily Road

Frank Feinberg: Says, we will be glad to copy you (Ms. Jensen) on our further findings. I'm really sorry you are going through this.

Carol Jensen:

- I am sorry I come across so angry but you must understand that this is my home.
- When I pay almost \$5,000.00 a year in taxes; I expect to be treated better than this.....

PUBLIC COMMENT

George Naylor – 1240 Benn Lane

Although he enthusiastically agrees with Gail Johnson that the Five Ponds Golf Course is in great condition, his somber purpose for being here this evening is to express concern regarding the Land Use Appeal of Magliari. It seems, party status was granted to a number of adjacent and nearby property owners affected by this who attended the Zoning Hearing Board of Warminster Township. They were all in agreement with the decision of denial. However, the Appellant (Angela Magliari), filed a Land Use Appeal to the Court of Common Pleas from the decision of the Warminster Township Zoning Hearing Board and subsequently, a Settlement Stipulation was proposed. Mr. Naylor contends that the affected parties were not given notification and further he doesn't understand why they were not notified that the appeal was on the agenda for this evenings meeting. He asks, are we supposed to be notified?

Frank Feinberg: Certainly, as a courtesy, but, there is no legal requirement. We will address this at our meeting April 24, 2008 (tabled tonight). We will make sure to send notice to all the neighbors.

George Naylor: Asks, prior to that meeting, will we have the written information to give us a chance to go over it?

Elliot Drexler, Esq.: This is an appeal to the Court of Common Pleas. None of the parties on Benn Lane intervened in that action, so legally you are not required to get any notice about anything and the township has the authority and right to discuss and settle this matter in any way they think is reasonable. I have suggested that the township give the property owners notice that this is going to be considered but it was not our intent to provide you with the document in advance (It is up to the board to request the documents be sent).

In response to questions asked by Leo Quinn, Mr. Naylor stated the following concerns:

- A whole bunch of us attended the zoning hearing board and at that particular time the zoning hearing board said if it comes up again, we will all be notified.
- Well it went to Common Pleas as opposed to going back to the zoning hearing board so consequently we were never notified at all.
- We just want to know what is going in before it goes in. I would like to be made aware of what they propose.
- We don't know what they have done now at the Court of Common Pleas.
- We objected to their putting in a road into the cul-de-sac.
- There are many water issues.
- We only want to know what is going on so we can respond reasonably if there are objections.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

PUBLIC COMMENT (Cont'd) - George Naylor – 1240 Benn Lane

As the conversation continued, the solicitor and/or a board member iterated that nothing changed from the original request and the following information was addressed:

- We changed our position as a township to consider that the four acre lot be sub-divided into two, two acre lots.
- What is being proposed is one house and one driveway to the cul-de-sac (no road)
- The following conditions are contained in the proposed settlement agreement.
 1. Neither of the proposed lots will be subject to further subdivision.
 2. The existing nursery will be abandoned and appellant agreed never to pursue any other business on that property.
 3. The house proposed is a detached single family dwelling.
- Additional conditions, the township will be proposing is:
 1. Preservation of trees subject to our engineer's approval.
 2. Storm Water Management.

NOTE: It was mentioned that land development and storm management issues would have to go through the Planning Commission.

PUBLIC COMMENT - Delores Kraft – 1266 Benn Lane

Delores Kraft is here this evening because of her concerns regarding the Land Use Appeal of Magliari. She first reflects upon seeing the township televised meeting in which Mrs. Jarvis was kind enough to say, if we are going to review this, we should notify the people on Benn Lane... she further says, everyone should be notified whenever any changes are made that close to their neighborhood.

She has been in her house for fifty-two years and is not moving for anybody.When this started, she had gotten copies of what was planned and everyone reviewed them and knew what was going on. She thinks the neighbors should have a copy of what the new plan is because it is obvious there is a new plan because the original plan calls for:

1. Two houses, now they are only putting one.
2. A cul-de-sac coming out to the existing cul-de-sac.

What at first appeared to be a misunderstanding was promptly explained by Tom Thern. It seems there was another plan before the one being discussed this evening. The actual original plan was a subdivision for two houses. That was withdrawn. It came back to the zoning board just for the one house. With the two houses, they would have had a cul-de-sac. The one house will require a driveway cut to be able to get onto the property.

Delores Kraft: We don't object to one house but just don't mess up our street.

PUBLIC COMMENT - Kevin Cawley – 1261 Benn Lane

Mr. Cawley is one of the residents here this evening regarding the Land Use Appeal of Magliari. His emphasis is on notification. Mr. Cawley begins his discussion by telling the board that Mr. Naylor was not given an answer to his question (stated three times), can we be notified by mail? He says he would like to bring the new board members up to date on what had happened previously and why it is such a big issue in that the entrance to Benn Lane is now head to head with an entrance with Poets Walk in Northampton.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

PUBLIC COMMENT - (Cont'd) - Kevin Cawley – 1261 Benn Lane

- He says, we had a big protest about that and what we were told at that time by the solicitor was, you need to get involved early on.....
- He says....now it almost seems like the board is saying why do you need to know. It is because we want to know...
- He says...we got in too late with the Poets Walk protest and I find it hard to believe that, especially, Mr. Quinn cannot remember Mr. Harris's comment that we made such a loud protest and one of our themes was notification.
- He says if any board member ever thinks that anybody in the township doesn't want to be notified that is a mistake. I can certainly speak for anybody on Benn Lane because that was a theme for anything we had to say.
- He says,.....there is a fundamental problem, there has been with other things going on outside of meetings, Mr. Johnson brought up where a vote was taken and he wasn't notified as a board member.
- He was told as were his fellow residents that the Warminster Board has no communications with the Northampton Board What do you think happened two weeks later?directed by Mr. Luce..... Delores (Kraft) & I walked across the parking lot and who was there, Ben Casole, Mr. Quinn and all the Northampton Board Members. What were they voting on? They were voting on pumping sewage into Warminster Township and I find it hard to believe that stuff like that doesn't happen behind the scenes.
- Why do we want to know? We want to know because it affects our home, it affects where we live.One of the concerns was, are they going be able to sub divide this property later.

Frank Feinberg: Bob, please make sure everybody on Benn Lane gets a letter officially notifying them of the meeting on the 24th. This will be discussed on the 24th.

Kevin Cawley: implies that the (Magliari) party status individuals did not take action on the Appeal of the appellant from the decision of Warminster Township Zoning Hearing Board because they were never notified about this appeal.

Tom Thern: explains that notification was given at the end of the Zoning Hearing Board. After the decision, the solicitor makes the announcement that you have thirty days to appeal. The appellant went to Bucks County to appeal the zoning board decision. You would have to appeal it also.

Elliot Drexler, Esq.: explains that when Mr. Shaffer (attorney for appellant) filed the Land Use Appeal (Court of Common Pleas) he also filed a Certificate of Service indicating that that he sent a copy of the Land Use Appeal to the Party Protestants (spoke names). That is the notice of the Appeal. Merely having your name noted doesn't get you into the Court of Common Pleas without taking some action. That is what the law requires.

Kevin Cawley: Basically, all I recall is the letter saying there's an appeal filed. I don't think most people would know how to proceed. That's a fundamental problem because most people would not know how to go and file something or anything like that. Everybody would do it if it were simple. Everybody's not a lawyer.

Frank Feinberg: We can't change the past. Going forward, we are going to have a meeting on the 24th to talk about this and you will be getting a letter from the township manager reminding you of that meeting.

Kevin Cawley: I appreciate that. I think everybody would prefer notification versus not being notified.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

SUPERVISOR'S COMMENTS

Ellen Jarvis: In light of notification, I want to remind residents who are concerned about the possibility of a cell tower being built on the golf course that AT&T has asked to come before the board on May 8th. Our meeting starts at 7:00 P.M. I would assume that this will be put on the Agenda for discussion. The letter we received from the attorneys for AT &T says that they will welcome the opportunity to address resident concerns and provide detail specifics of a site. I know last night when I spoke to residences of the Villas at Five Ponds and mentioned that this was a possibility, (hadn't yet received a copy of this letter) I had heard rumors this was happening. I addressed it and said if your are interested and/or if you friends, relatives, neighbor who are especially buying into the Villas Phase II across the street from the existing Villas at Five Ponds, that you would want to notify them. I do feel it is only fair to let the buyer beware but also let us educate you; let us communicate with you and it also goes back to what I said in the beginning, an earlier supervisor comment about our duty and desire and obligation to fully communicate with you and we have had issues with communication and I think it has got to start here. I sincerely do thank the residents who come out regardless of the anxiety that I know has caused many of you. I am certainly sympathetic with the cause. Again, we all need to do better communicating and I hope this is the start of a process. If you are interested or worried about a cell tower that could potentially be on the golf course please come out on May 8th.

Gail Johnson: Mr. Clemens brought up the impound lot. Seems to me I remember a discussion about why that was going to be there but I can't remember exactly. Chief (Murphy) will you fill us in on that.

Chief Murphy: Currently the impound lot that we have is at 910 Bristol Road. We are unable to secure evidence in that because we have no physical control over that lot. In order for us to insure that evidence vehicles that we take into custody has the chain of evidence properly maintained so we can use anything that we may find in a criminal prosecution, requires us to maintain control of that evidence at all times. This temporary holding lot is for temporary storage of a vehicle that we would tow in to be either processed as evidence, seized property that was going to be inventoried or needed to be retained in the case of a fatal accident for forensic examination. Once that is completed then the vehicle is removed from this site and taken to our long term storage facility because it's already been processed and no longer needs to be guarded. The purpose of that lot is so that we can guard that evidence. That lot obviously is not the most beautiful thing in the world. I would much have preferred something else. I racked my brain for the better part of two years trying to think of a way to be able to secure our vehicular evidence. We toyed with the idea of fencing off this compound between the two buildings but it would limit the access to the side handicap entrance here. There were a lot of things we bantered about. This was the best plan I could come up with in order to safeguard our evidence. We can use what we find to prosecute cases. Ideally, I would love to have it someplace else. That is under 24 hour surveillance, has video camera at all times, and is monitored by our desk personnel in the operations area. It's all recorded. We have absolute control over that facility. That's the reason that it is there.

Leo Quinn:

I want to comment regarding the communications and correspondence we have been discussing. I think it is important for all of us to understand some of the things that have happened here and what I think is the breakdown. Warminster Township and the board of supervisors, for at least the five years that I have been on the board, break our back to notify neighbors to what is going on, coming forward. We far exceed the law. We try very hard to make sure all the neighbors get letters when something is coming about way above what is required of us. We do what we need to do to comply with the state codes and the township codes. In addition to that, our meetings are televised; not all the townships are televised. Our meetings are on the radio. You can watch our meeting two times after it actually happened. You can get copies of the meetings.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, APRIL 10, 2008**

SUPERVISOR'S COMMENTS (Cont'd) – Leo Quinn

The fact that everyone from Benn Lane was represented at the zoning hearing board shows that you were notified; you were given an opportunity to say what was on your mind. You were here. As far as the records said, a number of people took party status. The point is you were notified in some manner. The breakdown here is not with Warminster Township. Once it was an appeal to the Court of Common Pleas and that is where the people on Benn Lane, although notified, didn't know what to do with the notification. My point is this was not a Warminster Township issue at this level. This is something that happened after we were involved in the process. Now that we are back in the process, we brought it back in the public forum. I have no problems with them getting re-notified because we kept bantering that back and forth. This is an unusual case. Very rarely do we get involved where we have something coming back at us from Court of Common Pleas. This is new to us; how do we proceed with this. I don't think it is right for us to accept the fact that we are not notifying the public because I know we work very hard to do that.

Also, there was a mention that I did something with Northampton Supervisors behind the scene at a meeting. I am not sure what he is referring to. I was at one Warminster Municipal Authority meeting which is out in the back here. I was there once and he was at the same meeting; that is very unusual (from the audience, Delores Kraft says she and Kevin Cawley were sent over there by Mr. Luce). Ok, one meeting that's amazing. I was there one time, that's all I have to say.

AGENDA FOR APRIL 24, 2008

- Check presentation from the Warminster Rotary for the Skate Park
- Franklin Corp Center - Lot 5 – Preliminary Plan – Tabled 04-10-08
- Reappointment to B C Community Block Grant Advisor Board – Tabled 04-10-08
- Appeal of Magliari Land Use Zoning Decision – Tabled 04-10-08
- Authorization to Advertise Amendment to Towing Ordinance # 676 – Tabled 04-10-08
- Employee Suggestion Program
- Resolution to clarify mission of the Communications Advisory Board
- Hartsville Professional Village Ordinance

INDIVIDUAL ACTION ITEMS:

1. Robert Tate

- Regarding Magliari Land Use send official notification of the scheduled township meeting on April 24, 2008 to the listed adjacent and nearby property owners.

NOTE: George Naylor – 1240 Benn Lane (is not on the listing)

2. Elliot Drexler, Esq.

- Provide proposed conditions (full package) – Preservation of trees subject to our engineer's approval – storm water management- to be voted upon by the board on April 24th.

3. Tom Thern

- Check with George Locke (Pennoni) regarding a requirement for a fifty foot fencing buffer (football stadium project).

MEETING ADJOURNED AT 9:00 P.M.