

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, APRIL 24, 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 7:02 P.M., by Chairman Frank Feinberg.

The PLEDGE OF ALLEGIANCE was led by Leo Quinn, followed by a moment of silence for our troops around the world.

**ANNOUNCEMENTS, COMMUNICATIONS & MINUTES**

1) Frank Feinberg makes the motion to approve the Minutes of April 10, 2008 with an amended change (page 5 of 16-Frank Feinberg-first line fifth word).

From: A lot of work does go on outside of the meeting.....

To: A lot of work goes on outside of the meeting.....

Gail Johnson 2<sup>nd</sup> the amended motion. The vote carried 5-0-0.

2) Bobbie Loftus reminds the residents that the County, Township and Refuse Tax Bill (discounted rate) must be paid by (not mailed by) Wednesday, April 30, 2008. She will be open this Saturday, April 26<sup>th</sup> (9:00 A.M. to 12:00 Noon) and Tuesday, April 29<sup>th</sup> and Wednesday, April 30<sup>th</sup> from 9:00 A.M. to 7:30 P.M. Seniors should call her office to verify eligibility for the \$55.00 trash discount.

3) Frank Feinberg, speaking for the board of supervisors announces the following:

The regular meetings of the Warminster Township Board of Supervisors are broadcast live on public access television and radio channels, and air without sound delay. There is no delay in transmission and no editing during the meeting. Please note that some townships do not televise their meetings. It is not a requirement. Further, unedited audiotapes from each meeting are available at the Warminster Public Library. Approved minutes of each meeting are posted on the Township's website at [www.warminstertownship.org](http://www.warminstertownship.org). As an extra service, these meetings are rebroadcast on Sunday and Wednesday nights following each meeting to provide residents with the opportunity to view a meeting they may have missed. Please note that "profanity and verbal attacks" will not be tolerated, per our Meeting Policy. Rebroadcast versions of the videotape may be edited, at the township's discretion, to delete objectionable language (profanity). Note that this is a policy followed by the national and local commercial television networks and enforced by the FCC.

4) Kohl's Department Store, in recognition of Child Abuse Month, will donate \$500.00 and provide five of their employees to do community service for three hours on Saturday, April 26, 2008 to organizations that serve the children. The board of supervisors thanks Kohl's for their support.

5) Leo Quinn said that on April 15<sup>th</sup> the pretrial was held for his son Kyle at the Reading Courthouse. On behalf of himself and his family, he publicly thanks and extends gratitude to all of the friends, neighbors, members of Centennial School District, members of the Warminster Republican Club and members of the Warminster Rotary that attended the hearing. The courthouse which holds about 200 people was packed. It was very touching.

6) Frank Feinberg stated that the board of supervisors had a brief executive session to discuss the filling of an employee position in the township.

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**PRESENTATIONS**

**Rotary Presentation to Warminster Skate Spot**

Dr. Anna Marie Valeriote, Chiropractor and President of the Warminster Rotary Club gave a brief overview of Rotary. She said, it is a volunteer organization of business and professional people united world wide which provide humanitarian service, encourage high ethical standards in all vocations, and help to build good will and peace in the world. There are 28,000 clubs in 155 countries which comprises Rotary International. There are over one million Rotarians in these clubs who subscribe to the motto, "Service above Self". The Warminster Rotary Club was started in 1962 and currently has 43 active members and seven honorary members. In order to successfully achieve their goals, new membership is always encouraged. Meetings are held weekly on Tuesdays at Noon at Giuseppe Pizza in Warminster. An invitation was extended to all professional men and women to come to one of their lunches and see what the Warminster Rotary is about. The rotary can also be visited on their web at [www.rotaryclub.org](http://www.rotaryclub.org). The club is forever growing and serves to continue to provide services especially to the community of Warminster. Dr. Valeriote is here tonight to demonstrate just a portion of what the Warminster Rotary Club can accomplish for the community. This past March the Warminster Rotary held a fund raiser in honor of Kyle Quinn and raised \$4,700.00 to be put toward the Warminster Skate Spot dedicated in memory of Kyle Quinn. On behalf of the rotary club a check in the amount of \$4,700.00 was presented to Warminster Township Parks Department and accepted by Frank Feinberg and Leo Quinn. Following the presentation, Dr. Valeriote, Arlene Gilbert, Judge Daniel Finello, Jr., Frank Feinberg and Leo Quinn posed for pictures. They were joined by the President of the Warminster Skate Club, Tom Panzer and two teenage club members, for a complete group picture.

Leo Quinn: Warminster Township will be matching the money that was raised. It will be put toward new equipment that will be used at the skate spot. Volunteers will be needed in a couple months to put it all together.

**PLAN REVIEWS**

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

On behalf of the applicant, before the board of supervisors tonight is Adam Matalawski, Esq. and Mike Jeitner, Project Engineer. Mr. Matalawski, Esq. states that Warminster Equities, LLC came before this board and received their preliminary plan approval (01-31-08). On April 2<sup>nd</sup> they received their conditional recommendation of approval from the Planning Commission. All conditions that were suggested by the Planning Commission were acceptable to the applicant. A particular item of concern from some of the neighbors (Greene Street) behind the proposed shopping center was the accumulation of water in their backyards. As the Planning Commission found, the neighbor's water problem was not caused by the applicant's property nor would it be exacerbated by its development. The Planning Commission did ask that the developer take a look and see what could be done to help correct the problem area. Mike Jeitner went to the site and received approval to enter the properties of two of the four neighbors.

Members of the board of supervisors were given an aerial photograph that shows the constructed Commerce Bank and an open grass lot for the proposed two retail buildings. Directly behind the grass lot along the rear of the property are the four properties that were discussed with the Planning Commission. Currently those properties slope down to the rear of their property which butts the applicant's property line. It is a natural low point back in that location. The applicants' property along the ridge of where the landscaping is existing today also drains down to that area. It's an existing condition that has been out there well before the applicant came in, and even before the Commerce Bank application. There is ponding back in that area....and due to the natural low point of the property there is no place for the water to drain off.

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**PLAN REVIEWS (Cont'd)**

**1. Warminster Equities, LLC – 450 York Road – PC# 07-01 - Final Plan (Cont'd)**

Through discussions with the Planning Commission, it was stated that along the rear property line that at some point there was a natural swale..... Through the natural course of run off and also through such things as sheds being added to the rear property lines and also trees and fences that swale has deteriorated..... In essence, at the rear of the property line, the water doesn't go any where; it just sits in a ponding condition. Also.....there is a very high water table.....

**Possible options discussed:**

1. Providing some type of drain pipe going across the rear - this was somewhat cost prohibitive (approximate cost \$70,000 to \$100,000) but more importantly would require the need for all four property owners to join into a common agreement and easement through that property and also maintenance of any line that may be installed.
2. Just putting an inlet on the one lot (#158- corner property - 409 Greene) to collect some of the water that is discharging and pipe that into the applicants drain pipe that is right along the berm area that is on the plan. This is a more viable option (approximate cost \$5,000.00 to \$10,000.00) in regards to trying to collect some of the run off prior to getting to the other neighboring properties. This option has been roughly designed and a survey needs to occur in the back property line in order to determine the feasibility.

The proposed development will have an underground storm management basin which will collect the water, discharge it in hard pipe into the existing underground piping; this is going to further assist the run off in that area. The majority of the problem is the natural low point of the property and more importantly the high ground water elevation. The applicant is willing to work with the neighbors to come up with a potential solution and continue to work with the township engineer to fine tune the second option design. They are willing to do the work and install the inlet but they want to turn over the maintenance and responsibility back to the homeowner to the extent that it's not on their property. Although they will design as best they can, they can't guarantee that it will work forever. An agreement with some hold harmless language will be needed. The applicant with respect to the proposed inlet would need waivers from section 519 of the townships Subdivision and Land Development Ordinance (Section 519 2d requires 15 inch pipe – waiver for 10 inch pipe, Section 519 2e requires reinforced concrete pipe – waiver for PVC, Section 519 2b pipe capacity). Jim Krueger said the reinforced concrete pipe section no longer exists – poly is fine. Mary Stover says they are not using poly they are using PVC currently on their plans.

The applicant has agreed to comply with the conditions of the Planning Commission with the exception of the offsite improvements where the Planning Commission indicated that it would have to be designed prior to approval by the board of supervisors and the applicant asks that be a post approval condition. They have complied with all comments from township engineers and ask this evening for final approval.

**Mary Stover - comments regarding inlet:**

- The applicant is offering the one inlet solution. They would put an inlet on the neighbor's rear property and it would actually connect back into their private storm sewer system on their property which ultimately drains into the township system
- An easement would probably be needed to do the work on the neighbor's property. There needs to be an agreement as to who is to maintain that easement and that inlet.
- It is definitely a benefit to the area. They are just trying to help the neighborhood.
- We agree that the water collected with this inlet is not the water coming off their own site; it is coming from the neighboring properties. It is not something the developer caused.

**Mary Stover - comments regarding waivers:**

- The offsite improvement is in a sketch phase at this point; that improvement itself may require some waivers.
- We were only looking at a 50 year storm rather than a 100 year storm and possibly the size or type of pipe might be a little different than the normal standards but we need to look at the design a little bit more carefully to come up with a solution to know how to address those waivers.

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**PLAN REVIEWS (Cont'd)**

**1. Warminster Equities, LLC – 450 York Road – PC# 07-01 - Final Plan - Mary Stover (Cont'd)**

**Mary Stover - other comments:**

- Recommends proceeding with approval.
- Says, the applicant accepts the fee of \$3,000.00 in lieu of the Traffic Study.
- The applicant agrees to address the Pennoni letter.
- At the Planning Commission meeting there was some discussion regarding the existing gravel path that comes off of Henry Avenue. Our comment was that it was not ADA compliant. The neighbors concern was the location of the path and the park benches that sit along that path.
  - A condition of the Planning Commission approval was that the path be removed and replaced with a new concrete path that will lead down to York Road.
  - It was agreed at the Planning Commission that they could relocate the park benches to this new path area. That was made a condition by the Planning Commission.
  - There was a condition that they provide an escrow to cover the site / off site improvements.
  - There was a condition that had to do with a manhole on York Road that rattles when you drive over it. They are going to be addressing that through their highway occupancy permit with PennDot.

Craig Kennard, PE: Any additional waivers, subject to the township engineer's approval could be simply addressed when you approve and sign the record plans. By that point they will have it finalized. Another option, granting a general waiver for storm water management requirement or any other applicable ordinances subject to township engineer's approval related to that design only for the off-site improvement and provided with the recommended escrow, I think you're covered and don't need to revisit that issue.

Elliot Drexler, Esq.: Final approval for Warminster Equities, LLC is subject to the following:

- Warminster Township Planning Commission letter dated April 3, 2008.
- Fuller Engineering letter dated March 28, 2008.
- Pennoni letter dated March 21, 2008.
- Fee payment of \$3,000.00 in lieu of traffic study.
- The offsite drainage improvements are subject to additional waiver at time of final plan recording.
- Subject to approval by township engineer.
- The two waivers that were mention to section 519 of the zoning ordinance
- To all the prior review letters that were submitted at the time of preliminary plan approval.
- Land Development Agreement
- Financial Security Agreement
- Escrows for the offsite land improvement. The time the agreements are submitted it will include that escrow.

Fred Gold so moved the motion for Warminster Equities final approval. Approval is subject to the conditions as outlined by Elliot Drexler, Esq. Ellen Jarvis 2 <sup>nd</sup> the motion. The vote carried 5-0-0.
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**PLAN REVIEWS**

**2. Franklin Corporate Center – Lot 5 – TMP#49-9-526 - Preliminary Plan**

Present tonight is Neil Stein, Esq. attorney for Franklin Realty and Roger Willcox from Franklin Realty.

Neil Stein, Esq. is requesting, from the board of supervisors, a preliminary land development approval for Lot #5 of the Franklin Corporate Center on Veterans Way. This land development proposal is to construct a 36,524 square foot two (2) story office building on a 3.953 acre site. A total of 184 parking spaces and two access points on other side of the site on Veterans Way are proposed.

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**PLAN REVIEWS (Cont'd)**

**2. Franklin Corporate Center – Lot 5 – TMP#49-9-526 - Preliminary Plan (Cont'd)**

The Township of Warminster Planning Commission and the Bucks County Planning Commission has recommended approval of the plan. There are some waivers that are being requested in connection with the plan.

Fred Gold: Would you go over the items you are looking for a waiver?

In answer to Mr. Gold's question, Neil Stein, Esq. chooses to use the Gilmore & Associates, Inc. review letter dated March 12, 2008 as a reference for the needed waivers. He presented the following list which also includes the comments of the township engineer:

- Under Zoning Ordinance B5 - In the Franklin Corporate Center, historically 5 foot landscape islands have been used. This plan is consistent with the 5 Foot landscape islands. This notation indicates landscape islands of 8 feet. I don't know if submission of our plans predated this ordinance requirement. The landscape islands have always been and are proposed to continue to be 5 foot in width.

Craig Kennard, PE - This has been addressed and they are complying with the ordinance. Typically this is not a waiver request.

- Under Zoning Ordinance B8 – Sidewalks – Currently if sidewalks were installed on this lot they would not particularly connect to anything. There are no sidewalks along the frontage of Lot 6. I believe the proposal is to defer the sidewalks. Consider this waiver withdrawn. We will do the sidewalks in connection with this lot.

Craig Kennard, PE: We had a meeting of the minds and worked that out at staff level with Mr. Willcox and he's now agreed to do that.

- Under Subdivision and Land Development Ordinance C3 – Partial Waiver – features within 400 feet – there is information being provided in the plan to comply.

Craig Kennard, PE: Gilmore supports that.

- Under Subdivision and Land Development Ordinance C8 – Crosswalks – this is not a waiver more a clarification that the crosswalks are provided with respect to the driveways to this lot not with respect to Veterans Way.

Craig Kennard, PE: That is not a waiver. We have worked that out with Mr. Willcox.

- Under Subdivision and Land Development Ordinance C12 – Driveway width – not certain if this is a waiver or merely a clarification.

Craig Kennard, PE: That is a waiver request. Gilmore supports that.

- Under Subdivision and Land Development Ordinance C15 – depth of the Bituminous concrete base.

Craig Kennard, PE: If the waiver is needed Gilmore supports that. We did work that out at staff level.

- Under Subdivision and Land Development Ordinance C18 – Waiver to allow a portion of the driveway to traverse a sanitary sewer easement. This will require the approval of the Municipal Authority as well.

Craig Kennard, PE: Gilmore supports that with that condition. As referenced in our letter, they need to obtain approval from the Municipal Authority to have that encroachment and easement.

Craig Kennard, PE: There are no more waivers. Under Storm Water Management Comments D1 & D3 are not applicable. That section of the ordinance has been revised and they are no longer part of our review. The Planning Commission did mention that in their approval. Under Storm Water Management Comments D6, D7 & D8, we will be working this out with the applicant. We have discussed that and reviewed that during our staff meeting. They will be able to address our comments.

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**PLAN REVIEWS (Cont'd)**

**2. Franklin Corporate Center – Lot 5 – TMP#49-9-526 - Preliminary Plan (Cont'd)**

**Elliot Drexler, Esq.:** The preliminary plan approval for Franklin Corporate Center Lot 5 is subject to the following:

- Warminster Township Planning Commission letter dated March 28, 2008.
- Gilmore & Associates, Inc. letter dated March 12, 2008.
- Bucks County Conservation District letter dated February 13, 2008.
- Bucks County Planning Commission letter dated February 8, 2008.
- Under Subdivision and Land Development Ordinance - C3, C12, C15 & C18. (Waivers as requested from Gilmore's Review letter dated March 12, 2008)
- Under Storm Water Management Comments D6, D7 & D8 subject to further review by the engineers.
- Kaplan/Stewart, Attorneys at Law, Mr. Stein's firm dated March 17, 2008, indicating their review of the review letter and their compliance with all the other items.

Leo Quinn so moved the motion for Franklin Corporate Center's Lot 5 preliminary plan approval. The approval is subject to the conditions as outlined by Elliot Drexler, Esq. Fred Gold 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**PUBLIC COMMENT**

**Jeffrey Vitcov -1266 Log College Drive**

- He comes to the board for help, in regard to the residence at 1250 Bristol Rd.
- He says it is a rental property with numerous tenants' that are very rowdy. He has called the police numerous times as early as 2 A.M. in the morning. He's at his wits end with all the loud music. The property was originally a farm.

**Jim Burrell - Warminster**

- He comes to the Board to express his concerns in regard to the residence at 1250 Bristol Rd
- On October 29, 2008, at the zoning board, the owner of the said mention residence was denied additional apartments. He is now in the process of appeal.
- The property is now zoned residential R-1 – single family dwelling. It was made into three (3)apartments. How can he have apartments in a single family dwelling?
- He has quite a few living in these apartments
- There are migrant workers working in there.
- Spoke with Mr. Tate and we have not heard – we are wondering what is going on. It's not fair to the neighbors. Something should be done.
- It appears they are building something else in back of the main house.
- The house with 2 apartments in it was added on. It wasn't a house it was originally a shed.

**Bob Tate:** They are set up as rental properties. We are collecting the rental license fee on each of the properties. He does have permission to operate as a rental property on that site. The issues you are raising as far as disturbing the peace and other matters like that have to be look into by the police.

**Tom Thern:** We are talking about two different issues. The rentals in the old farm house are the ones we are collecting the rental licenses. Then he came in for additional apartments which came through the zoning and was rejected; he is appealing that at the county. The additional ones in the barn area (versus the main house) are the ones they are appealing. The others are pre-existing and permitted as rental properties in the large house.

**Frank Feinberg:** This is quite involved. We will have L&I go over and take a look at the property on Bristol Road. We will get back to the neighbors.

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**PUBLIC COMMENT (Cont'd)**

**Walt Clemens – Saxony Manor**

- Wants to compliment Mr. Johnson on his very good presentation about Warminster going green as seen on the character generator.
- Wanted to clarify that the use of profanity was objectionable for the public as well as the dais. Mr. Feinberg clearly defined it applies to everyone.
- Says, when he critiques the budget, he thinks Mr. Feinberg seems to take it as a personal attack and adopts an adversarial attitude; a wrong attitude toward any public speaker.
- Says, in the last three years the townships budget increased over five million dollars, including two million for the 2008 Budget.
- Says, he needs more people to come forth and help him clamp down on the spending.
- Says, the front end loader that he mentioned at the last meeting was never voted on in public as required by the Second Class Township Code. It was received at Public Works in January so would have had to be approved in December.
- From the 2008 budget under paragraph 403 – Tax Collection line item 08-01-403-161 FICA, he wants to know why we are paying \$2,074.00 in FICA for an elected official; as an elected official she is an independent contractor and should be paying her own social security.

**Bob Tate:** The wages of the tax collector are paid through the township payroll. The line item FICA is a payroll tax based upon the salary she earns.

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**NOTATION:** Later in the evening after Mr. Tate reviewed the 2008 Budget the discussion regarding FICA resumed.

**Bob Tate:**

- Clarifies that the salary for the tax collector is stated in three separate line items. Just below that is the line item that Mr. Clemens referred to for FICA on those three amounts. The tax collector is paid through payroll and that is the Social Security and Medicare tax expense of the township to pay that payroll.
- Technically that does make her an employee.
- There was an audit done by the department of labor some years back, I was told and I don't know the exact year and at that time certain payments were being made on a 1099. It was deemed inappropriate and that the tax collector should be paid as an employee through the payroll system.
- Suggests there is just a misunderstanding. The tax collector is an elected official. The tax collector is paid through the township payroll.

**Walt Clemens:**

- Expresses that he was adamantly told that the tax collector was not an employee but an elected official. Now he is told she's an employee, a contradiction in terms.
- Said this sounds like a conflict of interest.

**Gail Johnson:**

- The supervisors receive W-2's. Part of our Social Security is paid by the township.

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**Ellen Jarvis:** Reads from the minutes dated February 14, 2008 in which Mr. Tate was asked to list the vehicles that were included in the \$471,000 lump sum, this list included the front end loader. It was voted upon at this public meeting. The vote carried 5-0-0.

**Walt Clemens:** The front end loader was here in the Parks & REC parking lot in January. You voted on it in February. You voted after the fact. You are suppose to vote for spending before you spend it not after you spend it

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**PUBLIC COMMENT (Cont'd)**

**Richard Luce – Henry Avenue**

- Wanted to bring to the attention of the board that there is a requirement for public comment before the board takes official action. I noticed tonight that you approved a major land development twice and you did not ask for public comment which is a violation of the Sunshine Act as well as sections of the Municipal Planning Code. There is nothing you can do about it now but I caution you in the future to be aware.

**Edward Hoffman – Deputy Chief Warminster Volunteer Ambulance Corps–555 Evergreen Ave.**

- We want to thank the board and the residents of Warminster Township for the support over the last six or seven months and that we've been working very diligently.
- One of our residents (Dee Young) gave us a large sum donation to purchase a bike team. These past two weekends we spent thirty six hours in training class. We now have an official EMS Bike Team in Warminster Township.
- We have had our first EMS call on a bike.
- We want to thank Parks & REC Department who recently gave us a \$1,300.00 Grant to insure the bike teams success.
- The township has just recently issued payment for our third and final ambulance.
- We have just received the final Expedition from the townships police department. They had two Expeditions they were getting rid of which they donated to our organization. We had to get rid of our two vehicles and give it to the township so they can sell and bring money back to the township.
- We want to get the communities' business members to give us help.

**SUPERVISOR'S COMMENTS**

**Gail Johnson:** Encourages people to sign up for clean energy. It's a good opportunity to spend the extra \$7.50 or so a month. The township will have a solar panel. We would be doing something about global warming. We need a response.

**Frank Feinberg:** A concern resident wants to know if all the new businesses are paying their fair share of the taxes.

**Tom Thern:** Berkheimer Associates gets the same listing which is given to the board of supervisors of the new businesses in the township.

**TREASURER'S REPORT**

**CHECK LIST FOR PERIOD ENDING APRIL 24, 2008**

Prepays - \$109,739.66	
General Fund	\$ 264,595.05
Fire Fund	137,887.00
Library	107,071.00
Park & Recreation Fund	29,170.86
Storm Water Management Fund	196.00
Golf Fund	35,156.65
Highway Aid	21,440.00
Legal & Engineering Escrows Fund	3,773.00
Payroll Date April 17, 2008	<u>26,753.22</u>
Grand Total	\$ 863,042.78
	=====

Gail Johnson, Secretary/Treasurer, made a motion to approve the Check List (each board member has a copy) for April 24, 2008. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.

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**TREASURER’S REPORT (Cont’d)**

**Fred Gold:** Have all the checks we are voting on tonight been signed and reviewed in totaled?

**Gail Johnson:** I have looked at and signed each bill that is being approved tonight. I do not have the second and third signatures at this point.

**Fred Gold:** Each bill should be reviewed and signed before we vote on it. At every meeting are they all signed and reviewed when we vote on it?

**Gail Johnson:** That has not been the case at every meeting, it is the case at this meeting. I will make sure they are reviewed and signed each time.

Transfers are the result of items paid for by the General Fund and allocated out to various funds such as payroll, public works allocations, fuel allocation, postage allocation and real estate tax allocations and escrows.

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

Monthly Financial Update – shows the amount of money we spent in all the various categories. This is available at the township building. Residents pay for a copy.

**PROFESSIONAL REPORTS**

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

**Parks & Recreation**

- **Spring Directory – discover all the programs, activities Park & REC has to offer. The annual park inspection has been completed and all parks and ball fields are ready for spring sports.**
- **Our thanks to Wal-Mart for their donation of \$1,000 to P & R.**
- **We are still waiting for bird/animal habitat report from the PA Game Commission regarding issues at WCP & Christ Home.**
- **Our thanks to the school board for reviewing the extended hours of the summer camps programs and their approved use of the elementary schools at no charge and also their approved use of school buses for summer camp transportation. This saves the township several thousand dollars.**

**Public Works**

- **Busy laying out projects for spring and summer. Scheduled first is a drainage improvement project in Twin Streams.**
- **A reminder to residents not to rake or blow grass and debris into the street. This can cause storm drain blockage and possible flooding when the hard spring and summer rains come.**

**License & Inspections/Fire Marshall**

- **Homeowners with questions about permits or having work done around their house should call L & I - 215-443-5423.**
- **Fire Inspections done year to date by our three Deputy Fire Marshals: 189 annual fire inspections, 350 re-inspections and 81 annual operational permits have been issued. With new construction, new business and investigation of complaints our Deputy Fire Marshals are very busy. It is important to the health and welfare of residents and businesses.**

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**PROFESSIONAL REPORTS (Cont'd)**

**1. Manager's Report – Robert Tate, Township Manager (Cont'd)**

**Police Department**

- Mock accreditation assessment is going to be done at the police department on May 1<sup>st</sup>. This is an inspection by a “peer group” just to make sure everything meets the standards for the real assessment scheduled for June 9 and 10. The chief and his staff worked very hard for almost 2 years to attain this accreditation. If approved in June, Warminster Township Police Department will be only the second department in Bucks County (behind Falls Township) to be accredited by the PA Chiefs of Police.

**Administration**

- Thanks to Officer Nick D'Eletto of the PD for completing the employee ID badge project. All full time employees & 3 contractors will be carrying township identification.

**Five Ponds Golf Course / Clubhouse**

- Golfers are out in droves. We have gotten several compliments about the course. Our popular Fun Friday at Five Ponds will take a 2 month hiatus but will return in July. Fun Friday has been very well attended and we hope to add a few details when we start up again. We still have some openings for outings and bookings for parties at the restaurant. If you want a great place for a party, give us a call 215-956-9727.

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

**General Township Projects**

**Warminster Heights Development**

This week my staff and I met with Mr. Tate to work toward finalizing some recommendations with Public Works. There will be another meeting next week with my staff and Public Works to come up with a recommendation or at least a compromise to move the project forward on certain sections for streets. Presently, we are not all on the same page as far as how to handle the curb replacement. We will be trying to at least get Public Works started.

**2008 Road Paving Program**

I anticipate authorization to bid in May. One project that has already been completed by Gilmore & Associates is the Twin Streams Box Culvert. Public Works has drainage improvements scheduled in the near future.

**Golf Course Maintenance Building**

This week my staff and I met with Mr. Tate and the golf course to work on the new maintenance building layout. We worked through zoning, storm water management and the general layout of that building. We did get direction and will be moving forward with that layout and design.

**Subdivision and Land Development Projects**

**Ann' Choice – Neighborhood 2, 3 and 4**

Since the issuance of the report, we have record plans which look about 99% done. After checking a few things, I should have those at the next meeting in May for signature.

**Christ's Home**

We continue to balance the construction that is ongoing, the erosion control and limited site work with finalizing the plan and escrow agreements. Yesterday, I received the escrow numbers. I will be reviewing and then the development agreements can be started to try to wrap up that project from a paper work standpoint and record plan standpoint.

**County View Properties**

A larger project under review - mixed use land development - will be scheduled for the first meeting in May.

**Mearns Park – Acorn Development**

A larger project under review was scheduled – there are a couple variances needed – we had a staff meeting this week with L &I and I believe we are going to see the outcome of the zoning hearing board hearing as far as the two variances for parking and storm water management.

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**PROFESSIONAL REPORTS (Cont'd)**

**2. Engineer's Report – Craig Kennard, PE (Cont'd)**

**Construction Projects**

**Ann's Choice – Neighborhood Phases 2, 3 and 4**

Project continues to move along.

**McGrath Homes Phase II**

There is nothing going on that Gilmore & Associates are involved in. Pennoni is still handling the inspections of phase I Golf Course Driveway and Utility Installation.

**DISCUSSION - NOTATIONS**

**WAL-MART**

- Craig Kennard, PE there will be only renovations – we are only requested to look at landscaping and lighting. It does not qualify as land development.
- Tom Thern, they will be closing the end of this month for about a year. It will be a Super Wal-Mart. Repairs will be internal. The only thing they are going to move is the front door (from the side to the middle).

**FIVE PONDS – PHASE II**

- Ellen Jarvis mentioned that Mr. McGrath is meeting with the future residents that have deposits on the Phase II homes. The meeting is scheduled for April 26<sup>th</sup>, to review ground breaking plans. Perhaps we can get some information from McGrath and send a township representative.

**WARMINSTER HEIGHTS**

- Ellen Jarvis has photo given to her by a Warminster Heights resident. It shows flooding at Downey and Walk Streets in mid April 2008. This is relative to some drainage issues. Gave photo to township engineer.

**3. Engineer's Report – Mary Stover (Pennoni)**

**Drainage & Storm Water Management**

**Constitutional Drive**

We have gotten the contract back but we need his bonds and insurance before we can set up a pre-construction meeting and get that underway.

**Leopard Road and Woodland Road – Storm Sewer Project**

The Leopard portion of the project is complete we just need close-out documents from the contractor to do final payment. The Woodland Road storm sewer project has some punch list items remaining for the contractor to complete.

**MS-4 Documentation**

We are working on the report that is due on June 9, 2008 for the year ending March 31, 2008.

**Paving Projects**

**2007 Road Projects**

There are a few punch list items remaining from the milling contractors. We are going to get them out there as soon as possible to take care of those couple items since I noticed we haven't done final payment on them. We want to get those projects closed out.

**Construction & Review Services for Land Development**

**NOTE:** We have a number of Land Development projects that we are doing some final punch list items on as well as dedication items.

**Traffic & Transportation**

**County Line Road (SR2038) Signal Interconnection**

This is a joint project between Warminster, Horsham, Upper Moreland, Upper Southampton and Hatboro. Those final plans were submitted to PennDot on March 26, 2008. We are waiting to hear from PennDot. At this point we are looking at a potential advertising date from PennDot of July or August. We will see if there are any final comments from them on the last set of plans that were submitted.

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PROFESSIONAL REPORTS (Cont'd)

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

Erickson Retirement Community

There is a land swap. We are waiting for the subdivision information to come from the engineer then we are going to be back working with Pennoni to finish up what has been outstanding for awhile.

Wawa Curative Amendment

Next week is the dead line for the Findings of Fact and Conclusions of Law; the board will get that. I suggest that the board then meet to discuss that in an executive session to consider their decision.

Stitz Land Use Appeal

I just found out that it was decided in favor of Warminster Township. I was not handling that but I received information that was the decision. His appeal was denied.

Volpe Appeal

This was a settlement that was discussed. There are some minor changes that were suggested. Licenses & Inspections are reviewing that and if acceptable will come to the board for a decision.

Magliari

This will be considered tonight. That proposal was submitted to the board after comments from the engineer.

Towing Ordinance

This has been put into ordinance format. Comments were submitted to Mrs. Jarvis. If there are any additional changes it can be incorporated prior to advertising.

Long Term Borrowing

I received the documents from Bucks County Bank. I submitted the package to Bucks County Bank Counsel. When that is approved we will send it to the state for their review and approval, that should be next week.

OLD BUSINESS

**1. Approval of Deed of Dedication – Hartsville Professional Village**

Elliot Drexler, Esq.: The deed has to be signed by the owner who is in North Carolina. Approval will be subject to the signing of the document and then recording.

Fred Gold so moved the motion for approval of Deed of Dedication. This approval is subject to the signing and then recording. Leo Quinn 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**2. Approval to adopt Ordinance #677 to vacate Right of Way at Hartsville Professional Village**

Elliot Drexler, Esq.: This ordinance has been advertised for tonight. In conjunction with both of these there is a question about funds held for maintenance. He believes it is about \$16,000.00+ cash amount being held by L & I. That amount is there and is a condition that Pennoni has suggested to make sure that was resolved. This can be approved. There will need to be a subsequent meeting for the release escrow which is coming from Pennoni possibly at the next meeting or shortly thereafter.

Ellen Jarvis so moved the motion for the approval to adopt Ordinance #677 to vacate Right of Way at Hartsville Professional Village. Fred Gold 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**3. Escrow Release for Franklin Realty –Lot 7 in the amount of \$2,475.00**

Mary Stover: Franklin Realty wants the escrow released and in addition they are asking that the remaining amount of \$605.00 (for one handicap ramp) be allowed to be donated to the township. If the donation is allowed, a future release will be done for the \$605.00.

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**OLD BUSINESS (Cont'd)**

**3. Escrow Release for Franklin Realty (Cont'd)**

**NOTATION:** Prompted by a question asked by Gail Johnson a discussion pursued between Mary Stover, Jim Krueger and Craig Kennard, PE. As a result of that discussion the following information was brought forward:

- Erikson (Dan Healy), as part of the conveyance of the property to Franklin Realty to develop, defined it was the responsibility of Franklin Realty to construct the sidewalks on Veterans Way, Veterans Circle and Johnsville Boulevard. The Escrow would still be held by Erikson to see that it would be done.
- Craig Kennard, PE suggested that all the sidewalks should be done at one time so that the developed portions could be walked to determine what landscaping needed to be preserved.

**Mary Stover:** Suggests the board approve the escrow release as stated and that they are willing to accept the donation of \$605.00 for the handicap ramp.

Leo Quinn so moved the motion for the Escrow Release for Franklin Realty – Lot 7 in the amount of \$2,475.00 and expressed a willingness to accept a donation of \$605.00. Fred Gold 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**4. Waiver of Centennial School District Fees for signage at new field.**

**Frank Feinberg:** We all have a letter from the Centennial School District dated April 16, 2008.

Leo Quinn: Makes the motion that we accept the letter and waive the fees. Fred Gold 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**Ellen Jarvis:** Would like to acknowledge the increased cooperation between the school district and the township. This was represented earlier in the evening when they gave the township great support for our Parks & REC summer program.

**5. Appeal of Magliari Land Use Zoning Decision**

**Elliot Drexler, Esq.:** I previously forwarded to you a draft of a Settlement Stipulation and a Court Order which incorporated some additional language that was suggested by the engineer. This is to resolve a zoning hearing board appeal for over four acres of land to be divided into two lots. The proposal is to make sure that there will be no more further sub divisions, just the two lots and just one house on the lot and just a driveway going to Benn Lane. Mr. Shaffer is here, who represents Magliari and I believe letters were sent to people who live on Benn Lane or otherwise are interested in this. It is up to the board to consider whether to settle this case without further legal proceedings.

**The Settlement Stipulation:**

1. Grants the Appellant a variance to create two lots.
2. Grants the Appellant a variance regarding the width of property.
3. Appellant agrees there would not be any further subdivision. The non-conforming nursery will be abandoned and there would not be any further commercial use.
4. For Lot 2 the Appellant agrees - It can only be a single family detached dwelling - The number of trees shall be the least number possible to be disturbed and any clearing will be subject to approval by the township and the township engineer - To provide on-lot storm water management controls consistent with the township Storm Water Management Ordinance subject to review an approval by the township and the township engineer as to design, location, and construction - To have a driveway only consistent with township requirements as to design, location, and construction subject to review by the township and township engineer.
5. Any deeds transferring these lots to purchasers shall make reference to this Stipulation and Order and that the conditions shall run with the land.
6. There are no waivers of any provision of the Warminster Township, Subdivision and Land Development Ordinance.

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**OLD BUSINESS (Cont'd)**

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

**Elliot Drexler, Esq.:** Some of these things are more restrictive than what would otherwise be permitted even though the township has input in all these Subdivision and Land Development Ordinance requirements. This is a result of the back and forth between counsel and the board. The board has talked about this and it is time to decide.

**Frank Feinberg:** Can I have a motion to approve the (Settlement Stipulation) agreement. Gail Johnson made the motion to approve the agreement. Fred Gold 2<sup>nd</sup> the motion.  
**NOTE:** After much testimony and discussion, Mr. Feinberg asked to bring this to a vote. The vote carried 5-0-0.

**Judy Anderson – 1195 Jacksonville Road – Property is adjacent to the proposed subdivision.**

- The letter recently received from the township manager was sent because several residents of Benn Lane spoke to express concerns about procedure of notification relative to a land use application made by a neighbor Mrs. Magliari. ....
- Finds it disturbing that it meant nothing to the township that “party status” was requested at the original Zoning Board Hearing. ....
- She was under the impression that the township was responsible to notify all adjoining lot owners of any items concerning changes in registered use.
- As a neighboring property owner we were notified of the initial meeting and request for zoning change. ....we didn’t get further notification.
- As a homeowner with party status concerning the subdivisions my husband received a few mailings immediately after the initial township meeting. These notices were concerning Mrs. Magliari appeal and legal proceedings around that activity.
- Were unaware there would be discussions by the supervisors at two meetings in March. We had no notification about those meetings. ....
- Believes in keeping with the spirit of allowing people to do something productive with their land but when what they are proposing has a detrimental impact on another residents land, it is not very productive nor is it beneficial to the community.
- She quotes from the minutes disturbing comments made regarding the complaints about traffic and concerns about flood plains, water run off issues and drainage swales made by the ten who requested party status.
- She tells the board that this is not a case of neighbors losing land they don’t own but more a case of neighbors disputing the paving of a much needed open land resource in the middle of a storm drainage nightmare.
- Building on this lot will add more water to an already overloaded and frail storm water management system. If the township allows this subdivision and subsequent building to go forward, they need to assure those of us down stream that action will be taken to insure that the swale is in good shape and will be able to handle the increase in water run off. The swale will surely be in need of an upgrade in order to handle the increase water being dumped into it, it is currently straining now. ....The solution cannot be anything other than the proper management of the movement of the water through that lot and from that lot down to the Municipal storm water management system on the other side of my property and my neighbor’s property below.
- At the second meeting she took offense that one of the supervisor felt the solicitors time was being wasted and the agreement should be accepted as proposed and settled without spending anymore time and energy. It was suggested by that supervisor that the parties registered might be notified.... and another supervisor recommended that a copy of the settlement draft be given to the parties. They (party status participants) did not receive that copy and have yet to be notified of the contents of the draft settlement.
- She feels that the board takes the concerns lightly and wants to impress upon them that this is a valid and very real concern.

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**OLD BUSINESS (Cont'd)**

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

**Judy Anderson – 1195 Jacksonville Road (Cont'd)**

**The following is presented in the complete words of Judy Anderson:**

We deserve the board's full attention to this matter to insure that the rights of property owners downstream are not adversely affected by the approval or settlement agreement.

I have some pictures I would like to share showing water issues that we have. You can see from the terrain map that the slope of the whole proposed building lot are on a grade sloping toward the swale; that will only put more runoff into a already stressed system.

The property below ours is the next one that the swale flows through. He's got a three (3) or four (4) foot pipe that cuts underground to get over and feed this runoff into the main water management system for our neighborhood. The pipe can't handle the amount of water that flows through, during a good rain storm now. The water rises above the top of the pipe completely filling it. That pipe is too small for current storm water flow. Anything added to this load is adding to the problem.

We are at the end of a swale that begins up on Newtown Road in Warminster Park. There is a big pike that comes from the park which passes waters under Newtown Road and begins its half mile journey down past a dozen houses until it hits a slight ridge in the land. The water picks up momentum as well as picking up additional run off and a lot of debris and trash as it runs along the base of the ridge before it hits our property. The swale cuts its way across Mrs. Magliari lot changing direction about five times before hitting our bridge (we have a bridge that goes over the swale, it's our driveway). The swale makes a 90 degree turn just above the bridge. As the water backs up it overflows the side and runs down our driveway completely covering the lower part of our lot with running water about three (3) inches deep. The force of water coming onto our property is already eroding the sides of the swale.

During one storm earlier this year a large part of the bank was basically moved about twenty (20) feet down the stream and deposited in front of our bridge where the water backed up. The overflow water fans out across the driveway and front lot and it is creating gulley erosion as it exits from the driveway into the lot to get downhill back to the swale. My neighbor has three (3) other such spots in his yard where the water is eroding the soil and cutting out its own path to get back to the stream bed prior to hitting that pipe.

We are constantly picking up other peoples trash, broken glass and other items out of the stream bed and off the front of our lot after a storm. The amount of water coming down through these properties will only increase as we continue to develop areas of Warminster Park and more and more land that would normally absorb this water is covered with buildings or asphalt.

I also believe that the low lying area of the proposed building lot is a wet land. The ground is always saturated and hosts plants that we don't see on the rest of the lot. This area is on the east side of the swale and is graded so that it is also sloped toward the swale feeding ground water into the swale along with storm runoff. Water runs out of the side of the slope as if it is an underground spring. This happens at various times throughout the year, especially during a good wrenching rain. This continues to leak for a couple of weeks after the rain has stopped. You can actually see the water moving coming out of the hillside.

When the water stops seeping out of the ground, the ground remains soggy and saturated for quite some time. We are not talking about a large rushing stream or even a slow brook this is more of a trickle but it is constant. We have a very high water table throughout our lot and the surrounding properties. We have problems with water coming up from below into our basement when it rains. Quite a bit of water flows through the ground even up on the top of the slope. After every storm we are amazed at the amount of trash that works it way up to the surface.

The lot down the driveway toward Jacksonville Road has a couple spots where water sprouts up from the ground. It just springs in a couple areas. It's been a problem, mostly in the winter when it seems that the freezing of the ground forces the water to come to the surface. It flows into our driveway as well as the backyard of the property right on Jacksonville Road flooding out and creating a solid mass of ice at times.

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**OLD BUSINESS (Cont'd)**

**5. Appeal of Magliari Land Use Zoning Decision (Cont'd)  
Judy Anderson – 1195 Jacksonville Road (Cont'd)**

Another concern of ours is for our water supply. We have a shallow well and we are afraid that any disturbance to the land upstream such as excavation and building with a high water table will have adverse affect on the safety of our water. The proposed building site was an old farm field and we are constantly finding items that were buried, uncovering junk piles, picking up pieces of trash that just worked there way up through the dirt. Will the stirring up of all the debris and trash dump some kind of toxins into our aquifer and affect our drinking water? Will the township assure us that someone will be held responsible if our well gets contaminated? The Municipal well is just on the other side of our property although I am sure that is much larger and deeper well but who is to say that something couldn't affect that water table as well.

**Brian Reiner – 1205 Jacksonville Road**

- Agrees with all that Judy Anderson said.
- In a heavy down pour water from Judy's property which is way in the back runs down the right side of his property all the way to Jacksonville road.
- The two sump pumps in his basement run for two or three days after a rain.
- It's not a matter of not wanting someone to develop something. It's a matter of how much more water the ground can handle. This worries him.
- It's not a matter of being objectionable. It's a matter of how the problem gets alleviated.
- He cut his grass this evening – the ground was still wet and it hasn't rained.
- There's a tremendous amount of water–his house is the last to get the water- it's concerning.
- To further develop sets precedence – this will compound the water situation.

**Bill Hordis – 1250 Woodbrook Lane – adjacent to Anderson's and Magliari**

- He brought pictures and his plot plan to show the board.
- His concern is storm water – He is affected by the same swale – Actually where the swale ends it goes under ground and that is where his property is located
- There's a three (3) foot pipe there. That pipe completely fills with water and it's not enough. The swale overflows its banks; the neighbors have even sandbagged their houses at times.
- He says that the swale starts right at Warminster Park with a large concrete culvert there and runs underneath Newtown Road. They are further toward Bristol Road. The swale hasn't been touched in many years.
- Since 1981 the swale becomes less and less defined. Each year there is more and more water.
- This starts up at the Warminster Community Park. Every time you dump a load of stone up there or add asphalt we end up with more water.
- Some of my pictures show sheets of plywood that have come down, tarps etc. We end up with everybody's planters.
- Stated he doesn't have flood insurance – a strong enough storm will flood his house.
- Stated that the swale we are talking about runs rights across Magliari property.

**Kevin Cawley – 1261 Benn Lane**

- Thinks that maybe the court would have ruled differently had these folks been able to present all this unbelievable information at the appeal. He spoke a couple of weeks ago about the fact that the appeal was very unclear that we could actually do something; it was just a notification.
- Thinks it would be in their best interest, since they have the most to lose, not to pass this through tonight; maybe send it back and let the judge who ruled on this already see this information.
- Asks, if you pass it through and say its two separate issues and then somehow they start to develop, what is going to happen?

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**OLD BUSINESS (Cont'd)**

**5. Appeal of Magliari Land Use Zoning Decision (Cont'd)  
Kevin Cawley – 1260 Benn Lane (Cont'd)**

- Says, it sounds like the project that needs to be undertaken to fix this is huge; in the meantime, who knows what's going to happen. Said he doesn't think the board wants to be here when these guys have to come back and say look what happened to my house.
- Speaking of the funds for storm water management he says that there's another existing flooding area that should be addressed (Bristol Road, between Jacksonville-and down not as far as Hatboro). He drove down there in a heavy rain storm. Northampton put in these storm sewers and their side is nice and dry. He came close to having an accident. A truck coming in the opposite direction threw so much water onto his windshield that had someone stopped in from of him he could not have stopped. It floods in that area and it is somehow connected to this.
- I think you should consider what is going to happen to their place. There are other issues on Benn Lane but these are the most heavily involved.

**The following is a compilation of individual responses to the testimony given by the concerned residents:**

**Frank Feinberg:**

- Expresses that the township does care. Reiterates that the notification issue was explained by Mr. Drexler.
- The water problems that was explained this evening has obviously been going on for a long time.
- We actually have two different issues, one is the approval of the agreement and the other is in respect to your water problem and need for assistance. As I look at the situation they might not even be able to build. They have to go through all the processes.
- Everything discussed in public is available in our minutes and on line.
- The matter we are discussing the board can say ok we are going to vote it down. We still have to have legal representation at the court. That will cost the taxpayers thousands of dollars to take it to court. It is not a free ride for the township.

**Elliot Drexler, Esq.:**

- The parties were notified about the appeal. Once you get the notice of appeal it is incumbent upon everybody who gets those notices to do something if they want to participate in the Court of Common Pleas. None of the parties participate at the zoning board became parties participate at the Common Pleas level.
- It is not the board's responsibility to have the parties participate in the appeal. The board has it own decision to make as to how they are going to handle the appeal – let the court decide – or seek some other remedy.
- If it goes back to court there are no more hearings. At the Court of Common Pleas it is just legal arguments - you cannot testify. The opportunity to have a hearing was at the zoning board.
- If it goes back to the court and the court reverses the zoning board and grants the variances the property owner will still have to come back to the township and seek Subdivision and Land Development approval. It grants them the variances to subdivide into two lots. That is all it does.
- The Stipulation Settlement talks about compromise and putting additional restriction on that we could not get from the court and so it gives us a bit of a buffer over and above what the ordinances provide.

**Leo Quinn:**

- We have put together a list of storm water issues around the township for the last ten years. We have a ten year plan. He questions if the water issues presented tonight were brought up before.

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

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

The following is a compilation of individual responses to the testimony given by the concerned residents

**Leo Quinn: (Cont'd)**

- In answer to how the residents can remain updated from here on out if the board approves the Stipulation Settlement agreement, the next step after approval it will just go into planning. You would all be notified; as they go through Land Development all issues would be addressed.

**Jim Krueger:**

- Mr. Krueger initially commented on ongoing projects to stop the water flooding but came to realize they were not in the area he first thought.
- Presentations, pictures and discussion prompted his suggestion that he, the township engineer and Mr. Mullen walk the site to get a handle on the stream bed.
- He welcomed the residents that asked to accompany them, suggested they give Barbara Sultzbach their telephone numbers.
- He reiterates, if the board so approves this settlement the residents that have concerns still may come be the Planning Commission to address the issues.
- The applicant is responsible for impervious surface they are creating on their property. We are required under township ordinances to retain that and release it slowly.
- Even single family homes, the leaders off the roof now have to go into a retention pond to allow it to trickle back into the aquifer as well as they are required to do sloping.
- They have to prove to us through their land development procedure that the run off from their property is not going to affect the neighbors.
- We normally address any contingent property owner by sending him a letter saying its on the agenda for the Planning Commission stating date and time.
- PennDot is responsible for Jacksonville Road. It is a state road. It is within their right-away.

**Jim Krueger comments: If the township would take on a project everyone has to agree from point A to point B to allow the township right-away (the right to go in there) to perform the work. The work itself means a loss of trees. You'll lose trees anyway because streams have a tendency to meander that is something we can't control without a lot of permits from DEP, Fish Commission etc. There is quite a bit of engineering and legal work as far as writing up descriptions of the property and right-away. It is not a quick fix.**

**Craig Kennard, PE:**

- Someone mentioned alleviating the problem. We will make sure through the review process that they are not adding to the problem. The new project will not alleviate the existing problem that I am seeing pictures of tonight. With the information and history presented, when they come through the review process we'll try to work with the neighbor to help out even though they are not per the ordinance to create any additional runoff; they will control and manage it on their own site. We can see what we can do through the Land Development process but that's the next step after this. That is why we made it clear in the settlement storm water management, tree preservation, minimize the amount of erosion and run off from that site would be addressed.
- There are two separate issues here. That's a capital improvement project. I would like to see what Pennoni and PennDot have done; go back with Jim over a little bit of history then have our staff work with Public Works and L & I. That's probably going to have to be a budgeted item. We need to get some concept plans together; work with Public Works on how we are going to try to help that situation. That's some serious drainage, wetlands and I hear a lot of ground water. Ground water is difficult to control. Storm water you can try to address it and convey it. With ground water the difficult part is springs. You can have multiple sump pumps. That's a tougher solution. We can look at that. Elliot needs to guide you on how to proceed tonight with the issue at hand.

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**OLD BUSINESS (Cont'd)**

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

The following is a compilation of individual responses to the testimony given by the concerned residents

**Craig Kennard, PE: (Cont'd)**

- She might not even be able to build a house when she gets through Land Development process if there's a drainage easement and there's wetlands. Until they actually go through Land Development process this is a separate issue. She may not be able to build on it. The state, the county and the township have requirements that she has to comply with. It may turn out that she can't develop the site. We have to get to that point. Either we settle or the court makes a decision for the township. We would lose control at that point.

**Ellen Jarvis:**

- .....Mrs. Anderson ..... Were we not to consider settling this, you would not have heard about this whatsoever. It would have gone to the Court of Common Pleas of Bucks County and .....we would lose all control whatsoever.
- .....Mr. Drexler sent to the board of supervisors a copy of the decision from the Zoning Hearing Board which denied the applicant permission to subdivide the property; then what Mr. Drexler asked us to do is there may be some opportunity to settle it so that we could put additional restrictions to that land including some of things we talked about in the Settlement Stipulation.....
- .....What Mr. Drexler asked us to do is basically controlling it a little bit better.
- It was through this board's careful consideration that you are even here tonight or otherwise it would have been heard and maybe even decided in Mrs. Magliari favor without any sort of additional input.
- .....I did not know whether you ever brought the storm water issues to the townships attention in the past. .... it is not on our storm water list .... we do have significant monies in our storm water funds that perhaps we can start to address some of these issues but we need to have them brought to our attention.
- We do want to help you; we are not trying to ram things down your throat, believe me.

Mrs. Anderson responds from her seat "I am surprised to hear that you would be able to come out and look and then address the issues for us; I didn't realize that if we came to you and said to you what happened that you would take care of it for us".

- I just wanted to acknowledge that it is through the careful consideration of the board ..... we have even considered a settlement.
- We have gotten a lot of zoning issues that we are kicking around to see if we can settle it so that we can control Warminster better for you.
- I apologized that you didn't receive notice that we were even discussing it but I am glad that you are here tonight.

**Ellen Jarvis:**

- The dilemma is if we don't approve this and send it back to the court you don't have any way of finding out because you are not a party to the appeal. That's part of the Court of Common Pleas system. Unless you were approved to be a party, which they can't do now without the approvals of both sides. Obviously I can't speak for everyone.
- If we send it back to the judge, he is under no obligation.
- If we approve it, it doesn't go back to the court system and then it goes through the planning process and then you would hear more about it. It is betwixt and between. ....
- Reads from the Settlement Stipulation:  
Nothing contained herein shall be interpreted as granting approval to Appellant's proposed plan of minor subdivision or as waiving any provision, of the Warminster Township, Subdivision and Land Development Ordinance.  
So, in other words that protects you fully in terms of going forward and gives more control.
- I am just afraid if we send it back to the court that it is the roll of the dice.
- You have five people here that have seen your pictures, heard your very compelling testimony. If we send it back to the courts you have no opportunity to give that same testimony. That is something we have to take into careful consideration.

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

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

The following is a compilation of individual responses to the testimony given by the concerned residents

**Fred Gold:**

- If this goes back to the court, the court will over rule what our zoning commission said.
- By us settling this here, we have an agreement here that the owner of this lot will have to abide by and some of these things are the only structure permitted will be a detached single family dwelling, and they agreed the number of trees (removed) will be the least number possible. They agreed to provide on lot storm management controls.
- If we let this go back to the judge and he offsets our zoning, they don't have to abide by any of these things which they are going to sign by us doing it here.
- I think it is in your best interest that we pass this and if they want to build on it then they will have to go to land development. When they go through land development, if they can't provide on site storm water management they can't build.
- We have to do this first process. If they're going to build they have to go through regular land development and at that time we take up storm water management. We are going to help you out anyway on this particular lot. There are two different issues.
- I think its something that should be passed and we'll take care of the storm water thing when they go through land development.

**6. Reappointment to the Bucks County Community Block Grant Advisory Board**

**Frank Feinberg:** Asks for the motion to re-appoint Kathie McDonough to the Bucks County Community Block Grant Advisory Board.

**Fred Gold** so moved the motion. **Gail Johnson** 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**Ellen Jarvis:** Julie Anne Cassidy submitted a very qualifying resume. I would like to get in touch with her; ask for her assistance on our Economic Development Committee or some other function. I would like to get her involved. I appreciated her coming forward and submitting a resume.

**Kathie McDonough – Parks & Recreation Department -** I just want to let you know there are citizen advisor appointments on the Buck County Community Development Advisory Board.

**7. Adoption of Resolution # 2008-08 Establishment of Communications Advisory Committee**

**Frank Feinberg:** Asks for the motion for the adoption of Resolution #2008-08 Communication Advisory Committee. **Fred Gold** so moved the motion. **Ellen Jarvis** 2<sup>nd</sup> the motion.

**Leo Quinn:** I oppose this change in this organization. I understand everyone is quitting based on the change. I am not quite sure what we are really achieving. For the board I would like to understand what our plan to back fill this committee is; everyone wants to leave it based on the change to what it wants to become.

**Ellen Jarvis:** This resolution is to clarify the committee. ....I have a copy of the resolution that founded this committee that became the Cable Television Advisory Committee....because that is what was attracting a lot of the attention of the Communication Advisory Committee. .... one of the suggestions I made to a member who indicated he was going to resign was that we do have an opportunity to divide our committee in terms of having cable advisory as one sub-committee, the internet as another sub-committee etc. to more clearly define the purpose of this board. However, I also ask the board, the committee as they were meeting if they would prefer to see us keep the Cable Television Advisory Board (which is their entire mission) and then separately form a Communication Advisory Committee; they threw that out totally. So then we would have no one else handling the other communications that are necessary within the township. If you only have people interested in serving one purpose (cable television) how can they address all the other communication needs within the township. ....going back to the original founding of this committee.....gives it direction.

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**OLD BUSINESS (Cont'd)**

**7. Adoption of Resolution # 2008-08 Establishment of Communications Advisory Committee**

**Ellen Jarvis: (Cont'd)**

When the committee itself was asked to give itself direction, I have a copy of the two sentence mission, it was only cable television. I think that's an irresponsible way of handling communications that are necessary for the township. Working with the three appointees that we made this year to this committee, we came up with this resolution to clarify. That is the genesis of this.

**Leo Quinn:** I guess we have a misunderstanding between what I'm being told and what you are telling me based on the people that are on this committee and what this is saying here. Maybe it would be a good idea if someone from the committee came to present to us.

**Ellen Jarvis:** Mr. Quinn do you have information other than one resignation that we received?

**Leo Quinn:** I have three resignations.

**Richard Ludwig – 62 Villa Drive**

- Asks for the supervisor's support, to reconstitute the Communication Committee.
- Volunteered to work on the Communications Committee to help the community.
- Says that a major functions, duty and responsibility of any governing body are to keep its constituents informed. Doesn't believe the prior administrators met that responsibility.
- As a resident, to be informed, you can attend the township supervisor meeting which at times proved impractical. The TV broadcast offers a chance to keep informed but its difficult to watch for more than a few minutes. The only formal township communication is the Recreation Department's periodic newsletter.
- Came away from the first meeting of the Communications Committee disappointed and frustrated because a majority of the members believe that their only function is to solve citizen complaints regarding cable TV.
- Stated that a company named TVTM responsible for programming and advertising use to provide that service for the township at no cost. It seems they unilaterally terminated the contract because there wasn't enough revenue generated. However, on a local station they are still advertising for sponsors and advertisers.
- There are companies advertising on the station including a restaurant, bank and housing complex etc. On the review of the townships budget there is no entry of income from TV. Who is being paid for that advertising?
- He compliments the township website as being informative, easy to use and it is well designed. He says there is still room for improvement.
- Mentions that the latest minutes on the website was one week in February.
- He lists five areas in which a Communications Committee could help supervisors keep their constituents informed: Initiate work in print media (e.g Newsletter), TV and radio, the website, Telephone & radio and Citizen complaints in all media.
- All projects should be at little or no additional expense to the township.

**Leo Quinn:** Obviously, Mr. Ludwig is one of the people who like the idea. I think it is incumbent upon the board to hear from members who have been long standing members of that committee who are not in favor of this and no longer wish to serve on this committee.

**Ellen Jarvis:** They were invited to come tonight.

**Ellen Jarvis:** I sent copies of this resolution to each of them. I asked all of them for their comments. I have only heard from one other then Mr. Ludwig.

**Leo Quinn:** Based on receiving this we had one official resignation and two of them now.

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**OLD BUSINESS (Cont'd)**

**7. Adoption of Resolution # 2008-08 Establishment of Communications Advisory Committee**

Ellen Jarvis: No one has bothered to call. No one has responded.

Leo Quinn: Maybe not to you. They haven't called you.

Ellen Jarvis: I was asked at the last supervisors meeting to send a copy of the resolution to existing communication committee (members) and I asked them to attend this meeting.

Leo Quinn: On the surface this sounds great. I can't understand why they would have an issue. They obviously do. I don't know if it's your going in there and you're telling them something they don't want to hear or you're telling them how they have to conduct themselves. I'm not sure where the breakdown is, but there is a breakdown with people that have volunteered in the township for many, many years that don't want to be involved anymore. There's something broken.

Ellen Jarvis: The question is if they don't want to do the job they are asked to do and they just want to go ahead and form their own committee, isn't that the tail wagging the dog. This board many, many years ago formed a Communications Advisory Committee that later became The Community Information Committee and eventually because of the franchise cable television agreements that needed to be crafted that group necessarily focused its energy on cable television. We don't have that right now. We don't have this overwhelming need. At this point they have one to two complaints maybe a month. I don't think people even know to call them. The question is if you have people that are basically willing to do their own work not our work, are they really volunteers at all.

Leo Quinn: Let me put it a different way. Maybe these people are camera shy and don't really want to get up in front of the public and talk here. I think we should at least give them an opportunity if they want to put something in writing as to what it is about this that they feel is offensive to them or concerning to them. Give them that one last opportunity. You have obviously provided a sub-committee in here for that aspect. I think we look at it and listen. Something doesn't make sense.

Leo Quinn: I would like to make the motion to table Resolution 2008-8 Communication Advisory Committee until the next meeting. The vote to table carried 3-2-0 (Feinberg – Jarvis).

Ellen Jarvis: If you think it's me that is causing the issue I would be more than happy to have you make the contact to the members of the Communications Advisory Committee. I am happy to step aside and not be the supervisor liaison to that committee if one of the other supervisors thinks they would be better suited to handle the needs of this committee. I throw that out as an option.

**8. Authorization to advertise amendment to Towing Ordinance #676**

Ellen Jarvis: This has been bandied about for a couple of meeting now. I have gotten input from all four of last years Duty Tow Operators. What I am presenting here before you incorporates all of the comments as received from Mr. Drexler, supervisors, Chief Murphy and all four duty tow operators (A-Z Auto Center, Al Million & Son, Glenn Towing & Modern Auto). Thanks to everyone for the input and time that has been given. In your packet is a 12 page ordinance that is very detailed.

Ellen Jarvis: I would like to ask for the motion to advertise – it will be open for inspection by the public. Leo Quinn so moved the motion to advertise amendment to Towing Ordinance #676. Fred Gold 2<sup>nd</sup> the motion. The vote carried 5-0-0.

John Priovolos – 674 Joseph Avenue –A-Z Auto Center

- Ellen did an excellent job with the ordinance.
- Questioned the idea of advertising it.
- Time schedule changes were made as late as today.
- Understands that even though its advertised changes could still be made.

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**OLD BUSINESS (Cont'd)**

**8. Authorization to advertise amendment to Towing Ordinance #676 (Cont'd)**

**John Priovolos – 674 Joseph Avenue –A-Z Auto Center**

- The whole community is impacted by what goes on with this one little piece of paper.
- Thanks Ellen Jarvis for her hard work and the opportunity to let him help too.

**Elliot Drexler, Esq.:** Asked, when do you want it advertised?

**Leo Quinn:** Just do it for the next meeting.

**9. Employee Suggestion Program – Bob Tate**

- We would like to implement this employee suggestion program so that all employees of Warminster Township are more involved, and more enrolled in the process of decision making.
- It will have an impact on what they do day to day; they will know that what they do does make a difference.
- The township can make a difference for them as well by having this program that rewards suggestions and positive improvements.
- Distributed to the board, before the meeting, is a draft of a previously drawn up Suggestion Program that was never fully adopted. I like the contents, the parameters and I think it is something we can really get started with. It appears to be a first run at implementing a policy that would allow township employees to be involved in effecting the budget, effecting what they do day to day and knowing that they can be awarded for doing so.
- This is one small step in having people involved in the process of their job, not so that they just feel they make a difference, but to really know what they do does make a difference.
- After the boards review, I would like to entertain comments and make any necessary revisions.
- Let us get something up and running and roll it out to the employees.

**Frank Feinberg:** This will be put on the agenda for an action item at the next meeting.

**Appointments to the Finance & Budget Advisory Board**

**Frank Feinberg:** We have the resumes of four past and present individuals interested in joining the Finance & Budget Advisory Board. I ask for the motion to appoint them to this committee.

**Ellen Jarvis** so moved the motion to appoint John Catado to the Finance & Budget Advisory Board. **Gail Johnson** 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**Fred Gold** so moved the motion to appoint Richard Ludwig to the Finance & Budget Advisory Board. **Ellen Jarvis** 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**Fred Gold** so moved the motion to appoint Stan Allen to the Finance & Budget Advisory Board. **Leo Quinn** 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**Ellen Jarvis** so moved the motion to appoint Frank Burstein to the Finance & Budget Advisory Board. **Fred Gold** 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**Leo Quinn:** There was another resume received from Mike Hartline. He is interested in two different committees. I will get in touch with him to determine which committee he prefers.

**Interstate Outdoor Advertising Landscaping at the Railroad**

**Frank Feinberg:** The attorney for Interstate needs the township to approve the landscaping plan at the railroad. Interstate will incur the cost of \$9500.00 to do the landscaping.

**Leo Quinn** makes the motion to approve Interstate to do the landscaping at the railroad. **Fred Gold** 2<sup>nd</sup> the motion. The vote carried 5-0-0

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**PUBLIC COMMENT**

**Richard Luce – Henry Avenue**

- Said a couple weeks ago his daughter had a problem with Five Ponds. He wanted to publicly thank Bob Tate and Ellen Jarvis for the kind consideration that each extended by getting back to his daughter.
- Regarding a newsletter, he said that when the supervisors go to Hershey for the PSATS (PA State Association of Township Supervisors) meeting there they will see a lot of examples of township newsletters, vendors who put them together and so forth. He encourages the supervisors to look and see what other townships are doing. He said that Newtown Township has one that they try to keep non-political. He also mentions that the postage cost for the township is over \$3,000.00.
- Says he agrees with Gail Johnson 98% of the time on energy conservation. In an email that he sent him a few weeks ago he listed seventy-five practical things that we could have our township residents do for their personalized energy conservation in their house and for the things that the township could do.
- Says the township could save \$90,000.00 right off the bat if they would stop lowering the grass in the basins. He suggests plant vegetation be planted similar to what St. John Neuman Cemetery has up along County Line Road. It would be easy to maintain. It gets the water back into the aquifer. It re-charges the aquifer. Ninety-five to Ninety-eight percent of our water comes from the aquifer under the township.
- Says one of the biggest things we could do is to use compact florescent lights. On a trip in the Yucatan Peninsula a hundred miles inland from the city in the middle of the jungle, all the people had CFL, no one had incandescent lights.
- Says his email suggested that Gail and he get together and compile and categorize a list of a hundred items.
- Says he thinks the number of people that are applying for the townships clean energy program is stalled at 41 because of the price of gasoline approaching \$4.00 a gallon. It is not going to get any better with the GNP (Gross National Product) and industrialization going up in China & India. We have a finite supply of oil and the oil is in the hands of people we don't like. Conservation is the thing we want to do.
- Says he never heard back from Gail, knows he's busy.
- Says he has the time and would be willing to work with Gail.

**SUPERVISOR'S COMMENTS**

**Ellen Jarvis:**

- I thank Mr. Luce for his kind comments.
- I would challenge Mr. Luce to say how can we best communicate that information?
- The PSATS Convention that was mentioned is coming up in mid-May. I will be looking for methodologies that can keep our communications revenue neutral in our township and maybe revenue positive through some advertising support.

**AGENDA FOR MAY 8, 2008**

- The AT & T Cell Tower Discussion
- Approval to increase the Police Force
- Plaque presentation to a local business from the Police Department
- The Hartsville Professional Village – Escrow Release
- Establishment of the Communication Advisory Committee
- Approval of the Towing Ordinance
- Employee Suggestion Program

**MEETING ADJOURNED AT 10:15 P.M.**

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**INDIVIDUAL ACTION ITEMS:**

**Robert Tate**

- **Send appointment letter to the four new members of the Finance & Budget Advisory Board. John Catado - Richard Ludwig - Stan Allen - Frank Burstein.**

**Elliot Drexler, Esq.**

- **Advertise Towing Ordinance #676 for next meeting.**
- **Contact the lawyer for Interstate regarding approval and send follow up letter.**
- **Give to Jim Krueger the Interstate contract on the landscaping Plan for Outdoor Advertising Landscaping at the Railroad.**

**Leo Quinn**

- **Contact the members of the Communication Advisory to give them the opportunity to express their concerns at the May 8<sup>th</sup> meeting.**
  
- **Contact Mark Hartline regarding his committee choice.**

**Tom Thern**

- **In regard to Public Comment check out property at 1250 Bristol Road.**

**Jim Krueger**

- **Check out Magliari stream bed with Craig Kennard and Mr. Mullen. Contact residents that want to accompany you.**