

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JUNE 26, 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: Barbara Sultzbach, Assistant Township Manager
Elliot M. Drexler, Esq., Township Solicitor
Craig Kennard, PE, Township Engineer (Gilmore & Associates)
James 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 7:00 P.M., by Chairman Frank Feinberg.

The PLEDGE OF ALLEGIANCE was led by Leo Quinn, followed by a moment of silence in which Leo asked for thoughts and prayers for his father who is in the hospital for heart issues.

ANNOUNCEMENTS, COMMUNICATIONS & MINUTES

- Frank Feinberg asked for the motion to approve the Minutes of June 12, 2008. Fred Gold made the motion. Ellen Jarvis 2nd the motion. The vote carried 4-0-1 (Quinn abstained – not present at prior meeting).

Frank Feinberg:

1. Announced that on Monday, June 30, 2008 Jake Kessler, Jr. will retire after 32 years of service and dedication to Warminster Township. In those years he has never taken a sick day. He thanks Jake for his reliability and also thanks Jake's wife Sheila and his children Jake III, Eric and Pam for their tolerance and patience during the times spent away from his family to assist and aide the residents of Warminster Township. The Board of Supervisors, Bob Tate (Manager), Barb Sultzbach (Assistant Manager), Buddy Mullen and all the department heads wishes Jake the best for a long and healthy retirement.

2. On August 7th Maryanne King Hasbrook (registered nurse & veterinary technician), Coordinator of the County of Bucks Animal Rescue Team, will be giving a presentation on this newly formed organization and its' task with the mission of coordinating animal rescue efforts in our community.

Gail Johnson:

1. The Warminster Amateur Radio Club will hold the next meeting on Thursday, July 3rd, 7:30 P.M. at the Ben Wilson Senior Center – 580 Delmont Ave. – Warminster. After a brief business meeting and break for refreshments, the topic will be "Alternative Energy Sources". The public is welcome to attend. For more information please contact George Brechmann 215-443-5656.

2. Announced that today his wife Barbara and he are celebrating their 32nd Wedding Anniversary. He thanks Barbara for putting up with him.

Ellen Jarvis:

1. The Planning Commission cancelled the July 2nd meeting. The next meeting is July 16th.

Fred Gold:

1. Announces the new businesses that have moved or will be moving into the Township:

- | | |
|----------------------------------|---------------------|
| • Golden Cuts Hair Salon, Inc. | 214 W. Street Road |
| • Alex Fiksmen Architect | 3 Potter Street |
| • Bartel Ston Glass Distributors | 51 Ash Circle |
| • Replay Toys | 1515 W. Street Road |
| • Pat-Dee Cake Day Care | 785 W. Street Road |
| • Surgical Weight Loss Center | 225 Newtown Road |
- Abington Memorial Hospital – Warminster Campus

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ANNOUNCEMENTS, COMMUNICATIONS & MINUTES (Cont'd)

Leo Quinn:

1. Announced that he and Frank represented the Township at the Anne's Choice annual Benevolent Care Fund Gala on Saturday, June 21st. This fund raiser is set up to assist the people who live in Anne's Choice in the event that they have a financial hardship. The monies raised are placed in an established endowment fund so no one ever has to leave Anne's Choice. He extends his thanks to Anne's Choice and the Erikson Retirement Communities for the invitation. He expresses that the people living there are an awesome group of individuals with a tremendous attitude.

2. He attended the skate park meeting last Monday. It was voted to use the \$10,000.00 (\$5,000.00 was the Warminster Rotary Club donation plus monies raised by the skate club and \$5,000.00 was the monies matched by Warminster Township) to increase the amount of gear that is going to be at the skate park. The equipment (seven small pieces) will arrive in late July or early August. At that time, we will be asking for volunteers to help in putting in the equipment.

Barbara Loftus, Tax Collector:

1. The Township & County Tax Bills (mailed last week in February) must be paid by this Monday, June 30th (received at office) to avoid the 10% penalty. The office will be opened on Monday from 8:30 A.M. to 12:00 Noon.

2. The new School Tax bills will be mailed out Tuesday, July 1st. This bill has been redesigned because it now includes the Homestead Farmstead Exclusion amount. All resident homeowners that applied for this exclusion will receive a \$167.00 credit on this tax bill; for those who have not applied, the exclusion line will be blank.

3. Residents who have not signed up for the Homestead Farmstead Exclusion will again have the opportunity to apply when the courthouse sends out notices in December. The requirement is that your home is your primary residence.

4. Encourages all resident homeowners who have not applied to do so. This is not automatic.

FIRST PRESENTATION - Swearing in of David J. Erenius

S. Michael Murphy (Police Chief) is here tonight to promote officer David J. Erenius to the rank of Corporal. He tells the board the following information about David:

- He was raised in Perkasio, PA.
- Graduated from Penn State University with a BS in Administration of Justice and a minor in Psychology. He is a 2003 graduate of Temple University Police Academy.
- Served for a period of time with the Lehigh County Sheriff's Department and the Yardley Borough Police Department.
- Worked in the Pharmaceutical Industry.
- Was PGA Golf Professional. A hobby to this day.
- Currently, he is assigned to the Patrol Division; he is crime scene investigator. He is a member of the Central Bucks Crime Scene Unit.
- Is married to wife, Donna. He has a son Joey and a stepdaughter, Anna.
- He will commence his new assignment immediately (as soon as his regular days off are finished).

Frank Feinberg then administered the oath of promotion. Congratulations were extended to David.

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SECOND PRESENTATION - Representatives of J.G. Petrucci – 333 Jacksonville Road

Representatives addressing the Board this evening on behalf of J.G. Petrucci are as follows:

Ed Murphy, Attorney - E. Van Rieker, AICP (Professional Land Planner) -
Dave Horner (Traffic Study) - Greg Rogerson - Dave Minno, Architect

Ed Murphy, Attorney, gave an overview regarding the concept for the redevelopment of the Draeger Medical Site (adjacent to the Warminster Train Station) on Jacksonville Road to a Transit Oriented Development (TOD). He stated that the site is slightly less than 17 acres and on the site is a 140,000 square foot vacant building. The idea and concept of a TOD for Warminster was first brought to the attention of the Board of Supervisors in November of 2006. As a result of that meeting the Board:

- Suggested that the TOD not be age qualified.
- Encouraged the development of the TOD plan concept.

He tells the Board because the site is zoned industrial a TOD type of use would not be permitted without a zoning change. Many months were spent developing a draft of the proposed Ordinance to change the zoning of that site. A sketch plan with the initial draft of the proposed TOD Ordinance was submitted to the Township in the spring of 2007. The first appearance before the Township Planning Commission was in July 2007 which resulted in a revision of the concept plan and the TOD Ordinance draft. This concept plan revision and the second Ordinance draft was presented before the Planning Commission in November 2007. Based on more comments of suggested changes there was an appearance before the Planning Commission in February 2008. It was at this meeting that it was suggested:

- That a Traffic Study be undertaken to get a better sense of traffic impact for this TOD redevelopment.

The most recent appearance before the Township Planning Commission was just last week (Wednesday, June 18th) and at this meeting a summary of the completed “Traffic Study” was presented.

It is at this time that Mr. Murphy asks the Board to have their staff advertise the proposed TOD Ordinance Draft that has been prepared and submitted to them.

Chairman of the Board, Mr. Feinberg, waited until the end of all input presentations by each representative for J. G. Petrucci. He then stated:

The Board has not yet reviewed this proposed Ordinance. The next public meeting (July 10th) would be the earliest that the Board can authorize the advertising of the Ordinance.

Jim Krueger will provide the Board with copies of the Ordinance Draft and the other municipality’s ordinances that Ed Murphy forwarded to him. Mr. Krueger said that the zoning map has to be amended.

There is a positive sense of the Board to move forward. It was suggested that Mr. Murphy contact the Township Engineer, the Township Solicitor (Michael J. Savona, Esq.) and Jim Krueger at Licenses & Inspections.

In closing, Mr. Murphy said he will follow up with the Township staff and as soon as the Ordinance is authorized for advertising then the project can moved forward.

E. Van Rieker, Planning Consultant, gave a presentation on “Summary of the TOD Ordinance and the Planning Concept”. Mr. Rieker begins by talking about “Developing around Transit”, a DVRPC (Delaware Valley Regional Planning Commission) original publication 2006. The publication talks about TOD and mixed uses. It studied three potential candidates for a TOD and did an exhaustive land use analysis. He said one of the potential candidates was the SEPTA R2 which goes to the Warminster Train Station and surrounding area. It was this publication that sparked the interest in the Draeger Medical site; the closet property to the newly refurbished R2 Warminster Station.

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**SECOND PRESENTATION - Representatives of J.G. Petrucci (Cont'd)
E. Van Rieker, Planning Consultant (Cont'd)**

It was an ideal opportunity to take an old industrial site and restage it, change its original land use and create a relatively new concept in zoning, a Transit Oriented Development. The Board was provided with the DVRPC August 2007 publication "On Track"- progress towards Transit-Oriented Development in the Delaware Valley which lists various TOD's in other municipalities and he attached a brochure entitled "Station Square Apartment Homes & Shops"; last years best land development award publication from the Montgomery County Planning Commission.

For discussion purposes, Mr. Rieker provided the Board with a Chart titled: "TOD – Transit Oriented Development – Comparison of Districts – Selected Regulations" – which compares the proposed Warminster TOD Ordinance to three adopted Transit Oriented Developments (Hatboro Borough, Ambler Borough and Upper Gwynedd Township). The Ordinance itself is 13 pages; the substance of it is detailed as follows:

1. USES	M.F. / RETAIL
2. TRACT AREA (MINIMUM)	5 ACRES
3. DENSITY	14 DU / AC
4. HEIGHT	40 / 50 FT.
5. BUILDINGS	
Maximum Size	20 DU / BLDG.
Coverage	30 %
Non-Res. Max Length	300 FT.
6. IMPERVIOUS COVERAGE	75%
7. ARCH. DESIGN CRITERIA	YES
8. ROOF DESIGN	YES
9. PEDESTRIAN PLAN REQUIREMENT	YES

Uses: The proposal is compared to those that have been adopted or developed elsewhere. The Ordinance calls for a mix of uses; there is proposed a club house, recreation, local shops, café etc.

Tract Area Minimum: This can be between 5 to 15 acres. Five was selected to be able to use this ordinance again on other tracts.

Density: 14 dwelling units per acre is significantly less than in Ambler and Hatboro. It is similar to Upper Station/Gwynedd Square that also has retail.

Note: To give the Board an understanding of what the proposed TOD for Warminster would look like in terms of building bulk, styles, finishes etc. Mr. Rieker provided pictures of a community called "Avenel"; it is situated on DeKalb Pike across from the Montgomery Mall - North Wales, PA. Although this community is not a TOD, it is a development of 256 Dwelling Units at the Density of precisely 14 Dwelling Units per Acre, the same that is proposed in the TOD Ordinance.

Height - 40 feet can be increased to 50 feet. Most of the proposed buildings are expected to be 40 feet (three stories high).

Buildings: Maximum Size – proposed is twenty (20) dwelling units in a building.
Coverage – proposed 30% - significantly less than those in the other communities.
Length of non- residential building – 300 feet

Impervious Coverage – proposed 75% - less than those in the other communities.

Arch. Design Criteria - There is a listing of how these buildings are to be positioned and the relationship with each other.

Roof Design – is a critical architectural issue.

Pedestrian Plan Requirement – provide the walk ability approach to the train platform, to club house and retail components on site or adjacent to site.

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SECOND PRESENTATION - Representatives of J.G. Petrucci (Cont'd)

Dave Horner, principle in the traffic engineering firm of Horner & Cantor Associates, gave a presentation of the Traffic Study done for the proposed Transit Oriented Development. He brought forth the following information:

- He said the most important thing we have to keep in mind with the TOD especially a mixed use TOD (as proposed for Jacksonville Road) are the two main factors that mitigate some of the traffic impact.
 1. That there will be a certain percentage that will use transit instead of vehicles for their daily work commute. The focus is on the work commute because that is the busiest time of traffic in the area on Jacksonville Road during the weekday morning and weekday afternoon period.
 2. That a mixed use TOD - when you have a small community retail component, this will have some of the retail demands served within the property so there will be some reduction in trips due to that.
- He mentions that studies have shown that there is basically between a 20%, 40% or 50% reduction in those work related trips because of the relationship to the transit.
- He said the proposed TOD had a previous use and also needs to be rezoned.
- He said how the traffic compares to what was previously there and how it compares to what could be there needed to be studied. The traffic study looked at how the previous industrial use of an approximate 130,000 sq. ft. building would compare in terms of trip generation to the proposed mixed TOD. What was found was that the TOD during the critical week day morning and afternoon peak hours generated less traffic than what the Institute of Transportation Engineers (ITE) projects is generated by industrial use of that size.
- The traffic study compared what could be built on the site under current zoning during the weekday morning and afternoon peak hours. The proposed development with the density and the retail component generates far less traffic than an office development would.
- He said that the five signalized intersections along the entire Jacksonville corridor were looked at. The conclusion was that the traffic impact is actually less than what it previously was and could be.
- The TOD access proposal shown on the plan is to have two un-signalized access driveways. This was found to be sufficient to handle the traffic. There will be times during the peak hours, the afternoon in particular, when there will be some delay. This is true for any un-signalized driveway on Jacksonville Road.
- As a PennDot road, it will have to get review and approval by PennDot.
- In terms of the impact to the area there would be some. What was found was that a detailed study of the signal system itself can mitigate a lot of that impact.
- The use of the property for a TOD is a benefit in terms of traffic.

Mr. Horner finalized his presentation by stating that the access plan that is proposed for the TOD project has improvements to the signal system that he expects PennDot would require. If PennDot requires any turn lanes or deceleration lanes in the access driveway they are obligated to do that.

Questions and Answers: The following matters were discussed:

- In answer to Fred Gold's question, "What will the TOD units sell for"? And Leo Quinn's question, "Are these rental units"?

Greg Rogerson responded that the housing market is very complicated right now and these issues have been left opened at this point; however, the last community similar to the TOD units proposed sold in the range from \$300,000 to \$400,000. It is possible that there will be a mix of rentals and for sale units.

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**SECOND PRESENTATION - Representatives of J.G. Petrucci (Cont'd)
Questions and Answers: (Cont'd)**

- Gail Johnson posed questions regarding impervious coverage and pervious coverage for the Jacksonville Road site.

E. Van Rieker responded to “maximum impervious coverage” by saying that the built structure now on the site was constructed on the basis of 85%; he thinks under industrial zoning there may not be a maximum. The other industrial sites along Jacksonville Road appear to have a fairly high percentage. A 75% maximum impervious coverage is proposed for this project; however, the plans are more in the high 60’s. The plans show a large percentage of sidewalks, trails and such that from an ordinance point of view we will keep the maximum impervious coverage at 75%. Regarding “pervious coverage” he said, it has not been studied, but, if it qualifies as BMP (Best Measurement Practice) it will be an engineering issue. All options will have been looked at when the plans are filed.

- Gail Johnson said residents have expressed drainage issue concerns and Ellen Jarvis asked if some of the drainage problems were PennDot issues.

Ed Murphy said at Planning Commission meetings a couple of residents brought up the storm drainage issues and some photographs of existing conditions were provided. Our engineers do feel confident that the issue can be dealt with. As part of the land development plan, storm water management will be done. Regarding PennDot issues, he said that technically there are some but in practice PennDot will expect them to fix it.

- Jim Krueger mentions that he does not recall any storm water management controls on the proposed site. He went on to say that the biggest problem for Jacksonville Road is near the Potter Street exit from Warminster Heights. Most of the time it’s maintenance issues of cleaning the inlet. PennDot does not clean the inlet. Our staff will run down there when we know there is an impending storm and make sure it’s clear but, it can be overwhelming at times.

- Gail Johnson asked how many units are planned and was told that 200 units is the target.

At this juncture, Dave Minno the project architect with the proposed site plans in hand shows and tells the Board that this is all part of the Smart Growth Transit Oriented Development Project. He said what the plan proposes is what they call a Traditional Neighborhood Development. The historical development of small towns (primarily before the automobile) was that buildings were built closer to the street with great landscaping and in the back of the building was a carriage barn (later converted to a garage). He said the proposed plan has taken some of those planning ideas. In the front of the proposed buildings are streets with good landscaping and the garages are in the back off of alleys behind the building. Each unit will have a one car garage in the building and another space directly behind the garage for the second car. Two of the buildings facing Jacksonville Road will have primarily retail with residential above, which again, is a traditional notion. Another aspect on the proposed plan includes pocket parks and a significant central green in the center of the property. The whole community is designed to be pedestrian friendly. People could literally live here, go to work on the train and do at least some of their shopping by foot within the community. Visitor parking can be accommodated on the public street but there will be additional visitor parking on site. At night when the retail is closed there will be some overflow parking. There is a shared parking notion in the community as well.

In closing Mr. Minno stated that the Bucks County Planning Commission and the Montgomery County Planning Commission are really trying to support just this kind of development. This is the kind of community that will put Warminster on the map in terms of good planning. If you want to have density anywhere in your town put it right here at the train station. It makes all the sense in the world.

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SECOND PRESENTATION - Representatives of J.G. Petrucci (Cont'd)

Raymond Kline – Warminster resident

- You're looking at 400 cars.
- You're saying 40% to 10% would commute. That's a big difference. If you have 10% that means that 90% won't be using the train.

Dave Horner:

- Taking into account the internal capture I mentioned, the transit oriented trips, what we found is that this development would generate on the order of about 100 vehicles in total inbound and outbound in the morning peak and about another 100 in the afternoon peak. That's what we are talking about in terms of the level of traffic on the commuter peak hours.
- Studies have shown that about 20% to 40% and even up to 50% in some cases of the residential activity is captured during the commuter peak by the transit use. There were a lot of different types of developments studied that determined these ranges.
- The proposed sites proximity to the train station will be much closer to 50% than 20% because the pedestrian connection is adjacent to the train platform.
- Although I will say that the numbers that I just quoted were based on a very conservative assumption of only 15% capture. I did that to make sure we are not under estimating for the sake of traffic and improvements on Jacksonville Road.

THIRD PRESENTATION - AT&T – Cell Tower

Representatives addressing the Board this evening on behalf of AT&T are as follows:

- Cliff Shaffer–Wireless Communication Consultants, Harrisburg, PA.–provides site acquisition services for wireless companies.
- Catherine (Kate) Durso–Fitzpatrick, Lentz & Bubba, Attorneys at Law–Counsel for AT&T.
- Craig Ziedman – Dewberry-Goodkind, Inc. - Engineer

Cliff Shaffer reminded the board that at the May 8, 2008 meeting it was suggested that the focus for the proposed cell tower be on the township owned property at the corner of Street and Norristown Roads (south of Street Road). He provided the board with copies of photographs and schematics of the site. He said, the layout worked out would be functional for AT&T and future co-locators and he hopes it approaches what the board had in mind. The following overview of what has been done was brought to the attention of the Board:

- A design visit was conducted at the end of May. After measuring up the property, they came up with a preliminary set of schematics showing both from a site plan prospective and from an elevation perspective.
- The structure proposed is 120 foot above ground level. A photo simulation was done where a test balloon was raised to the height that would mimic the height of the potential tower at this site. The photographs were taken by moving around in a 360 degree pattern in the neighborhood to see from where the balloon could be seen.
- The photographs show the Board the actual balloon as it was seen through the lens of the camera then afterwards the insertion (photo simulation) of the proposed structure from those vantage points.
 - Looking west on Street Road to west of the property you could virtually not see the facility at all.
 - A photograph taken from the north looking south along the north side of Street Road shows the facility was minimally visible.
 - There is visibility from the shopping center to the east looking back and again to the south; from the neighborhood to the south there was some visibility.

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**THIRD PRESENTATION - AT&T – Cell Tower (Cont'd)
Cliff Shaffer (Cont'd)**

- The antennas on the proposed structure will be flush mounted. Two sets of antennas are stacked one on top of the other. One set at 120 feet and a second set at 110 feet. Below the 110 feet there is co-location space.
- The proposed structure will be designed to have a flange at the top.
 - Would enable another wireless company to extend the structure another 20 feet to 140 feet.
 - Would enable supporting other carriers and avoid the proposal of other towers.
- Proposing to integrate into the compound enclosure a façade for signage (on a forty-five degree angle facing northwest).
- The sides of the facility most visible from Norristown Road will be characterized with an architectural enclosure (stucco material–masonry). PVC fencing is being proposed for the east side that faces the woods/stream.

Cliff Shaffer – Follow up Items

1. Lease Agreement

- Says, there is a need to now focus on the issue of the lease agreement that was provided to the Township in February.
- Says, that all the work and energies exerted were done with the understanding that there would be concurrently ongoing on the Township's side an effort to review the draft and provide feedback.
- Says, it is becoming challenging to convince his client to go forward with additional energies and expenses in the absence of knowing whether we have the prospect of ever having a lease.
- Says, he would hope tonight the Township will give a timetable for being able to provide some feedback.

2. Proposed Text Amendment

- Says, we did get some initial verbal feedback from Mr. Savona through Kate's office and it was his understanding that Mr. Savona:
 - was not entirely in favor of the draft we provided.
 - did not himself find it to be appropriate that a text amendment provide for this use on municipal property by right of.
 - suggested that there be some form of an approval process perhaps conditional use.
- Says, we are not opposed to that per say but has concerns.
 - Site is very tight physically – thinks there is not much prospect for the fundamental underlining district set backs and so forth being met on this property with layout.
 - Property is somewhat encumbered by a stream and some flood plane issues.
 - There is a very small portion of building area on the site.
 - We would need a fair amount of dimensional relief to be able to go through the process and that might not be something that could be achieved.
- Says, we have to work in harmony with the Township and the Solicitor on what we might do and the alternative to our draft.
- Says, that one concept that Kate Durso brought up is to review and perhaps adopt another ordinance that was dealing with establishing new districts and uses within those districts. This is a concept we might want to follow through with Mr. Savona; possibly integrating this issue, this use, into that ordinance effort as opposed to having a stand alone effort for just ourselves.
- Says, it is fact that this property has limitation so everyone will have to be reasonably open minded and flexible about what we would need to have in the way of dimensional requirements if we are to have a site on this property approved.

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THIRD PRESENTATION - AT&T – Cell Tower (Cont'd)

Craig Ziedman (Engineer) is the individual who provided the photo simulations. He also prepared the schematics of the Site Plan, Equipment Layout and Elevation View for the proposed 120 foot monopole. He says,

- The Site Plan is a sketch of what is proposed.
- The proposed facility will be located right off of Norristown Road (right down the street from the intersection at Street and Norristown Roads).
- We are proposing a direct access straight from Norristown Road with a parking area. The maintenance technician can pull into the facility and park safely.
- The area is pretty heavily wooded on all sides. The goal is to keep as much of the trees as possible.
- We are proposing surrounding the facility with something decorative (stucco–masonry) that will screen because of the proximity of the compound to the road. The wall will provide security and it will be tall enough so that none of the equipment inside the compound would be visible from the street.
- The proposed equipment shelter is just a building 20' x 20' and 10 feet high. It will be below the height of the wall that is proposed to surround the facility.
- The antennas on the proposed 120 foot monopole will be located at two different heights (120' & 110') with a flush mounted design. They will stick out about a foot or so depending on the model the radio frequency engineer ends up designing
- Coaxial cables will be inside the monopole that connects the equipment on the ground to the antennas on the top.
- If lighting would be on the monopole it will ultimately be made and determined by the FAA.
- There will be additional space inside the compound for future wireless to locate on the monopole to avoid having to build any future new monopoles.
- As was mentioned previously we did incorporate into the proposed design the ability to put a sign up on the wall. It will be decorative at the base with nice landscaping (mulching, shrubs etc.)

Craig Ziedman responds to various questions and answers as follows:

- The test balloon was at the height of the monopole - 120 feet. The proposed monopole is 120 feet expandable to 140 feet. (? Gold)
- The pictures were taken at 120 feet and our proposed use is 120 feet and we could not go 140 feet without the Board's approval. The proposed design allows for expansion to 140 feet but for a future carrier to use that height they would have to have the approval of the Board. They would provide the Board with simulations with that higher height. (? Gold)
- The proposed site is approximately 150 to 200 feet from Street Road and about 600 feet from Mae Drive. (? Quinn)
- The telecommunications part of the ordinance requires that 1 ½ times the height of the tower be set back. That would be 180 feet. We can meet 180 feet set back from the residential side but obviously not from the front or from the Pep Boys property. What we have is just a concept; we will do a survey to locate everything and get the numbers exact. (? Johnson)

NOTE: Jim Krueger points out that it is a very tight site and as far as zoning is concerned the dimensions just from the set back off the street would be the bigger question, not so much the question from the residential (Mae Drive).

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THIRD PRESENTATION - AT&T – Cell Tower (Cont'd)

Dialogue exchange between Kate Durso and Jim Krueger

Kate Durso:

With this specific site we have both set back issues with the Telecommunications Ordinance as well as front yard set back issues with the underling zoning district. We do think the site is suitable for the cell tower but, it's a matter of getting over some of the zoning hurdles

Originally, we had proposed that the Ordinance be amended to allow telecommunications facilities by right on Township owned land. I also brought to attorney Savona's attention my concern that even if we do that we face the issue that we would not be able to meet the set back requirements of the institutional zoning districts and would the Township perhaps consider exempting Township owned land completely from the zoning. That is when he advised me that he had some concern with just exempting out township owned land.

From the carrier's perspective, our concern is if we can negotiate a lease agreement with the Township and depending on what the use is classified - if it is a conditional use obviously we come back to the Board of Supervisors. But, if we can't address the variance aspect of it then we have to go back to the Zoning Hearing Board and if there are residents concerns even if we meet the set backs from the residential property we still have that variance to address. That is what our concern is with regard to what type of amendment to the ordinance that happens.

Jim Krueger: If it would help, there is a draft of an EM ordinance which was created for Township owned properties, Municipal owned properties and the Schools that we would put back on the table for your consideration.

Kate Durso:

A while back you were kind enough to provide me a copy, but, at the time, we didn't know where it stood in the review. I am in a quandary as to whether we try to go and become part of that ordinance. Again, not knowing where that ordinance stands, is it something the Township wants to do in the first place or do we come out with our own ordinance and try to get the property exempt; although, attorney Savona has concerns with that aspect of it.

We just need guidance on how we are going to address the zoning issues assuming we can get through the lease review (attorney Savona has copy for review).

Jim Krueger: We would have to add to that ordinance, use 41A and also put a clause in there that the Board of Supervisors has the right to accept or reject the 41A which is cell towers.

NOTE: Frank Feinberg requests that this be coordinated with Mr. Savona.

Kate Durso:

Your draft ordinance had specific set backs - just general set backs for uses in that zone. Would we be able to get around that potentially because I think that it had a similar front yard setback that is currently in the institutional zone?

Jim Krueger: That could be a decision by the Board. I think that has to be tweaked a little bit.

Kate Durso:

I understand attorney Savona's concern with the blanket exemption. It was just that originally we didn't think we were going to have as many issues because we were looking at the golf course that was a much larger tract to be able to locate it. But here obviously in order to put it close to the road as far away from the residents we are putting ourselves within the front yard setback.

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THIRD PRESENTATION - AT&T – Cell Tower (Cont'd)

In an exchange of questions and answers, it was brought out that Christ Home will be putting in sidewalks (a land development requirement) on the same side of the street of the proposed cell tower site. Upon reviewing the sketch it appeared that with the 25 foot setback there would be sufficient room to place the sidewalk along Norristown Road to Street Road.

Craig Kennard, PE:

- AT & T is coming in after the fact.
- They do their site survey, get a copy of the plans and incorporate their design layout to correspond to the sidewalk and improvements.
- The last one in has to do a little bit more work.
- They will need to work with L & I and our office to make sure their proposed improvements correspond to what Christ Home has agreed to do through their land development approval process.

It was Craig Kennard's opinion that Christ Home was getting close to doing the sidewalk but has a feeling that they will finish before AT&T is ready to go. Mr. Krueger thought the project may be part of Christ Homes second phase plans.

Cliff Shaffer responds to various questions and answers as follows:

- Regarding a lease amount, we are providing a draft that reflects \$1800.00 a month payment with escalation of 3% per annum factor. (? Johnson)
- Regarding the size of the proposed cell tower project, it was the intent to make one site functional for more than one user in the long term showing future users within the perimeters of the compound right now. (? Johnson)
- Regarding new carriers, AT&T has a component that does have to be negotiated where the township would get a percentage of what is received or a fixed amount per month when the parties start their work on the site. (? Johnson)
- Regarding a flag pole type – In general flag poles are not a good idea. If you want to have something that has the functionality of being extendable a flag pole design is not very good because it is almost impossible once all the top two positions and perhaps the third and fourth position are installed for anyone to get by all that infra structure inside of the pole to run the coaxial cables – this results in coaxial cables running outside of the flag pole to get to the tip of the extension. (? Quinn)
- Regarding interest of co-locators –It is sort of a field of dreams type of thing. If you build it they will come but it is not guaranteed. It is my personal opinion that at least one other carrier will show up within the first year or 18 months. (? Feinberg)
- Regarding service technicians on site – typically, each carrier has a routine of sending a technician once a month. Usually normal business hours unless there is an outage and the electronic system which is connected sends an alarm to the main hub or switch they will then dispatch someone at whatever time to fix it. (? Johnson)
- Regarding trucks used - a passenger vehicle like a SUV. (? Johnson)
- Regarding terms of a lease - It is pretty standard plus and minus a few twitches here or there amongst the various companies but generally overall the aggregate posture of 25 years. Five year initial term and the tenant or user would ask to have the right to extend. Typically it is an automatic renewal unless they notify you in advance that they are going to terminate. If they were to exercise that right to terminate the lease does provide for complete removal and restoration. It is very uncommon to decommission them. (? Johnson)

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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THIRD PRESENTATION - AT&T – Cell Tower (Cont'd)

Frank Martin – Mae Drive - Warminster

- You guys are killing us down here. It seems like you are trying to put a square peg into a round hole by putting a cell tower down at that corner. I can't see why you are trying to squeeze in a cell tower into that corner.....
- There is plenty room over at Five Ponds (Golf Club). Why couldn't it go up over there? Why can't it go up on a water tower? How can it work for one company and not for another?
- Would like to see the same pictures that were taken in June taken again in September when all the leaves are off the trees to see the view from Mae Drive.
- It seems to me that all aspects were not taken into consideration. The area is too small to accommodate a cell tower and the squeezing in of sidewalks.
- How much actual ground is between Pep Boys and Norristown Road? Are we going into the wetlands?

In answer to the question “Why can't the cell tower go on the Five Ponds Golf Course grounds”?

- Jim Krueger says there are concerns about the construction of the new maintenance building and cart house on the area where they were planning to put the cell tower.
- Frank Feinberg says the corner area along Street Road wasn't big enough and on the golf course itself the 9th tee was obstructed.

In answer to the question “Why can't it go up on a water tower”?

- Leo Quinn says, where our water towers are located in the Township doesn't give AT&T the coverage. The township is working closely with the Water Authority and what's happening right now is where we can and when we can the cell towers are going up on top of water towers.....

In answer to the question “How can it work for one company and not for another?”

- Leo Quinn says, Imagine you have the grid, imagine you have the Township two miles by three miles and depending where the water towers are by putting the cell towers on the water towers you are satisfying that particular grid. What's happening is we are doing that (cell companies & township) and now this area is a gap. They're not getting coverage so they need another spot in this area of the Township to put a tower. There is no water tower to put it on top of. That is why we are trying to help the cell tower companies.....

In answer to the questions “How much actual ground is between Pep Boys and Norristown Road? Are we going into the wetlands?”

- Leo Quinn says, it is pretty sizeable. He gave his copy of the hand outs (photos and schematics of the site) to Mr. Martin for him to review. We will be back talking about this for quite some time.

Frank Feinberg:

- It is my understanding that you just can't put a cell tower up anywhere.... It is very positional and limited in its coverage.
- What is being shown to us is that there is a major dead area on York Road and Street Road and that whole corridor there, so something is needed in that vicinity.
- There are a lot of things to be done to move forward. Most of these matters require coordination with the Solicitor (Michael J. Savona). Suggests that Kate Durso and Jim Krueger get in touch with Mr. Savona.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC COMMENT

Michael McNany – 530 8th Avenue

On July 12, 2007 the property at 240 N. York Road had a zoning change from commercial to light industrial which allowed the TOCC Motorcycle Shop to be at that location. As a condition of that decision there was a stipulation that the owner of the motorcycle shop property remove the overgrowth and put in a proper buffer zone in-between his property and mine. It was stated that the buffer zone was to be designed by L & I and approved by myself and the property owner.

I am asking the Township to ask Gilmore & Associates to have one of their fine landscape architects get something going on this.

- It has been ten months now since the overgrowth was taken down.
- I have made plenty of calls to L & I. I spoke with Tom Thern about four times and each time he said they're doing designs and that it's going to happen. I haven't heard or seen anything going on at that property. Nothing has been done.
- There is noise and shenanigans going on at the property. I think if the buffer zone was in place, I wouldn't hear a lot of that.
- Initially, I asked for a landscape architect to come in and design something properly. Since it is only a four foot area I wanted the area maximized with something that would solve the problem.
- A neighbor, of many years, said that the parking lot has sort of a French drain (stone bed) underneath it so the buffer zone cannot be extended beyond the four foot.

Leo Quinn: When we approved that motorcycle shop to go in there, this was definitely a part of the condition of the approval that they would absolutely get this built.....

Gail Johnson: There are a couple other things that have not been done and it is now a matter of setting a time limit at this point.....

Elliot Drexler, Esq.: L & I will need to follow up on that. If that doesn't work then L & I will contact the Solicitor to take enforcement action. Violation notices, citations or even injunctions if necessary.

Michael McNany:

- Is there anyway to find out if any actions have been taken.
- There have been many complaints and L & I has been notified of all these things.
- I am here... just to talk about the stipulations that were agreed upon.

Jim Krueger:

- Tom has been down there several times and I think we are ready to site the owner on a couple of issues....
- Reviewed the site print (provided by Mr. McNany) for the buffer zone.

Frank Feinberg: Suggested that Mr. McNany follow up with Jim Krueger and said it will be addressed.

Raymond Kline – New Terrance

- Just want to say the landscaping that you are doing by the billboards on Street Road at the railroad tracts is looking really nice.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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SUPERVISOR'S COMMENTS

Gail Johnson:

- Has been riding his bike to work. Says, it's a nice time of year to bike and hopes everybody else is also biking.

Frank Feinberg:

- On June 23rd at 5 P.M. the supervisors that could attend had a brief session with the auditors from LarsonAllen to discuss the first draft of the audit that has been done. There were some questions they had for us which we couldn't answer but have since been answered. They were just letting us know about the process. They will be making a presentation on the final draft on July 10th.

Fred Gold:

- Wishes everyone a happy 4th of July.

Leo Quinn:

- Earlier I had thanked people for helping out with the skate park and raising money and I forgot to mention the Meeka Homen family and friends who did a car wash for the skate park and that was part of the money raised. I want to thank them for their efforts.

Ellen Jarvis:

- I want to acknowledge the great work of our video crew. During the Memorial Day Parade our video crew spent a full eight hours video taping the parade and over fifty hours in editing the parade for rebroadcast; this was done over a course of at least a week. I wanted to publicly thank Ed Calhoun Sr., Ed Calhoun Jr. and Paul Elker for their great work.

TREASURER'S REPORT

1. CHECK LIST FOR PERIOD ENDING JUNE 26 , 2008

Prepays - \$109,865.97

General Fund	\$ 278,165.24
Park & Recreation Fund	44,558.43
Storm Water Management Fund	6,858.31
Golf Fund	91,061.95
Highway Aid	341.25
Legal & Engineering Escrows Fund	5,662.89
Payroll Date June 12, 2008	<u>269,571.04</u>
Grand Total	<u>\$ 696,219.11</u> =====

Gail Johnson, Secretary/Treasurer, made a motion to approve the Check List (each board member has a copy) for June 26, 2008. The motion was 2nd by Fred Gold. The vote carried 5-0-0.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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TREASURER'S REPORT (Cont'd)

Fred Gold:

- Verified that all the checks were signed and reviewed.
- He mentions there are items on the bill list that are very ambiguous; they do not have a descriptive explanation of the item purchased. For example, next to the name of the supplier it says "supplies". What kind of supplies? What kind of company is it? The actual bills are not seen so; adding an appropriate descriptive name to the items listed would assist in reviewing the bill list. A noted explanation is needed; he would appreciate the Finance Department's effort in this regard.

Frank Feinberg:

- Says, in respect to doing bills etc. the township has an antiquated system. It is limited, it is hard to follow and it needs to be updated. The township manager is looking into getting new software.

Leo Quinn:

- Says, there is ample space on the list to provide a better item description and he agrees it would be helpful. For example, if the item is service and that service is for software, we can say "software services" instead of just "services".

Frank Feinberg:

- Asks Barbara Sultzbach to bring this matter to Bob's attention.

Ellen Jarvis:

- Says, the township manager had been asked to provide an accurate accounting of the expenses for the Pro Shop by the end of June.
- Has asked the Finance Manager to provide a listing of Pro Shop supplies.
- Received a report today, to be reviewed with Mr. Tate when he returns from vacation, which shows we budgeted for this year 2008 to supply our Pro Shop a \$72,000.00 line item.
- Says, we are currently at \$92,759.27. She expects if we are \$20,000.00 over budget that there would be a clear explanation as to why.
- As she understands it, we stock up with some high end items that we don't sell, then there's a Fire Sale at the end of the year. We don't realize our investment in these products. We're selling balls, tees, spike replacements and gloves.
- As she understands it, there is absolutely no reason to be stocking high end Pro Shop items. She had addressed this at the Golf Club meeting.
- She is shocked to find that we are \$20,000.00 over budget and really wants an explanation.
- She is angry at the expenses of the Pro Shop when we haven't been selling in our Pro Shop.
- Realizes that we need to make an appearance, so to speak, as to being a professional Pro Shop but we are a public golf course.
- She wants a full explanation and she wants a full inventory listing.

2. 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 June 2008. The motion was 2 nd by Fred Gold. The vote carried 5-0-0.
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3. Monthly Financial Report – Gail Johnson said we did do some comparison of these monthly financials to the audit report and found that they corresponded fairly well.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PROFESSIONAL REPORTS

1. Manager's Report – presented by Barbara Sultzbach, Assistant Township Manager

Parks & Recreation

- Summer programs are in full swing – enrollments are up to 315 participants. The Arts, Sports and Theater programs will be held; there will be no cancellations due to low enrollment. The Skate Park received the necessary approval from Zoning Board for its advertising signs. Also just completed was the installation of two sets of security doors at the WREC.
- The MS-4 annual report has been completed and filed with the State. On-line registration software expected to be operational by the fall; this will make it easier for our residents to register for different classes on-line.
- Crews have been busy clearing many of the downed trees throughout our various Parks.
- Good news for tennis players, the color-coat resurfacing and lining of the court at Log College is finished and ready for play.

Public Works

- The Public Works crew is beginning their 2008 road projects with planned installation of 84 handicap ramps in the areas of Brookdale, Aster, Dahlia, Tulip and Garden Roads. Paving in these areas will begin once all the ramps are completed.

License & Inspections/Fire Marshal

- Earlier this month I had the opportunity to observe an emergency management drill in the Township. While the nature of the drill was confidential, it did involve the coordinated efforts of various local, county, state and federal agencies and several local businesses. I would like to thank all of those involved in the drill for providing the opportunity to observe and for all of the work that goes into keeping our community safe. I'd also like to acknowledge Jim Krueger for his hard work and Dan Laurich from the Fire Marshal's office who was involved as one of the lead coordinators of the drill and greatly involved in its' planning.
- Two Deputy Fire Marshal's new vehicles expected in any day; will be placed in service July.

Police Department

- The Warminster Police department has completed and passed its PLEAC assessment. Representatives from the Pennsylvania Accreditation Commission recently conducted a two-day on site evaluation of over 124 newly written professional standards and internal processes that govern the effective delivery of police services to the community. The assessment Team must make a formal recommendation to the Accreditation Commission during its July meeting for the department to be formally recognized as PLEAC certified. Once formally recognized, out of 44 police departments in Bucks County, Warminster will be only the second department to achieve this status and statewide our police department would be the 49th out of over 1,100 law enforcement agencies. We would like to congratulate Sgt. Battistini for a job well done. She effectively managed this 18 month project.
- The School of Police Staff and Command is an intensive ten-week (400 hour) university based program that prepares law enforcement mid to upper level managers for senior leadership position by uniquely combining academic principles with practical applications. Four officers from the Warminster Police Department attended and completed this program on June 6th receiving an additional 18 university college credits. They are Deputy Chief Springfield, Detective Sergeant Selisker, Patrol Sergeant Ronald Deluca and Patrol Sergeant Varacallo. Officer's from our agency both served in a leadership and project management capacity, before the start of and during the program. Deputy Chief Springfield was elected as Class President by the 32 officers of class #261. Additionally, he was responsible for bringing the school to this northeast region and through project management obtained 4 free student slots saving over \$14,000 dollars in tuition fees for the township. Chief Murphy spent many hours facilitating the program, serving as the on-scene coordinator.

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

1. Manager's Report – (Cont'd)

Five Ponds Golf Course / Clubhouse

- During the month of May, the golf course was closed for two days due to rainy weather verses May, 2007 which had 0 days closed. Through May 31st rounds played were 13,222, up from 12,769 for the same period last year and golf revenue totals \$584,463, up from \$512,481 as compared to last year.
- Restaurant adjusted total sales were decreased from \$52,201 in May 2007 to \$48,153 for May 2008 while year-to-date adjusted totals have increased versus last year from \$133,300 to \$152,023. Adjusted totals do not include revenue from food and beverage during outings.

2. Engineer's Report – Craig Kennard, PE

- It is that time of year we start to receive several (4 or 5 in the last month) storm water E & S erosion control permits. Four out of five relate to swimming pools. That area has picked up as far as permit reviews.
- As the board is aware your June 12th meeting Gilmore presented the Traffic Calming Policy and that was adopted by the Board of Supervisors so that can be moved on to a new phase of the project and working with the Traffic Advisory Committee as the residents complaints come in.

General Township Projects

- Warminster Heights Development – There has been plenty of activity
 - Working with the Warminster Heights Board on trying to come up with an action plan on how we are going to move forward.
 - While the Board is working with that along with the solicitor's office we have finalized, prioritized the streets as far as what needs to be repaired along with the curb repairs which will be incorporated in the action plan. Eventually they will work on the budgets for that project.
 - Just this week Public Works and representatives from my office did have a meeting with the manufacturer to come up with alternate solutions to the curb repairs than your normal or standard repairs for concrete work. That was the recommendation by Public Works and we are following through with them and manufacturer reps want other options.
- 2008 Road Paving Program - is in full swing right now.
 - The handicap ramp or curb ramp program – Public Works is part of that contract. How the township wanted that set up was that Public Works Department would do the demolition then the contractor would follow up with pouring the concrete and doing the finishing work.
 - Phase II which is going out to bid probably next week. It is about 80 ramps and there is a meeting this week with Public Works. They feel it is to much work to try to do the demolition themselves. There is too much work going on in the township and that way you have one entity responsible for all the work. There is no finger pointing that the demolition didn't meet the design by Gilmore or the contractor wants a change order for more concrete or more work. We actually support this concept. I think, based on the workload at Public Works right now, the two contracts you already authorized to go out for bids will be combined into one contract. Gilmore will work with the staff on making that amendment. You already authorized to proceed with those two contracts. We may just put it out under one contract.
- Valley Road Drainage Project - That is a little more than 25% done – My staff has been working on that drainage project the last couple weeks and also working with Public Works on that.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
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PROFESSIONAL REPORTS (Cont'd)

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

General Township Projects (Cont'd)

- **Five Ponds Golf Course Maintenance Building - The board did authorize advertisement at their last meeting and we are finalizing the bid documents to go out.**

Subdivision and Land Development Projects
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In projects review, we are in the calm before the storm. When we came on board we had twelve to fourteen land development and subdivision reviews; they have all gone out and we are waiting for them to come back. We will go through the Planning Commission and Board approval process.

- **Pohle Enterprises - industrial lot - The plan just came and we are starting that review.**
- **Mearns Park – Acorn Development – they did go to the Zoning Hearing Board. They were granted the variance for parking reduction and storm water management. I anticipate that review coming back in with amendments to address the conditions of the variance. I know they are anxious to move forward with that.**
- **Petrucci – 333 Jacksonville Rd –Transit Oriented Development – As you saw tonight it appears they will be moving forward with their project. I have been working recently on that with them just providing guidance on traffic and comments regarding the ordinance. I anticipate there will be work on that over the next few months.**
- **County View Properties – we are working with their engineer on addressing their last review. They would like to come in with a clean review and present that to the Planning Commission Board. There are a lot of technical issues from our last review.**
- **William Tennent High School Addition – representatives from my office as well as the township attended a kick off meeting with the school district back on June 17th. They presented the project to us. I recommended to the school district that once they have a concept plan come and present that to the Planning Commission and then the Board. Since it is tax dollars on both sides, we are going to try to work with them through the approval process. I think it was a very productive meeting that we had on the 17th. I will be working with them and their staff on moving that project forward.**

Construction Projects

Unfortunately, construction has slowed down because of the economy.

- **Anne's Choice – Neighborhood 4 Project - Site improvements has slowed down due to the slow down of the economy or unit sales. They were keeping pace with the units selling. The site work keeps moving forward but now it has actually come to a complete stop.**
- **Christ's Home – The development agreements were approved at the last meeting of the Board. Site work continues. There was a pre-construction meeting for the Norristown Road improvements this week. There are some issues still outstanding with that so they need to address some issues that were raised through the Bucks County Conservation District in our office before they can proceed with that work. That work should start up in the next few weeks.**
- **McGrath Homes Phase II – The driveway portion of the golf course is being handled by Pennoni. I know they are getting close to opening that driveway. There are issues with the signal. I noticed in Mary's report that they are going to have to redesign to the new PennDot criteria for handicap ramps. That has affected every project in the bidding, construction, and that also was caught up in that new guidelines that came down from PennDot. As far as the actual Phase II, there were demo permits issued and that work is complete. I am going to recommend that we get together at staff level because I do not have the final construction plans yet. I have not been contacted. I know they are looking to move forward with that. I am going to try to be a little proactive on that and get the Staff together and probably have a site meeting with them. If they are ready to go they need to get the plans finalized, get the development agreement finalized and get recorded to move forward.**

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PROFESSIONAL REPORTS (Cont'd)

3. Engineer's Report – Mary Stover (Pennoni) – Not Present

Drainage & Storm Water Management (3)

- Constitution Drive – Leopard Road & Woodland Road Storm Sewer Project – MS-4 Documentation

Paving Projects (1)

- 2007 Road Projects

Construction & Review Services for Land Development (4)

- Park Entrance Road for Former Base Property - 529 Lemon Street - Land Development Reviews (9 listed on the attached summary) - Construction Inspections (11 listed on report)

Parks & Recreation (1)

- Warminster Community Park –DCNR Grant

Traffic & Transportation (1)

- County Line Road (SR 2038) – Signal Interconnection

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

Street Road Industrial Park

- Counsel for Street Road is to send a letter to commence discussions - letter was received.
Note: This may be a good opportunity, in conjunction with L & I, the Roads Department and the Engineer to try and resolve the many long standing issues there. Current buildings going up in the Street Road Industrial Park are having their own storm water issues dealt with on a lot to lot basis which may take some pressure off the existing buildings but there are still storm water problems.

Wawa Curative Amendment

- I have advised counsel that the decision for signing will be here before the July 10th meeting. That will be the date to sign the decision – which will start the appeal period.

Villas at Five Ponds – Phase II

- Received a call today from counsel for the Villas at Five Ponds. Improvements and financial security has all been funded and they have had discussions with L & I about things that they still need to do before getting started. I suggested that Mr. Savona be contacted regarding the matter.

Note: Jim Krueger said he sent a letter on June 16th that they were in arrears on their escrows.

Zoning Hearing Board

- There are four Zoning Hearing Board matters coming up on July 9th
 - The construction of a 20 foot deck.
 - An addition to a family dwelling.
 - Construction of a deck.
 - T-Mobile Northeast to establish a wireless communication facility(226 Newtown Road).

DISCUSSIONS

- Five Ponds Golf Course/Clubhouse - during this presentation it was stated that the restaurant's adjusted totals do not include revenues from food and beverage during outings. Frank Feinberg wanted to know where the revenue was going and it was said that it ends up in revenue for the outings.

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

DISCUSSIONS (Cont'd)

- **Engineer's Report - Craig Kennard, PE - Construction Projects – following this presentation the following matters became the topic of discussion:**
 - **Christ Home - Gail Johnson asked “What are the improvements for Norristown Road”. Mr. Kennard mentioned sidewalks and widening. He said he would present a summary of all improvements at the next meeting.**
 - **Petrucci TOD – Ellen Jarvis asked “Have they put up any escrow yet, that you are billing us against? The answer was no, not yet. The township has not been billed. Both Jim Krueger and Craig Kennard explained the process whereas all expenses are recorded but not billed until the escrow is in place.**
 - **Audit - Gail Johnson said that during the review of the audit it was noticed that several capital improvements projects from last year never really got done. Storm Water Improvements were budgeted at \$600,000 or \$700,000 and only \$200,000 was spent. Personally, he wants to make sure we are following through and making sure those projects are on schedule and getting done. Craig Kennard indicated that the projects being worked on do not have that high dollar amount. He will follow up with Public Works and Bob Tate on the matter.**
 - **Budgets – Leo Quinn expressed there's a need for the departments heads to review their budgets because of the economy. Mr. Feinberg agreed and said at the next meeting in July all department heads will be making a presentation on the first six month of this year and their projection for the next six months.**

OLD BUSINESS

1. **Release of Construction Escrow – Tabmar Development**
 - a. **250 Olive Street – Letter of Credit #377 - \$4,100.00**
 - b. **256 Olive Street – Letter of Credit #378 - \$6,800.00**

Frank Feinberg asked for the motion to approve both releases of Construction Escrow for Tabmar Development. Fred Gold so moved the motion. Ellen Jarvis 2nd the motion. The vote carried 5-0-0.

Jim Krueger: mentions that Karen did receive the monies for the trees and there's a final inspection from Pennoni for the site.

2. **Approval of Escrow Release – McGrath – The Villas at Five Ponds in the amount of \$64,317.00**

Ellen Jarvis: Recommends that this approval be tabled until McGrath escrows are satisfied. The vote carried 5-0-0.

3. **Approval of one year Land Development Extension for Spadaccino - 130 E. Street Road**

Frank Feinberg asked for the motion to approve the one year Land Development Extension for Spadaccino – 130 E. Street Road. Ellen Jarvis so moved the motion. Gail Johnson 2nd the motion. The vote carried 5-0-0.
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Elliot Drexler, Esq.: Mr. Spadaccino's original plan approval rights continue. By approving this extension his property will not be affected if there are any changes to the Subdivision Land Development Ordinance or Zoning Ordinance.

4. **Approval of Waiver of Fees for CSD scoreboard and banners**

Frank Feinberg asked for the motion to approve the waiver of fees associated with scoreboard and banners installation for the Centennial School District. Leo Quinn so moved the motions. Ellen Jarvis 2nd the motion. The vote carried 5-0-0.
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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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OLD BUSINESS (Cont'd)

5. Appointment to Seniors & Health Advisory Committee

Ellen Jarvis: The Seniors & Health Advisory Committee had been actively seeking to have a medical doctor as part of this committee. Chairman of the Committee, Katie Farrell would like to nominate Dr. Peter L. Schwartz, M.D. to the Committee. Dr. Schwartz is a Board-certified Internal Medicine physician currently employed by Ann's Choice in their medical practice in Warminster.

- He attended Tufts University School of Medicine in Boston.
- Did his Internship and Residency at Temple University Hospital.
- Held a number of hospital and administrative position that include:
 - St. Mary Medical Center
 - Lower Bucks Hospital
 - Hospital of the University of Pennsylvania
- He is currently a member of the medical staff of Abington Memorial Hospital.
- Member of the Bucks County Medical Society, the Pennsylvania Medical Society, the American Medical Society and the American College of Physicians.

Ellen Jarvis made the motion to appoint Dr. Peter L. Schwartz, M.D. to the Seniors & Health Advisory Committee. Fred Gold 2 nd the motion. The vote carried 5-0-0.

Ellen Jarvis, supervisor liaison, to the Seniors & Health Advisory Committee brings the following matters to the attention of the board:

- To accommodate the other board member liaison (Fred Gold) and Mrs. Rose Gold (who represents the Ben Wilson Senior Center on the committee) the Seniors & Health Advisory Committee will be meeting on the 1st Thursday of each month. There will be no meeting in July. The next meeting will be Thursday, August 7th at 6:00 P.M. here at the township building.
- Mrs. Farrell, as chairman of the Seniors & Health Advisory Committee would like to formally request that the Warminster Township Board of Supervisors consider waving the facility fee for use of the Five Ponds Golf Course Clubhouse for the purposes of the committees sponsorship of a Community Health Expo to be held tentatively on the availability of the facility on (Tuesday) October 28, 2008.
 - This is a mid-week event that will be held between 10:00 A.M. to 2:00 P.M. and a public service for people to come and find out about health matters that could improve the health of the community.
 - The committee is not thinking about having food. Maybe some snacks and water.
 - They are hoping this would be revenue neutral to the township perhaps being able to pay for their own expenses of the expo by charging a nominal few (\$25.00 a table) to some of the exhibitors.

Although the sense of the board seemed positive to waive the facility fee it was decided that the date of October 28th will be checked for availability by Barbara Sultzbach. The facility fee waiver will be an agenda item at the next board meeting on July 10th.

PUBLIC COMMENT

George Brechman – Cooper Drive

- Two meetings ago there was a vote for work to be done at the Villas at Five Ponds. Two members on the board are residents at the Villas. Should they reclude themselves from the vote? If not, could you tell me why not?

Elliot Drexler, Esq.: There is no personal benefits to any resident that are members of the Board. There is not an ethical question about them voting. The gate arm was a minor plan change.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JUNE 26, 2008**

SUPERVISOR'S COMMENTS

Leo Quinn:

- The landscaping at the railroad, by the billboard, on Street Road is finished. If you get a chance drive by.
- Read from the June 9th Minutes of the Water Authority - The Water Authority has approved for Verizon two sites Newtown Road and York Road. The authority is currently negotiating with Clear Wire, T-Mobile and Metro PCS.
Note: We are all getting the benefit of cell coverage. We don't see these towers going up. The revenue comes back to us indirectly in our water bill.

Fred Gold:

- Will be going on vacation and will not attend the July 10th meeting.
-

Ellen Jarvis:

- I wanted to acknowledge that it is Mr. Drexler's last meeting with us as solicitor. I thank him again for his service to our township not only currently but for years past.
- Happy 4th of July.

AGENDA FOR MEETING OF JULY 10, 2008

- Department Head Presentations – first 6 months of 2008
- LarsonAllen – auditor presentation
- Authorization to advertise for a TOD Ordinance.
- Possible - Five Ponds Golf Club Clubhouse availability for Tuesday, October 28, 2008 (authorization to waive facility fee)

INDIVIDUAL ACTION ITEMS:

Barbara Sultzbach

- Bring to the attention of Mr. Tate – adding a descriptive explanation per Mr. Gold.
- Check date availability of October 28th at Five Ponds Golf Club Clubhouse for a SHAC Expo.

Jim Krueger

- Provide the Board with copies of the ordinances that were forwarded from Ed Murphy.
- Coordinate with Michael J. Savona, Solicitor on the EM Ordinance – Use 41A (cell towers) with clause that the Board of Supervisors has the right to accept or reject.
- Buffer Zone for Mr. McNany.

Craig Kennard, PE

- Summary of Christ Home's Norristown road improvement.
- Follow up with Public Works and Mr. Tate about the capital improvement projects mentioned by Gail Johnson.

MEETING ADJOURNED AT: 10:05 P.M.