

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JUNE 12, 2008**

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

STAFF PRESENT: Robert Tate, Township Manager
Barbara Sultzbach, Assistant Township Manager
Elliot M. Drexler, Esq., Township Solicitor
Craig Kennard, PE, Township Engineer (Gilmore & Associates)
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 7:00 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.

PRESENTATION – Leary Elementary School Musical Group

Donna Dunar, Principal of Leary Elementary School, brings to the board representatives of the fifth grade class who are going to be promoted to Log College Middle School tomorrow. This evening they will be performing and Mrs. Herman, their music teacher, will explain about the performance. These students are ambassadors of their school and they represent Character Education at its best. Thanks to students like this, families in our community and our wonderful staff, Leary Elementary School made finalist in Character Education Partnership nationally. Proudly, she asked that the children be recognized and extended a nice warm welcome. (Clapping)

Robin Herman (Music Teacher) conducted the performance of the Fifth Grade Chorus Ensemble that sung “What a Wonderful World”. She told the audience that this song was originally recorded and performed worldwide by one of the most famous jazzmen of all time, Louis Armstrong and these fifth graders had the opportunity to read Mr. Armstrong’s biography in their Language Arts Class. She also mentioned that Brian Bond (student on stage tonight) taught all 120 students in the chorus the American Sign Language to the song that the choral group performed.

Frank Feinberg provided a Certificate of Appreciation for each of the children.

ANNOUNCEMENTS, COMMUNICATIONS & MINUTES

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| <ul style="list-style-type: none">• Frank Feinberg asked for the motion to approve the Minutes of May 22, 2008. Ellen Jarvis so moved the motion. Fred Gold 2nd the motion. The vote carried 4-0-1 (Quinn not present). |
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Frank Feinberg:

1. Leo Quinn is not present tonight because he is on vacation.
2. Warminster Heights Community Center – 75 Downey Drive is having a Father’s Day Breakfast, Sunday, June 14th at 9 A.M. Adults \$4.00, Children 9-13 \$3.00, Children 3-8 \$2.00, under 3 is free.

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ANNOUNCEMENTS, COMMUNICATIONS & MINUTES (Cont'd)

Fred Gold:

The Hartsville Fire Company at 1195 York Road Warminster is having a Fire Fighter Camp July 2nd, 9th, 16th and 23rd at the Hartsville Fire Station 7 to 9 P.M. Anyone 14 years or older who wants to learn about being a fire fighter should attend. This program is a joint effort of all the fire stations in Warminster and Warrington to introduce young people to the fire service. Participants will learn many things including hose rolls, carries and packing, fire hydrant operation, fire extinguisher operation, loose gun operation, self contained breathing apparatus, pump connections and many basics skills. This is a hands on program that will teach individual skills as well as team skills. The first night of the program will feature a simulated fire with all attendees responding on the fire truck. If you every considered becoming a volunteer fire fighter or you are considering a career in emergency services this is your chance to try it out. Contact 215-672-9242 for more information or stop by one of the fire stations on Tuesday evening. A parent must sign a parental consent for all persons 14 and 15 years of age.

Gail Johnson:

1. A letter was received from Vereinigung Erzgebirge Club (German / VE Club). Wenzel Pisch the corresponding secretary sent us a letter saying that they would like the board to consider appointing one of their members to the newly established Tri-Centennial Committee in preparation for Warminster's 300th Anniversary. Vereinigung Erzgebirge (VE) has been a long time member of this community and has provided social and sporting activities for many years. They would like to continue providing for their members and local community in years to come. This would be a fine appointment. When a name is provided we will appoint the member to the committee.
2. Disposing of hazardous waste. On June 21st you can drop off all kinds of hazardous waste (oil base paints, oven cleaners, mercury, pesticides, kerosene and other materials that have cautionary words on the label) and even computers at the Upper Bucks County Area Vocational Technical School - 3115 Ridge Road in Bedminster.
3. Clean energy. The lights will still go on and all your appliances will work just the same as they always have if you go with the Clean Energy of PECO Wind. Help us reach our goal by signing up for clean energy today. We have enrollment forms here at the Township. It doesn't cost very much just about \$7.50 a month for a regular household. That way you can get 100% Wind Energy from PECO Wind. It's a good deal and it will help us get a solar panel. We need a lot more sign ups.

Ellen Jarvis:

1. Reads: The residents and staff of Anne's Choice request the honor of your presence on Saturday, June 21st from 7:00 to 11:00 P.M. for our 5th annual Benevolent Care Fund Gala. Join us as "Phantom of the Opera", "42nd Street", "The King & I" and "South Pacific" provide the themes as we dance our way through a night on Broadway. Our Gala is the primary source of fund raising for our Benevolent Care Fund and your participation in this event is essential in building this very important fund. Anne's Choice is committed to providing residents with a home for life. It is our goal that no resident should ever be forced to leave the community due to financial hardship. The Benevolent Care Fund provides assistance to residents who have exhausted all their financial resources, typically as the result of long term illness. The need for the fund grows each year as life expectancy rises, health care cost increases and resident population ages. Donations to the fund can be made throughout the year and may be made in memory of a love one or in honor of a special occasion. You may also designate the Benevolent Care Fund as a beneficiary in your will. Thank you for your generous support of the Gala.
2. Sunday is Father's Day and I am honored to serve with everyone on this panel who is a father, I would like to say a Happy Father's Day to my colleagues here and to all residents of Warminster.
3. Our Chief of Police, S. Michael Murphy, welcomed his first grand-child Abigail Rose on Thursday, June 5th in Houston, Texas. Congratulations!

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ANNOUNCEMENTS, COMMUNICATIONS & MINUTES (Cont'd)

Walt Clemens – Saxony Manor

States that the Nativity of Our Lord Church is having its annual carnival, from Tuesday June 17th to Saturday, June 21st. Admission is free. There will be amusement rides and a tremendous kitchen with all kinds of goodies. There will be raffles and on Saturday there is going to be a Texas Holdem where you can win “beaucoup” bucks. He hopes the people of Warminster will come out and support a good cause.

Fred Gold: Saturday, June 14th is Flag Day. Everybody should fly their flags in support of our troops all over the world.

PUBLIC COMMENT

John McLaughlin - 335 Hickory Road is here this evening for a better understanding of the \$500.00 cost for a variance. He said the new fence which he is going to install requires a variance. The fencing purchased from Lowe’s will cost \$1,000.00 and the variance cost is \$500.00. If he were to build an addition for \$50,000.00 the variance cost will still be \$500.00. How did the township come up with the fee of \$500.00 for a variance?

Tom Thern: Cost for the court reporter, the \$50.00 fee to the zoning board and advertising expenses are the same no matter what the project requiring a variance. The residential fee has been the same for four or five years. Prior to that time the cost was \$750.00.

SUPERVISOR’S COMMENTS

Gail Johnson: Wants to remind the residents that Memorial Day is a solemn occasion because it is the one day we are remembering the people that did not come back.

Frank Feinberg: We had two executive sessions. On May 30th we discussed and reviewed legal issues with respect to Wawa and personnel matters. On June 10th we discussed pending litigation.

TREASURER’S REPORT

CHECK LIST FOR PERIOD ENDING JUNE 12, 2008

Prepays - \$369,098.87	
General Fund	\$ 446,239.85
Ambulance Fund	30,604.00
Park & Recreation Fund	47,451.39
Storm Water Management Fund	14,386.86
Sanitation Fund	289,749.33
Golf Fund	95,300.27
Highway Traffic Cap. Improvement Fund	4,593.55
Highway Aid	18,219.60
Legal & Engineering Escrows Fund	46,562.81
Payroll Date May 29, 2008	<u>263,521.03</u>
Grand Total	<u>\$1,256,628.69</u>
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Gail Johnson, Secretary/Treasurer, made a motion to approve the Check List (each board member has a copy) for June 12, 2008. The motion was 2nd by Ellen Jarvis. The vote carried 4-0-1 (Quinn not present).

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TREASURER'S REPORT (Cont'd)

Ellen Jarvis:

- Says, the bill list for Pro Shop had \$885.98 in prepaids and \$13,908.21 in bills which bring it close to the budgeted allocation of \$72,000.00 (to stock the Pro Shop).
- Says from previous Financial Statements she noticed that Revenue from the Pro Shop is about \$24,000.
- Expresses concern that we are spending a lot of money in the Pro Shop when we should be tightening our belts. Hopes that there are no more huge items to purchase.
- Requests an inventory breakdown for the period ending June 30, 2008 and a projection going forward.

Bob Tate: Says, stock up is at the beginning of the season and at this time most of the purchases are complete. In July, he will provide a full inventory listing as of June 30, 2008.

Fred Gold: In addition to the Accounting Firms monthly fee and without having to look at actual bills is there a way to know exactly what items are in the Professional Services Account?

Bob Tate: Says he will change the description on the invoices when entered.

Walt Clemens – Saxony Manor

- Says, there is no way for the public taxpayers to see what is happening with the bill list without paying \$15.00 to review it. Thinks that is unfair.
- Says, in the past the bill list was posted on the Bulletin Board in the hallway in the township building so anyone could come in and review the bill list and know how our tax dollars are being spent.
- Says, our budget in the last five years has gone up \$2 million dollars annually, it won't be long at that rate that we will be bankrupt in this township and if not bankrupted the residents will have to be over taxed to meet the cost of the budget.
- Says, he wants the bill list displayed and doesn't think that is an unfair request.

NOTE: Mr. Gold gave his copy of the bill list to Mr. Walt Clemens.

Bob Tate: Says, it is routine procedure that the bill list is placed in a folder on the bulletin board in the hallway. It is there.

PRESENTATION – Warminster Shopping Center Beautification

The board of supervisors has before them pictures and the plan layout for the Warminster Shopping Center Beautification Project. The owner of the center, Mr. John Altimari, is here this evening to provide an overview of the project and to request permission for the removal of five trees.

John Altimari – Altimari Properties – 56 Bobbie Drive, Ivyland, PA 18974:

- Says, he owns the Warminster Corporate Center (65 West Street Road), the Altimari Atrium on Street Road at Louis Drive and also the Warminster Shopping Center at 318-356 North York Road which is the subject of discussion tonight.
- Says, it is his intention to remodel this twenty year old shopping center and make it a beautiful part of the community as he has done with his other Warminster properties. A permit has been acquired to do the roof and the façade is going to be painted.
- He asks that the board look at the plans before them that show there is going to be a lot of beautification done to the proposed first class center. He thinks all the plantings (35 to 40) along with all the trees that are on the property and the decorative fencing (same that is on Louis Drive) will make a difference for the tenants and to the center itself. It will complement York Road and make it one of the nicest shopping centers on the strip.

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PRESENTATION – Warminster Shopping Center Beautification (Cont'd)

John Altimari – Altimari Properties – 56 Bobbie Drive, Ivyland, PA 18974: (Cont'd)

- Tonight he requests the removal of five over grown (unsightly) trees from the front of the property near the street line because they block the property and also the directory sign which cannot be seen until you are right on top of it. He thinks this is a safety hazard. He tells the board that the tenants also think the trees should come down.

Gail Johnson: Which trees are actually coming out? Which are staying?

John Altimari: Looking from across the street on the right side of the entry way you will see three trees, two are coming out and on the left side there are three trees. There are five total.

Fred Gold: I am not against taking down over grown trees, but, I feel if a tree is taken down it should be replaced by another tree in the township. Would you be willing to replace the same number of trees in our park that you are taking down?

John Altimari: I would not deny that. If that's the request you have I would honor that.

Ellen Jarvis: I am still unclear as to which trees you are taking down.

Mr. Altimari, before the camera and with his plans in hand, points out to the board the actual trees that will be removed and the area where there will be plantings in front of the decorative fencing.

Craig Kennard, PE:

- **Tree Ordinance #609.** There are options in the Tree Ordinance to replace the trees. This would be something the zoning officer would review and if needed also our office.
- You could make a motion tonight to approve the removal of trees subject to compliance with the Tree Ordinance. Recommending that the trees be replaced in the park is a provision in your section of the ordinance. There is also the option of a fee in lieu of.

Fred Gold made the motion to approve the removal of the five trees on the Altimari property. It must comply with the Tree Ordinance of Warminster. They will have to be replaced within Warminster (preferably in the park). Details are to be worked out with Mr. Thern. Gail Johnson 2nd the motion. The vote carried 4-0-1 (Quinn not present)

Ellen Jarvis: Thanks Mr. Altimari for his investment in Warminster Township and for the beautification of the Township.

Walt Clemens: Mr. Altimari's development is very nice. There should be no exceptions to the caliper replacement which Fred forgot to mention so long as that is met I do not see anything wrong in giving him his request. Any tree that is removed must be replaced or fee in lieu of.

Fred Gold: That is noted in the Tree Ordinance.

Frank Feinberg: The motion to approve required that details (compliance with Tree Ordinance of Warminster) be worked out with Mr. Thern.

Patricia Penacale - 476 Hardman Lane

- A good place to put the trees would be at Newtown and Street Roads.
- You could also put a flag pole there and a memorial for the service men, police officers and firemen for Warminster.

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PRESENTATION – Warminster Shopping Center Beautification (Cont'd)

Edward Hoffman – 801 W. County Line Road

- It is really nice seeing the beautification throughout the township. One of the things I don't see is a lot of patronage to our local businesses. In today's environment and economy, things are failing and dying; businesses need all the help they can get. I would hope we would do our patronage here in Warminster.

OLD BUSINESS

1. Waiver request – Hartsville Fire Company

Brian Gottschall, President of the Fire Company - We are looking to replace our existing marquee sign with a digital sign. The top part is a new illuminated sign (as it is now) and where we currently have the letters that are replaced manually it will be replaced with the digital sign. We are requesting the waiver of all fees related to the installation of the sign. Zoning Hearing Board fees, escrow requirements, zoning permit and construction permit fees.

Gail Johnson: What we can do to help our fire company is a good thing.

Fred Gold: It's our fire company that is supported by our citizens of Warminster with our taxes. I certainly don't want to spend tax payer's money in something I am in agreement with.

Ellen Jarvis: My concerns about the digital (LED, LCD) are based on current studies on electronic signs is if there is motion associated with it that it is very distracting and could create traffic accidents. I would want an assurance that this is a stagnant type of LED, not one that is going to be rotating messages, etc. along a very busy road.

Brian Gottschall: We are not planning on rotating a lot of messages. We will be changing the messages from time to time. If you would like that assurance we can come up with a policy within our company to make that happen if that is what the board is looking for.

Ellen Jarvis:

- Says she is not opposed to something that changes on the hour.
- Says that constant movement distracts as people try to read while driving. It has been demonstrated in some studies that it causes accidents.
- Says unfortunately her daughter was in an accident last night because the driver of the other car took his eyes off the road for a split second to adjust his air conditioning vent.
- Says she would prefer not to have other reasons for a person to be taking their eyes off the road and would just ask that motion be stipulated in any type of hearing.
- Says, she has no problem waiving the fees and supports the good work of the Hartsville Fire Company.

Tom Thern: Our zoning spells out how fast it can change and what they can change. This is not just waiving the zoning it is waiving the fee so they can go to the zoning board.

Frank Feinberg asked for the motion to waive all Zoning Hearing Board fees, escrow requirement, zoning permit and construction permit fees. **Fred Gold** so moved the motion. **Ellen Jarvis** 2nd the motion. The vote carried 4-0-1 (Quinn not present).

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OLD BUSINESS (Cont'd)

1. Waiver request – Hartsville Fire Company (Cont'd)

Joe Velten

- Thanks supervisor Mr. Gold for making the announcement about the fire camp which is a big deal with the fire company. We are proud that we have been doing that for about ten years. We have a good group, we try to push it and it is really exciting. It is for ages 14 and up. We have people go through the fire camp and end up coming back the following week and joining the fire company. It has been very successful.
- Another program is the wireless smoke detector program. In an older home it is hard to put an AC system in where they are all interconnected. This new wireless technology acts the same as a wired system. There's an address on each smoke detector and they all communicate sort of like your cordless phone from the base station when you walk around. If there is a fire in the basement and you're asleep and that smoke detector goes off, with this system all the smoke detectors in the house will go off. With the older system, the smoke detector in the basement would go off but you would not hear it until the smoke traveled to the upstairs fire detector. This technology allows us to react quicker and seconds count.
- We have secured an excellent price of \$37.00 with Colonial Electric (York Road in Warminster). Just mention Hartsville Fire Company or go to our website (www.hartsvillefc.org) for a coupon. It is an excellent investment for the family. We support it and if you need installation assistance we will come out and do it for you. There are no fees involved. We have been doing smoke detectors for residents for over fifteen years. If you want a firefighter to come out and install the new wireless smoke detector in your house and go through a quick fire safety talk and maybe plan your escape we will be glad to do it. Call (215-672-9242) or stop by the firehouse (1195 York Road, Warminster).

2. Wawa – Oral Decision

Frank Feinberg:

The Warminster Township Board of Supervisors having reviewed the findings of fact conclusions of law and memorandums submitted by Mr. Hecker, representing Wawa Inc. and Mr. Savona, representing Warminster Township is now ready to make its decision. I therefore request a motion to accept in full Mr. Savona's conclusions that the Board:

1. Grants the Curative Amendment Challenge for the removal / repeal of 2406.5Q (6) - (the 1500 foot rule) from the Zoning Ordinance of Warminster Township.
2. Denies the adoption of the proposed Wawa Curative Amendment to alleviate the exclusionary condition of the Zoning Ordinance of Warminster Township by permitting Use 34 (gasoline service stations) within the "C" Commercial Zoning District.

This decision is given without further amendments. Ellen Jarvis so moved the motion. Gail Johnson 2nd the motion. The vote carried 4-0-1 (Quinn not present).

Guy Schneck – 472 Hardman Lane - I would be directly affected by a Wawa on that corner of Street and Newtown Roads.

Fred Gold: The property is zoned commercial. In order to have a gas station it has to be zoned highway commercial. Since it is not zoned highway commercial we are not allowing them to put a Wawa on that corner. That does not mean that Wawa can't appeal this.

Ellen Jarvis: We are not refusing a Wawa. Wawa is only building Super Wawa's with gas pumps etc. and would not qualify to be put on that property. If they were building only a Wawa market at that corner, it would be eligible to be commercial. The 1500 foot rule variance that we have granted is because the argument states that many of the other commercial businesses throughout Warminster have gone through our Zoning Hearing Board to request variances so that one restaurant can be next to another restaurant or near another restaurant.

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OLD BUSINESS (Cont'd)

2. Wawa – Oral Decision (Cont'd)

Ellen Jarvis: (Cont'd)

At this particular corner there is a gas station across the street and there is a restaurant across the street. We have said it is true enough that there are many other variances that have been granted (approx 80% have been granted in the past) so the 1500 foot rule we are willing to say is not applicable anymore; however, that still does not give Wawa a right to build a Super Wawa on that corner.

Guy Schneck – 472 Hardman Lane – I would be totally against any Wawa on that corner mainly for the traffic. We have taken a petition of our whole block. It was 100% against having a Wawa. We wanted to get a speed enforcement program on our street. No one has gotten back to us since we sent the petition in for Hardman Lane. We did go to the Traffic Safety Committee.

Ellen Jarvis: We are discussing traffic calming later on this agenda. Let us stick to Wawa. The traffic studies done on the corner of Street and Newtown Roads were in fact done when Warminster Hospital was a poorly used in-patient facility. It did not generate as much traffic as it currently does. If we were even to look at traffic in the future for anyone coming into that corner we would have to have new traffic studies done due to the fact that Warminster Hospital is now primarily a fully occupied out-patient facility which generates an additional amount of traffic that was not even discussed in this Wawa Curative Amendment Hearing. Anyone who would come back to us or to the planning & zoning in the future would have to do all sorts of traffic studies that are current. That is the time we will need to discuss what will go into that corner. It is not going to be a Super Wawa.

Frank Feinberg: We need to focus on the question at hand. The question at hand was a challenge to our zoning ordinances which if overturned would have allowed them to build essentially whatever they wanted. We have upheld our zoning ordinances not allowing gasoline stations in a commercial zone. The next step for us has got to be written out and all legal matters taken forward. Wawa can appeal. The next appeal would be the court and we would not be involved. We have made our decision as our part of the process.

Walt Clemens – Saxony Manor - Am I hearing that you would not deny just a commercial usage but because it is including gasoline pumps that's the only reason you are denying it?

Frank Feinberg: It is zoned commercial and zoning is the zoning. Gas stations are highway commercial and we will not change that unless the courts direct us to change that.

Walt Clemens – Saxony Manor – the owner of that property should not be denied his rights for full and best use. If it is denied for highway commercial that's fine but a tax ratable is involved here and a commercial operation on that corner would mean a tremendous financial uplift to the township.

Elliot Drexler, Esq.: In order to effectuate this decision you need to authorize the preparation of the amendment to the Warminster Township Zoning Ordinance to repeal the 1500 foot rule. Mr. Savona made reference to section 2406.5Q (6) that are only having to deal with one of the four 1500 foot provisions. I would suggest and I think that Licenses & Inspections and the zoning board probably would agree that all four of those should be repealed. The section 2406.5Q (6) stated, 5F2, 5G2 and 5K2 which eliminate the 1500 foot as it applies to all that. You can authorized the preparation of amendment to the zoning ordinance to be decided in the second meeting in July or anytime thereafter or whatever date you want to use. This will need to go to the Bucks County Planning Commission and to the Warminster Planning Commission for review. That's a corollary to your decision on the Wawa to effectuate the 1500 foot rule repeal.

Fred Gold made the motion, to authorize the preparation of the amendment to the Warminster Township Zoning Ordinance to effectuate the 1500 foot rule repeal, as requested and stated by Elliot Drexler, Esq... Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn not present).

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OLD BUSINESS (Cont'd)

2. Wawa – Oral Decision (Cont'd)

Elliot Drexler, Esq.: The written decision will be prepared within 30 days of tonight's meeting. That will be distributed to the Board. The Board will sign. Following the date of signature then that will be supplied to the counsel for the Township and the counsel for Wawa. They have 30 days from the day you sign it to file an appeal if they wish to do so. An appeal would go to the Court of Common Pleas. Generally, it is based upon legal arguments as opposed to any more testimony....

Ellen Jarvis: If Wawa chooses to appeal would those who have registered as party status at the Curative Amendment Hearing be notified? How will the notification process happen?

Elliot Drexler, Esq.: There is not a set procedure. I think it is a good idea that at least the two people who had party status should be notified if they want to participate in the appeal. If they don't intervene then they are not party to the appeal. I would suggest if there is an appeal that the Board makes sure that these two people are notified.

3. Traffic Calming Policy Update

Frank Feinberg: We have a new policy that has been up on the web-site. Know that this is a policy. It is a means and method to bring our concerns, as citizens, to the township so that our concerns can be addressed and handled in a proper manner. The policy gives a procedure to go through to file your complaint or file your request that your street is evaluated and, if appropriate, that traffic calming is implemented on your street. There are many forms of traffic calming. Speed humps are just one form of traffic calming but a speed hump would not be put on a major road.

Gilmore & Associates representatives Bob Solarz and Kurt Schroeder are here this evening to comment on the drafted Traffic Calming Policy dated June 2008. The policy was previously presented to the Board of Supervisors and discussed in detail at the Public Meetings of November 29, 2007 and January 17, 2008.

Bob Solarz:

- Says, the key changes in the Traffic Calming Policy (draft June 2008) were worked out between Gilmore & Associates and the Traffic Safety Committee. In general, the changes that were made brought the draft policy in line with the PennDot Guidance. Things such as the following were looked at: 1) Landscaping – Made sure that the maintenance of that landscaping would be done on a case by case basis rather than stipulate only one way to maintain landscaping on a potential improvement. 2) Signage - There is quite a bit of discussion about signage. It was simplified by saying that any signage that would be installed or pavement markings that would be installed as part of this traffic calming policy initiative would be done in accordance with the manual for Uniformed Traffic Control Devices and is the standard PennDot and the Federal Highway Administration follow. We would also be in accordance with PennDot Publication 236 M which is the applicable document for signage.

- Says, the overall objective was to get Warminster's Township's policy and procedures, for evaluating traffic calming, closer in line with PennDot Guidance. The reasons are as follows: 1) The best way to manage and implement calming is to have a written established policy and procedures. This written policy and procedures approved by the Board helps to manage liability for the township. If an improvement is placed on a highway and it is not done in accordance with some established criteria or methodology there is a certain liability; this is more a legal issue and not an engineering issue. 2) To make it as simple and user friendly as possible and to be as transparent a procedure as possible. So that when residents come in with an issue they work with the township, they work with the staff, engineering office and with the committee.

- Says, if the Board chooses to adopt the policy, they want to start using it. It's know that no policy and procedures when first drafted and issued is a perfect document. Suggests going about using it, start dealing with some of the issues and tweak the policy as needed to fit the needs of Warminster Township.

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OLD BUSINESS (Cont'd)

3. Traffic Calming Policy Update (Cont'd)

Fred Gold: Under Specific Traffic Calming Features (Policy Draft pg 6 of 22) - Does Speed Humps conform to PennDot? Does PennDot have speed humps?

Bob Solarz: The listing of traffic calming features is one which may be considered. A popular item is speed humps. They are not appropriate for every situation. Whether it's a speed hump, a raised island or some sort of center median or trees along the roadway all these features and purpose of having this policy is to evaluate a situation, look at things objectively, get the data, get the cold facts and be able to make an informed decision.

Frank Feinberg: Listed the Specific Traffic Calming Features noted (Policy Draft pg 6 of 22) that are in addition to Speed Humps – *Mini-Traffic Circles, Medians, Entrance Way Features, Roadway Narrowing's, Semi-diverter, Textured Crosswalks and Intersection Redesign.*

Bob Solarz: The most common application for Speed Humps is deep within a neighborhood. ...

Ellen Jarvis: For the benefit of those that don't have access to the website would you summarize the 12 steps for implementation (Policy Draft pg 8 of 22). Also refer to Appendix A – Ranking System.

Bob Solarz - Overview of the 12 Step Implementation process:

1. An *Inquiry* by a resident about a situation they feel traffic calming may be appropriate. Typically they will contact the township. The township staff will review the inquiry first to verify the roadway segment is even eligible for traffic calming.

2. Township police will perform an initial *Data Collection*. We start getting objective data as soon as possible. We look at using Automatic Traffic Recorders to gather volume, speed and other vehicle information.

3. Township staff would meet with the residents and go over the minimum *Petition* requirements and what is involved in gathering the petition within the neighborhood.

4. Usually there will be a few representatives of the group that will step forward and offer to act as spokespersons or contact persons for the neighborhood. At that point we will put together an *Informational Presentation*. We will meet with property owners and township staff. We give a background on traffic calming; we will give a background on this process and explain how everything works. It will be an open public meeting.

5. *Traffic Studies* – we will start looking at accident histories and more detail data analysis. We may look at, for example, the site distance at an intersection if there is a safety or accident problem.

6. Once we start gathering that data we have a good idea what is going on. We would determine if the street is eligible, has met the criteria, we will *Develop Plan*, a concept plan and do in coordination with the mini-committee. We are also working with the township Traffic Safety Committee and the reports are going to the Board of Supervisors to keep the Board informed.

7. *Adjacent Property Owner's Agreement* – Property owners, adjacent to each proposed traffic calming feature, is contacted to obtain an agreement.

8. There will be another *Public Meeting* to disseminate that information of what's been developed as part of the concept plan. We will want to get input and sometimes we will have to tweak the plan based on information that residents will bring forward because nobody knows the traffic in the streets as well as the residents do in their particular area.

9. In order for things to move forward, it is time for the community to weigh in and indicate its acceptance. The residents in the area that's affected by the project will be asked to *Vote*. There is a detail procedure within the plan as to how the votes will be tabulated and how approval or disapproval of the project will be determined.

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OLD BUSINESS (Cont'd)

3. Traffic Calming Policy Update (Cont'd)

Bob Solarz - Overview of the 12 Step Implementation process: (Cont'd)

10. If the project is approved it will come for *Approval by Board of Supervisors*.

11. *Construction* – It would have to be determined and confirmed that there is in fact funding and other necessary things in order for the project to proceed.

12. *Review* – One (1) year from the construction of the traffic calming devices each traffic calming site will be revisited with the specifically affected residents to keep or remove the measures.

Bob Solarz – Overview of Appendix A – Ranking System

The policy and procedures do have a ranking system to determine from the number of competing projects which one should go first. This ranking system is very consistent and it is nearly identical with the PennDot guidance document. It looks at certain criteria; it has a point system and has a basis for assigning those points. It is a way to attempt to objectively assign a priority ranking to competing projects.

- Speed Criteria - that is to the extent that vehicle speeds are exceeding, what is called the 85th percentile speed. Meaning that if we were to measure vehicle speeds over a twenty-four hour period the speed at which 85 percent of the cars are going at or below would be the 85th percentile speed; to the extent that the 85th percentile speed (statistical point) that exceeds the posted speed limit. For example, the posted speed limit is 35 and the 85th percentile speed is determined to be 42, (seven miles per hour over) so you would get 2 points assigned for every mile per hour over the 85th percentile speed.
- Volume Criteria – Average daily traffic volumes - 1 point assigned for every 120 vehicles.
- Crashes Criteria – 1 point for every crash reported within the past 3 years.
- Elementary or Middle Schools Criteria - 5 points assigned for each school crossing on the project street.
- Pedestrian Generators Criteria– 5 points assigned for each public facility e.g. parks.
- Pedestrian Facility – 5 points assigned if no continuous sidewalk on one side of the street; 10 points if missing on both sides.
- Physically Disabled – 5 points assigned if there are physically disabled persons along the affected street.

In summary the whole concept and the whole idea is to have an objective policy and procedures to enable the community to look at these things in a fair manner.

Gail Johnson: We are talking about township staff getting involved yet it almost sounds like it's meaning the township engineer. Am I right about that? We don't have anybody now that is specifically involved in traffic other than the police department

Bob Solarz: A good portion can be done with the police because the police today are conducting counts with the automatic traffic recorders. They have the ability to collect the data and to do some of the site distance studies and things of that nature. When we start looking at developing a plan at that point we are going to get more involved. We may be involved on a very minimal basis up front as far as just some overall guidance but to the extent we can work with Public Works or some of the other staff and that's what we typically do. It's only when we really start moving something along or something is more complex that we would be called upon or we're really needed to provide our expertise from an engineering standpoint.

Gail Johnson to Bob Tate: Is that how you understand it? In other words, we are not developing a new department for traffic study or something like that?

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

3. Traffic Calming Policy Update (Cont'd)

Bob Tate: I see it just as Bob Solarz described... The very beginning stages there are some references to inquiries put into the township or township staff. Inquiry data collections are not defined here. I imagine any resident would probably come to the township building and we would disseminate how we are going to begin the facilitation of the process.

Bob Solarz: There would be some requirement for the administrative staff. We typically would use a form for an inquiry regarding traffic calming. We would sit down with the staff and explain ... how we proceed. We help things along and once it is done a couple times people know what to do.

Craig Kennard, PE: Once you start moving forward you might have a sub-committee, we might involve one person from Public Works, one person from the police department, the Assistant Manager, the Manager and a representative from Gilmore & Associates. We would work together on the screening part upfront. As that moves along then we might get more involved and the police department would get involved. Initially, it's almost like a sub-committee that works with the township manager on making those recommendations whether or not to move forward.

Ellen Jarvis: In your experience, have you found any grant monies available for this type of project?

Bob Solarz: ...Yes, sometimes we are able to do it as part of other projects. There isn't a specific funding source out there that we can apply for specifically traffic funding. Gilmore & Associates, Kurt Schroeder was project engineer on the Doylestown, Broad Street project. There were a number of traffic elements built into that project. A least three grant funding sources were utilized as part of that project.

Ellen Jarvis: Is it possible ... if there was a development that was going in that it could be built in as a requirement, in terms of a large development going on a residential street, that basically the onus would be on the developer ...?

Bob Solarz: Those types of things have been done. Some of the progressive developers actually want to incorporate these features into the developments because one of the aspects of traffic calming is that it is pedestrian friendly and there's more of a balance between vehicular traffic, facilities, bicycle and pedestrian. This increases the quality of life and enjoyment of an area. A lot of newer developments and newer designs are actually featuring things we would call traffic calming.

Guy Schneck – 472 Hardman Lane (41 years resident) tells the board:

- That his Street is off of Street Road and is a 25 mile an hour road.
- That traffic calming studies were done by the police department. They came out and put stripes down three times. They came out and put the illuminated signs for speed limits. They have done a lot of studies there.
- That a woman on his street was hit by a car as she stepped out of her car.
- That there are children on his street.
- That there is a disabled person on his street
- That his street would qualify for a lot of things talked about this evening.
- That a petition (actually 2 - the 1st was redone) was submitted to the township and he is really shocked that the Board knew nothing about it.

Frank Feinberg: ... we want the traffic calming policy enacted because things were done randomly. There was no procedure as laid out in this policy. if you meet the criteriait will be progressed and it will be reviewed. Not to say it will be done but it will be ranked, put in a queue and of course we look at the budget as to what we can do in any given year.

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OLD BUSINESS (Cont'd)

3. Traffic Calming Policy Update (Cont'd)

Guy Schneck – 472 Hardman Lane – says speeds humps work but his street cannot be narrowed down. There are other things that can possibly be done.

Frank Feinberg: We are not going to put in something the residents don't want. We are going to work with the residents and determined what is acceptable.

Fred Gold: This is something that has to be brought up to the Traffic Safety Committee then we can act on it. This is not something we really need to discuss this evening. We just want to past this policy and take it from there (To the resident) I can see your concerns..... Once this is passed you will go through procedures and we'll see what we can do for you.

Bob Tate: One point of clarification. The very first step in the process is an inquiry (Draft June 2008 pg 8 of 22) and refers to initial contact by a resident directly to the township. I am just wondering, should this stipulate that the contact go through the committee so that we don't cut the committee out of the process. I don't know if the committee would want that or does it come direct to the township then to the committee or should residents first go to the committee and the committee will then present to the township.

Joy Capozzi – 530 Penrose Lane – member of the Traffic Safety Committee

- **Typically when someone calls the Township Administration Office, I have been fielding those calls. Either Barb or Patty has been contacting me and those residents are being told to come to the Traffic Safety meetings and they have been.**
- **Responds to Guy Schneck – 472 Hardman Lane – she explains that the committee has not forgotten about him. What the committee has asked him to do covers the first three steps of the policy implementation process. We are waiting to have the policy approved so you can continue. If and when the policy is approved you are partially there. It wasn't appropriate to send the petition to the Board because we wanted the policy in place.**

Craig Kennard, PE: The first part, of the policy, is the initial contact of handing out pamphlets, petitions and forms. That will be done probably through the Assistant Manager's Office and will be documented. It is then forwarded on to the Traffic Safety Committee which will also document. We need to create a paper trail. You might get a flurry of requests coming in and you need to get them logged in, get the information to the resident and forward that on to the Traffic Safety Committee. It seems you are doing that already. It needs to be more formalized and documented.

Frank Feinberg: On a personal note, this is such a big improvement over the first document. We want to thank the Traffic Safety Committee for working so hard and to Bob Solarz and Kurt Schroeder for their support and guidance. I remember reading the first document and I remember I had to read it almost three times to understand what it was saying. I thought that was a problem. I think it was corrected. The committee is going to come up with a pamphlet - a simple outline to guide you and then you have the main policy. We have a process for the people to go through...to where we actually bring it to the Board of Supervisors when the time is right and we gone through the process as opposed to trying to tweak it , adjust it and try to make it perfect.

<p>Fred Gold made the motion to approve the Traffic Calming Policy. Ellen Jarvis 2nd the motion. Later in the evening it was determined to approve the Traffic Calming Policy based on the amendment to delete the sentence "Any other advertisements initiated and paid for by neighborhood residents must be approved in advance by the Township" from section 4 - Information Presentation (pg 10 of 22) - in the second paragraph, third line of the Traffic Calming Policy (Draft June 2008). These words will not be in the final version. The vote carried 4-0-1 (Quinn not present).</p>

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

3. Traffic Calming Policy Update (Cont'd)

Jerry Chesney – 240 Kemp Road

- Says, he's glad that speed humps are not going to be put on the major highways and assumes they will not be put on Delmont Avenue.
- Says, the terms "specifically affected" and "generally affected" have been removed from the policy, however there are some terms in this policy like "affected" and "neighborhood" that are not defined but need to be defined because we have streets that ring (circled by numerous other streets) that would be affected by traffic calming. He uses as an example Delmont Avenue where it can have 15 streets that are definitely affected because they use Delmont to get in and out all the time.
- Says, that in the draft policy there are words that has to be considered for removal because he believes they are a limitation on free speech. Under "Information Presentation" (Draft June 2008 pg 10 of 22) in the second paragraph, third line from the bottom are the words:

"Any other advertisements initiated and paid for by neighborhood residents must be approved in advance by the Township".

This is talking about the information that people are putting together to inform the residents. He says, when speed humps were being considered for Delmont Avenue he put together a flyer that contained his opposing point of view and distributed it to a number of people. If the words as written were to go in as part of the Traffic Calming Policy someone such as himself wouldn't be able to let people know their point of view.

Bob Solarz responds to Mr. Chesney concerns:

1. The "affected" area of itself will vary according to the specific situation. To have a fixed definition within a policy would really tie our hands. What we want is to build flexibility into the policy. Speed humps is the inflammatory example tonight so, as an example if you were considering the installation of speed humps on a street:

- We would look at the adjacent streets – it is expected if we were to install a traffic calming feature.
- We would have to look at the adjacent streets because we would expect that traffic would be diverted or you would see trips then going to other streets.
- We would include those other streets.
- We would include cross streets.

Each situation is going to be unique. That is the part where professional judgment comes into play, or discussions with police or Public Works. What I would ask is that you watch as the committee works through these examples. I think you are going to be comfortable. We have had very few arguments about study area when we have done this.

2. The other mention on page 10 (Under "Information Presentation" Draft June 2008 pg 10 of 22 in the second paragraph, third line) of the policy, I understand where you are going with your point and we don't want to restrict anybody's freedom of speech. I think, for exactly the same reasons that you mentioned we want to try to ensure that there is balance or objectivity in what is being presented. If that wording needs to be tweaked one way or another we are open to it. We want to try to be objective and fair in any communications that go out and that's the intent.

N O T A T I O N

Following Bob Solarz response to Jerry Chesney there was discussion interaction between Fred Gold, Elliot Drexler, Esq., Bob Solarz, Frank Feinberg and Ellen Jarvis which culminated in an agreement to delete the sentence "Any other advertisements initiated and paid for by neighborhood residents must be approved in advance by the Township" from section 4 - Information Presentation (pg 10 of 22) - in the second paragraph, third line of the Traffic Calming Policy (Draft June 2008) and the words will not be in the final version.

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OLD BUSINESS (Cont'd)

3. Traffic Calming Policy Update (Cont'd)

John Capozzi – 530 Penrose Lane – member of the Traffic Safety Committee

- I want to thank Gilmore & Associates especially Bob Solarz and Kurt Schroeder for stream lining this policy.
- I want to thank Ellen Jarvis for asking the question about grant monies. In my research I found that Liquid Fuels Money is allowed to be used for traffic calming.

Fred Gold to John Capozzi – This year we are using every cent we have from Liquid Fuels Money to pave the streets that we have on our agenda to be paved. Generally, if we want to pave the streets, and I am sure the people want their streets paved, there is not too much left over for traffic calming. When you see a street being repaved the funds come from Liquid Fuels Money.

Jack Diamond - Kent Road

- Says, the police department should handle anything to do with traffic safety, they will deal with it appropriately.... He is sure the police have studied every street in the township....
- Says, Delmont Avenue has been studied.... He has seen the flashing sign, the secret boxes up on the telephone poles... It has been studied to death... With all that studying, if there was a specific problem, a glaring problem that needed attention the police department would have done something about it...
- Says, he sees no purpose for the Traffic Safety Committee and some of the things they get into defy description...
- Says, Delmont Avenue is a feeder street... It has a whole lot of traffic that has no other place to go so you can't have a couple people on Delmont Avenue being dyslectic about what they see going up and down the street... Delmont Avenue has been on the map since the town was founded... Delmont is posted at 25 mph. Traffic goes the appropriate speed of 35 mph which he sees nothing wrong with.... There is always somebody who gets angst over what they see but the purpose of the street is to convey traffic... He thinks this (policy) is a total case in futility and that the committee is turning something into a whole tar baby for no reason at all....
- Says, there is only one place to take a complaint and that is the police department. Let them deal with it appropriately and appropriately doesn't mean they should agree with somebody who got angst in their own perception. You have to go with the flow of traffic and there is more traffic everyday in this town and it going to keep getting more traffic.
- Says, the policy's point system is the most convoluted thing he has ever seen. It reads that pedestrians get points if there is not a continuous sidewalk...
- Says, his interpretation of sidewalks section (policy pg 8 of 22) is that the township could determine that sidewalks are necessary and mandate the property owners to put them in or the township will put them in and bill them or put a lien against their property.
- Says, one-half of this Township does not have sidewalks or curbs.
- Says, when voted on these words are policy. At some point somebody could say lets go over to Olive Street, boy, that's terrible! I saw kids walking down the street; we better put sidewalks in.

Frank Feinberg: The policy is a lot more restrictive than that. We're not talking sidewalks. You are talking 70% of the people in the area, not just the people on Delmont. It is the people in the entire area that use Delmont as a feeder road. For Example, say you got a lot of people and if the people don't want it that's fine. It's not just a few houses on Delmont.

Jack Diamond – Kent Road

Your 70% -Does "that" apply to the sidewalks? You have a section in here that talks about pedestrians / sidewalks and the wording in there, if you pass it, you can stick the property owners.

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OLD BUSINESS (Cont'd)

3. Traffic Calming Policy Update (Cont'd)

Fred Gold: Jack it is nice having you back here however under Implementation (on page 8 of 22) #10- Approval by the Board of Supervisors - Even if the vote is favorable it has to go to the Board of Supervisors for review and approval. So, we have the final word on this and if something gets out of line it won't be approved by this Board.

Jack Diamond – Kent Road - Page 18 of 22 - Sidewalks - It says, the Township may recommend that residents pursue the installation of a sidewalk..... This has nothing to do with traffic calming; this is a cold turkey statement.

Frank Feinberg: The key word is recommended. Nobody is forcing anybody.

Jack Diamond – Kent Road

If you read the rest of the way it says the Township will install sidewalks and the costs thereof shall be assessed against the abutting properties. If you make this a part of your policy you are putting a sword over somebody's head. This is a bad news deal. I don't know who thought this out but you need more thinking on this.

Bob Solarz:

The mention of sidewalks in the plan is a generic reference. On page 18 the header is General Development Considerations so there are a number of other somewhat related issues as part of a drafted common policy and procedure that you need to think about.

- The first one is Emergency Services and basically it is calling attention to the fact that some traffic calming features could cause a delay in emergency services so you need to give consideration to emergency service providers.
- Sidewalks are something that is often a companion thing to a roadway traffic calming feature. So, there's a discussion about how sidewalks may relate to a traffic calming improvement.
- The next section on page 19 is Lighting – how lighting factors in or is related to traffic calming - it states for example in lighting that lighting is not going to be just included in traffic calming.
- Drainage is another aspect that needs to be considered. We don't want to adversely impact roadway drainage.
- Snow removal is another aspect when Public Works has to go out and plow the roads and there are a lot of roads to plow. These features have to take into account the fact that snow removal has to occur.

The point of this section is to draw attention to the fact that there are other things that relate to traffic calming that we can't ignore. We have to take those things into account to make a plan, or take an approach or to draw a conclusion that makes sense in context with other things that are around. With respect to sidewalks it is pretty standard in most municipalities that residents have to maintain their sidewalk or if there is a sidewalk problem certain municipalities will require the sidewalk be repaired. This language is generally consistent with that. It is not meant to upset, we just need to treat these or somewhat related items that frequently come up and that's why they are in the policy and procedure.

Jack Diamond – Kent Road - That was a nice thick puff of smoke we just got. This is not shown as interrelated to traffic calming. The wording in here is if the Township determines that sidewalks are necessary for pedestrian safety, (that does not say anything about traffic calming) the Township will install sidewalks and the costs thereof shall be assessed against the abutting properties. If this goes in and you are hell bent on doing it – if this goes in here – once it is written down – you'll say here it is, that's the policy we've adopted it; they will be able to go over half of the streets in the Township.

Frank Feinberg: I don't see that happening. That is not practical, Jack.

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OLD BUSINESS (Cont'd)

3. Traffic Calming Policy Update (Cont'd)

Jack Diamond – Kent Road - That’s why they have lawyers. You don’t see things happening. When push comes to shove the law can split hairs pretty good. You are quite obviously going to do it but it is a disaster, a tar baby and the police department should be the only ones involved.

Walt Clemens – Saxony Manor

- **Asked the following questions:**
 - Do we have an engineer representative on that committee? Answer: Yes**
 - Does the engineer get paid for his time? Answer: No**
 - Is the policeman on the clock or is he off the clock. Answer: On the clock**
 - The policeman is paid. Is it his shift, Chief? Answer: Yes**
- **Says, so far the Safety Traffic Committee been in existence for four years. Never have we had anything constructive or concrete passed from this committee.**
- **Says, we have ongoing expenses (policeman wage), eight people going to committee after committee meeting and nothing constructive comes out of it just blah, blah, blah and a puff of smoke like Jack just said.....**
- **Expresses concern about all the proposals and if Jack’s interpretation of the sidewalk thing is correct.**
- **Says, that in no way should first amendment rights be tread upon and that thing (policy) says the wording has to be passed by the Board of Supervisors that must be out of there. He (Mr. Solarz) said we would delete it. It should not have been there to start. You do not restrict people from their opportunity to speak.**
- **Asks, do we need three engineers to make something come out of the Traffic Safety Committee? Says, if it’s a public committee, a people committee, let the people come up with something we can use. These engineers are not in it for their good looks; they are in it because they are going to get paid something. Eventually, they are going to be in on this and they are going to get paid a lot of money. Let’s get this to a people committee submitting what their ideas and thoughts are. Bring it to the chief of police and let the police study it. Traffic should be in the realm of the police department not a traffic committee. They should be submitting their ideas to the police. Let the chief of police and his committees decide what is to be done and enforce any rules they come up with.**

Joy Capozzi – 530 Penrose Lane – member of the Traffic Safety Committee

- **I would say to Mr. Diamond and Mr. Clemens to ask the people who have come before our committee over the last four years whether they think it was worth it to have that committee and express their concerns.**
- **The reason why we decided we should come up with the policy is because we were always spinning wheels; thank you for saying that.**
- **We couldn’t do what we wanted to do because there was not a procedure in place. It was last year, around this time that we said we really need a guideline. It is for the benefit of the residents so that when they come to our committee meetings they know what they have to do and that it is going through. I think that is worthwhile.**
- **I think the residents who have come before this committee are glad that they came. We have things on hold, absolutely! There is nothing right now we can do about them. But we are not forgetting about them.**
- **I have been on this committee almost two years. My impression was the whole reason the committee was formed was because the Board of Supervisors and the Police Department needed some help in channeling these complaints. The supervisor meetings are already lengthy and having this committee takes the problem of having people appear at this meeting month after month. Eventually, it will come before the Board. Isn’t that the work of any sub-committee to help out in whatever regard that committee has been established for?**

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OLD BUSINESS (Cont'd)

3. Traffic Calming Policy Update (Cont'd)

Frank Feinberg: You are right Joy and thank you. There are a lot people in the township that want to see this in place and do consider it worthwhile.

Note: It is at this time that Frank Feinberg asked the question, all those in favor of passing the policy as amended? The motioned passed (see page 13).

4. Christ Home Improvement Agreement

Frank Feinberg: I would like to call for a motion to approve Christ Home Improvement Agreement. As advised by Mr. Drexler, Esq., the approval is conditional upon complying with the agreement stated in the letter of 12-14-07 for payment of the trees (the payment is scheduled to be directed by the Board of Supervisors). Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn not present).

5. Christ Home Financial Security Agreement

Frank Feinberg to Elliot Drexler: The same condition applies?

Elliot Drexler: Yes, but add that the exhibit (the cost for the improvements as approved by the township engineer) needs to be included.

5. Christ Home Financial Security Agreement (Cont'd)

Frank Feinberg: Calls for the motion to approve Christ Home Financial Security Agreement with the same conditional approval as noted in the approved Improvement Agreement and that the exhibit which shows the cost for improvements as approved by the township engineer be included as an additional condition for approval. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn not present).

6. Approval of Appointment for Communications Advisory Committee

Ellen Jarvis: I recommend the appointment of Joan Greenberg who volunteers to serve on the Township's Communications Advisory Committee. Mrs. Greenberg, a resident of Anne's Choice holds a Master Degree in Radio, Television and Film and currently serves as TV Producer at Anne's Choice. She will be an enormous asset to the Communications Advisory Committee and I move that she be appointed. Fred Gold 2nd the motion. The vote carried 4-0-1 (Quinn not present).

7. Award Bid 2008-02 for 2008 Roadway Milling Project to Kehoe Construction, Inc.

Ellen Jarvis: The bids have been submitted for the Bid 2008-02 and found no apparent errors or omissions. Copies of the bid tabulation have been attached for the supervisors review. We received nine bids for this Roadway Milling Project. I would like a motion to approve this bid (low bid) awarded to Kehoe Construction, Inc. in the base bid amount of \$13,546.24. Fred Gold so moved the motion. Gail Johnson 2nd the motion. The vote carried 4-0-1 (Quinn not present).

Elliot Drexler, Esq.: The bids went out for other things but this motion was for milling only.

Craig Kennard, PE: This was the base bid only. We are not awarding the alternate bid.

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OLD BUSINESS (Cont'd)

8. Authorization to Advertise Handicap Ramp Phase II Bid

Frank Feinberg calls for the motion for authorization to advertise Handicap Ramp Phase II Bid. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn not present).

9. Authorization to Advertise Five Ponds Golf Club Maintenance Building

Frank Feinberg calls for the motion for authorization to advertise Five Ponds Golf Club Maintenance Building. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn not present).

10. Escrow Release to Louis Trovato, DDS in the amount of \$1,784.89

Frank Feinberg calls for the motion for the Escrow Release to Louis Trovato, DDS, in the amount of \$1,784.89. Ellen Jarvis so moved the motion. Fred Gold 2nd the motion. The vote carried 4-0-1 (Quinn not present).

Bob Tate: I do have a letter from Mary Stover (Pennoni). It does say they have inspected the site at 865 County Line Road for Louis L. Trovato, DDS. The items listed in the letter dated 10-21-04 have been satisfactorily completed. Also, since this site has been essentially complete for four years and there are no items to be dedicated, it is our understanding that a maintenance period is not needed. This letter is Mary Stover's recommendation to release.

Gail Johnson: I thought there was suppose to be a sidewalk around the corner to where the parking area was. I thought that Rich Luce spoke about that a year ago.

Tom Thern: PennDot has signs now that it is not a crosswalk at Meetinghouse & County Line Roads. They would have to get a right-away to cut through the neighbor's lawn to continue the sidewalk.

Craig Kennard, PE: The Pennoni escrow tabulation does not include any sidewalk as part of the original approval. There are only seven items.

11. Ann's Choice Neighborhood #4 – Mylar Signing

Frank Feinberg calls for the motion for Ann's Choice Neighborhood #4 Mylar signing. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn not present).

NEW BUSINESS

Elliot Drexler, Esq.: There are two zoning hearings dated for June 25th:

- Gerard & Linda Maxwell – 1220 Dahlia Road - are seeking a variance to construct a front porch, side and rear additions to their house.
- Joseph Bound – 625 Mearns Road - is seeking variances to expand a commercial building (a beverage distribution on Mearns Road).

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SUPERVISOR'S COMMENTS

Elliot Drexler, Esq.: On May 20th I submitted a copy of a letter to Frank Feinberg and I would like to read that to you now.

For the past 38 years I have been a resident and practicing attorney in Warminster Township. For fifteen of those years I have served as Solicitor of this Township under several administrations. It has been an honor and a privilege to do so. Since accepting the Solicitor-Ship again in the beginning of this year, my private practice and recent health concerns have caused me to reconsider this appointment. It has become apparent that I cannot devote the necessary amount of time to this position. I therefore offer my resignation as Solicitor. In order to effect a smooth transition this resignation will become effective on June 30, 2008. I will continue to represent the Township until then and will work with new counsel to complete open matters. If the Board desires, I will be available to serve as special conflicts counsel. Thank you, for the opportunity to represent Warminster Township.

Frank Feinberg:

- Thank you Elliot for your service past and present. Thank you very much for helping us getting through these last six months of the new endeavor here for Ellen and me. It truly is much appreciated.
- Upon hearing of Elliot's resignation, prior to the May 30th executive session we knew we had to make a decision to select a special counsel to represent the Township at the scheduled June 10th court hearing and carry that forward. We could not wait until this meeting tonight to do that in a public forum so we did it in an executive forum. We selected Michael J. Savona at the May 30th meeting to represent us with respect to this ongoing litigation with Warminster Heights Homeowner's Association. Mr. Savona represented the Township in the Wawa Curative Amendment Hearing.

Fred Gold: I would like to thank Mr. Drexler for the six months good work for the Township.

Gail Johnson: I would also like to thank you Elliot. You did a good job.

Ellen Jarvis: Beyond your six months, I would also like to thank you for your total of fifteen years for terrific service to this Township. This Township would not be in the place that it is today without your service in the past and I truly appreciate your dedication to Warminster and look forward to your continued service as needed. I wish you God speed and good luck in any other concerns and keeping you and your practice healthy.

Frank Feinberg:

With the interest of the Township in mind and trying to keep a smooth transition with many legal matters to be addressed and since we did go through an interview process and a selection process just this past January..... I move that we appoint Michael J. Savona, Esquire, firm of Friedman Schuman as Warminster Township Solicitor effective July 1, 2008. This is subject to the acceptance of his letter of engagement. Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn not present).

Frank Feinberg: As a follow up, I suggested a review of working and expected legal matters be conducted between Mr. Drexler and Mr. Savona over the next few weeks so Mr. Savona can be prepared from day one. This is an opportunity, which Elliot was not afforded. I have already talked with Elliot and he is most willing to assist us.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JUNE 12, 2008**

NOTATION

Elliot Drexler, Esq.: I will do the advertisement of the Zoning Ordinance Amendment.....for the July 24th meeting.

AGENDA FOR JUNE 26, 2008

- **The AT&T Presentation for the Cell Tower**
- **Ambulance Corps Presentation**

INDIVIDUAL ACTION ITEM

Bob Tate

- **Golf Inventory prepared for July meeting.**
- **Regarding Professional Services Account – Change the description on invoices when entered.**

MEETING ADJOURNED AT 9:40 P.M.