

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JULY 24, 2008**

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

**STAFF PRESENT:** Robert Tate, Township Manager  
Barbara Sultzbach, Assistant Township Manager  
Michael J. Savona, Esq., Township Solicitor  
Craig D. Kennard, PE, Township Engineer (Gilmore & Associates)  
Thomas Thern, Zoning Officer  
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 7:03 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.

**ANNOUNCEMENTS, COMMUNICATIONS & MINUTES**

Frank Feinberg

**1. Executive Meetings:**

- a) 7/22/08 – discussed the upcoming labor contract negotiations.
- b) 7/23/08 – attended an informational presentation by the Department of Defense Office of Economic Adjustments which explained the BRAC (base realignment enclosure committee) process and provided information as to what would need to be done when the Navy’s properties in Warminster and Ivyland are surplus.
- c) 7/24/08 – before this meeting - discussed litigation (Colonial Surety - H & P Investments).

**2. The Agenda has a new format. This format is used by other townships to make a smooth transition in handling of the items and issues; we are trying it this evening and for the next several meetings before the final decision to keep or not to keep it is made.**

**Note the following changes for which questions or comments are welcome:**

- a) The first Public Comment will be on presentations, reviews and agenda items.
- b) The second Public Comment will be for items that are not listed on the agenda.
- c) Consent Agenda Items - one motion to approve all routine items after explanation, reason for the action and Supervisor’s comments. An item can be removed and voted on separately at the request of a supervisor.
- d) Main Agenda Items – will be discussed and voted on separately.

Leo Quinn

**1. The Warminster Rotary will be raffling off two “Philadelphia Eagles Season Tickets” which includes two preseason games and all eight home games in section 211. The tickets will cost \$25.00 each. There will be a maximum of 500 tickets sold. This fund raiser will benefit rotary charities. For more information on the ticket purchase ask me or call 215-674-0333. The drawing will be held August 5<sup>th</sup> at Giuseppe’s Pizza (Warminster) at 1:15 P.M.**

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**FIRST PRESENTATION - Township Police Department Accreditation Award**

**S. Michael Murphy - Police Chief:**

Tells the Board when he came here in the spring of 2005 what he thought paramount was to bring law enforcement accreditation to the Warminster Township Police Department.

- To allow and present the police department as the most professional organization possible.
- To streamline the policies and procedures on how we go about doing business.

Sergeant Carol Battistini was appointed Accreditation Manager and Nick D'Eletto was appointed Assistant Accreditation Manager. They worked diligently over the next two years in rewriting our policies manual to bring it in line with nationally and internationally recognized standards for law enforcement.

All this was culminated with the on-site assessment that occurred June 9<sup>th</sup> & 10<sup>th</sup> and then on July 12<sup>th</sup> a recommendation from the assessment team was made to the Pennsylvania Chiefs of Police Law Enforcement Accreditation Commission at which time they approved our accreditation.

Tonight, Chief Murphy introduces Chief Richard Hammon, Director of the accreditation program for the PA Chiefs of Police Association.

**Chief Richard Hammon:**

He explains to the Board of Supervisors and the citizens of Warminster that the accreditation process was a very labor intensive program for the police department to go through.

- Pennsylvania has approximately twelve hundred (1200) police departments that would be eligible for this program but we have fifty-six (56) that have made it.
- Warminster is number 56 (5% in the state) with this type of professionalism.
- The police department can offer the citizens of this township the best service available. It is something to be proud of.

The program is just like colleges being accredited, universities being accredited or hospitals being accredited. We go to these because they are the ones recognized for using professional standards. It is not different with the police departments.

- We have one-hundred twenty-four (124) professional standards that have been identified by the Chiefs of Police Association.
- Your police department had to have policies and directives for all of those and had to prove to us that they were, in fact, being followed.
- With only 55 others in the state being able to make it, this is quite an accomplishment.

Chief Hammon then presented the three-year accreditation certificate to Chief Murphy and the Chairman of the Board, Frank Feinberg.

- During the next three years, the Police Department will continue to build their files.
- Re-accreditation will be every three years.

**SECOND PRESENTATION – Major & Maestro - Accountant Presentation**

**Linda Major:**

Tells the Board that she has been working for the Township for about 11 years and during this period of time she and Ginnie Gehring (Finance Director) did much work to get a workable accounting system in place. Presently, during the course of a month she:

- Comes in to reconcile the major accounts.
- Serves as a resource for Ginnie.
- Keeps a check on many different things, e.g. payroll items.

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**SECOND PRESENTATION – Major & Maestro- Accountant Presentation (Cont'd)**

**Linda Major: (Cont'd)**

This evening she is here to give highlights of the Financial Statements for the period ending June 30, 2008:

- Real Estate Tax collections are at 93% of the budget. They are ahead of last year by about \$23,000.00.
- Act 511 Taxes – which include Transfer Taxes and Earned Income Taxes are right on track at 50% of the budget. Of that, Earned Income Taxes are at 60% of the budget which is \$92,000.00 higher than last year.
- Overall General Fund Revenues at \$6,000,350.00 are at 48% of the budget. Keep in mind that some things come in at different parts of the year. The pension funds or public utility taxes might not be seen until October of the year.  
Overall General Fund Expenses at \$5,565,000.00 are approximately 45% of the budget. Overall there is a increase in the General Fund Balance which at this date is \$435,338.00.
- P & R Fund Revenues collected at \$1,020,000.00 are at 67% of the budget. At this time of the year there are a lot of collections but the programs take place through the rest of the summer.  
P & R Expenditures at \$594,000.00 are at 38% of the budget.
- Golf Course Revenues from the course at \$1,091,475.00 are at 40% of the budget. Course operations begins in April – this is not a full six-months of collected revenues. This is an increase over revenues at this time last year of \$92,887.00.  
Golf Expenditures at \$1,205,372.00 are at 45% of the budget. For more accurate figures, the pro shop inventory account has been adjusted. The pro shop line item expenditures look like they have decreased because we have a lot of things still in inventory that have not been sold.  
Golf Course Net Assets decreased, by \$113,000.00, since the beginning of the year. That is an improvement since the May time frame and is an improvement over the previous year.

In addition, the accountant provided insight on the process for the Escrows Accounts:

- L & I and the Finance Department both keep records on all of the escrow accounts. There are about 200 Bank Accounts and Escrow Accounts that have to be reconciled on a monthly basis.
- Expenses for legal and engineering are all posted as the bills come in by the Finance Department.
- Copies of those bills are given to Mary Schultz at L & I who also tracks them.
- The two systems are compared to make sure that everybody's escrow is accurately accounted for.
- Ginnie then goes through and reconciles the two records to make sure they are correct.
- The money is then transferred back to the General Fund to replenish it for any of the legal and engineering bills.

Note: The auditors were concerned about the timing of the transfers. Although the process does take a little time we don't transfer money out of the accounts until we are sure.

In response to the questions asked, Linda Major makes the following comments:

- The journal entry for the inventory adjustment is done at the end of the year to do the Financial Statements. The year end statements are audited. An inventory adjustment has not been done for six months.
- The deficiency of our present accounting system is worst at the year end. The cut off at the year end does not allow us to go forward and continue working....
- A summarization of accounts cannot be created with our present accounting system. It does not allow flexibility in reporting.
- Even in this economy the township is right on track. Taxes are being collected in the normal course.

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**THIRD PRESENTATION - Communication Advisory Board Presentation - TelVue**

**Richard Ludwig – 62 Villa Drive – The Villas at Five Ponds:**

Mr. Joseph Murphy (President and CEO of TelVue - parent company of TVTN) was a guest at the July 8<sup>th</sup> meeting of the Communications Advisory Board. The committee members at this meeting were Richard Ludwig - Chairman, Paul Elker - Vice Chairman, Chuck Bristow and Al Wiesner. The other committee member Joan Greenberg was absent. Also attending was Ed Calhoun –Ex Officio Member, Ellen Jarvis, Bob Tate and Larry DerHagopian.

Mr. Ludwig is here this evening to report on the July 8<sup>th</sup> Communications Advisory Board meeting. He provided the Board with his typed report.

- He tells the Board that per the written report before them, the committee is recommending that the Board approves the (TVTN) signed contract (on 5/23/08 by Robert Tate) subject to review by the Township Solicitor.
- He Tells the Board that tonight, based on the “new” contract received two days ago; he is personally recommending that the contract “not” be approved. It seems the new contract does not mention any of the changes that the committee wanted and to which Mr. Murphy agreed. He speaks only for himself because the other committee members have yet to be advised of the new contract content. He believes the differences need to be ironed out.
- He tells the Board that a number of other points were made during the discussions with Mr. Murphy that should have lead to minor modifications to the new contract. Among these, the most important and that which was excluded in Mr. Murphy’s letter was that the Township will get a fee for allowing TVTN to broadcast non-local sponsors on the townships channel; the amount to be negotiated.

**Note:** TVTN is presently supplying the system and service for operating TV channel 22 (Comcast) a and channel 45 (Verizon).

- During the prior contract TVTN found sponsors who were charged between \$375.00 and \$450.00 a month. TelVue, the parent company for TVTN, has decided not to provide the service of selling and managing sponsorships. For that reason TVTN has instituted a monthly fee of \$150.00.

**Other recommendations made by the committee:**

**1. Approaches to finding sponsors:**

- Township could try to sell sponsorship advertising.
  - If only one sponsor can be sold at the prior pricing the modest fee of \$150.00 monthly could be covered. For the township to sell sponsorships would require establishing billing procedures which could lead to collection problems.
- Township could contact and contract with a third party to “sell” sponsorship advertising.
  - TVTN recommended a company called Sponsoritmedia. TVTN has a working relationship with this company and in a letter dated 03/28/08 it states TelVue will share sponsorship revenue with Warminster Township at a rate of \$50.00 per month for a full \$450.00 month sponsorship and \$25.00 per month for a \$250.00 partial month sponsorship contracts obtained by Sponsoritmedia. The benefit to the Township for this arrangement is that no billing procedures are needed and collection problems are negated.
- Township can use both systems. This may be the best but needs more consideration.
  - The Township could find one or two “safe” sponsors and negotiate their exclusion from the Sponsoritmedia list of potential sponsors.

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**THIRD PRESENTATION - Communication Advisory Board Presentation – TelVue (Cont'd)  
Richard Ludwig (Cont'd)**

**Other recommendations made by the committee: (Cont'd)**

**2. Direct the Township Manager to find ways to improve programming to increase the number of viewers (it should be possible to obtain a sponsor). For example:**

- **Start a series of presentations that might be titled “Warminster Government Speaks”.**
- **Include a five minute presentation once a week on items of general interest from: Township Manager - Police Chief - Fire Marshal - Parks Manager - Golf Club Manager (restaurant/pro shop) - Public Works - Planning Commission - Senior Center Manager**
- **Have a volunteer high school student read the weather and traffic reports. High school sporting events.**

**3. Appoint a backup for the present township contact and liaison person (Larry DerHagopian – Township Recreation Director) to TVTN.**

- **The committee believes Larry DerHagopian does an outstanding job. Since all contact between TVTN and the Township is done by only Larry the committee recommends that another person be trained to take his place in an emergency or when he is not available.**

**Following the presentation the following comments were made:**

**Dick Ludwig**

- **The reason Mr. Murphy decided that his company would not go for advertisers was because the company was getting stiffed by companies that agreed to sponsor and did not.**
- **The person taking care of all our programming has about 150 different townships that she is covering so there isn't much time to spend on one township. They have had the contract for about two years and we have one sponsor in the township.**
- **I think we could do a much better job if somebody would go out and solicit some sponsors.**
- **The committee can use additional volunteers to work as sub committees on the different types of communication.**

**Michael J. Savona, Esq.:**

- **I received yesterday, from the manager, a copy of the original contract and the proposed new contract.... I had some questions as well.**
- **In a couple communities we have TVTN and their contract is a little different. So I have some issues that I will go over with the township manager.**
- **I would not recommend signature of the current contract.**
- **I anticipate that we will fine tune that in the next couple of weeks.**
- **I think the next step is that we get back to Mr. Murphy and discuss what it will take to get the contract approved. We'll work it out.**

**Ellen Jarvis:**

- **The meetings of the Communications Advisory Board are open to the public. I want to encourage anyone to come out and give us input on communications because the committee is going to be looking at all forms of communications....**
- **I want to thank:**
  - **Richard Ludwig for taking on the Chairmanship of the Communications Advisory Board and also this entire excellent committee.**
  - **Joseph Murphy for spending a few hours with the committee - which was very productive.**
  - **Ed Calhoun and staff. Due to the lightening activity here in the township....we were without television, radio, broadcast taping etc. up till late this afternoon. We didn't know if you at home would be able to see us tonight. Their work and also the Public Works staff efforts got that together.**

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**CONSENT AGENDA ITEMS -- (One motion to approve all items)**

**Michael J. Savona, Esq.:** When something is on the Consent Agenda it is because the Township Administration has made the preliminary determination that it is appropriate to be approved and normally it is only the board members that would have it removed.

**A. Approval of the Minutes of July 10, 2008**

\*\*\*\* Fred Gold will abstain from that approval because he was not present at the meeting. \*\*\*\*

**Michael J. Savona, Esq.:** The motion still will be made to approve the Consent Agenda Items with the notation in the minutes that Mr. Gold abstains from Consent Agenda Item A – Approval of the Minutes - for the reason he was not present at the July 10, 2008 meeting.

**B. Authorization to sign 2008 Community Development Block Grant Contracts**

**Kathie McDonough (P & R) - Administers the Townships Community Development Block Grants – She said:**

- Before the Board is the contracts received from the Bucks County Department of Community and Business Development.
- The signature pages for the contracts are to be signed and returned to the county so the commissioners can sign off on them and we will then get a fully executed contract.
- There are two projects so there are two separate contracts and four signature sheets for each contract. A total of eight pages need to be signed by the Chairman and the Secretary.

**C. Approval of payment to Lafreddo Contractors for Handicap Ramps \$21,989.42**

**Frank Feinberg:** We have the documentation request letter from Gilmore & Associates.

**D. Waiver of Land Development – 157 York Road**

**Frank Feinberg:** Reads a portion of a letter written to Tom Thern, Zoning Officer from Timothy P. Allen, Registered Architect, regarding project -Viriva Community Credit Union– 157 York Road, in which is being requested an exemption from Land Development Planning & Approval, specifically Storm Water Management for the following reasons:

1. Site is currently developed - approx 3450 sq. ft. existing building, macadam paving with parking lines, concrete curbs with ingress and egress drives, and 3 storm water inlets to the municipal storm sewer.
2. Proposed exterior work is a drive through banking canopy (approx 585 sq. ft. shall be constructed over the existing macadam parking area) with two banking lanes and one through lane.
3. The number of parking spaces eliminated...shall not decrease the amount of required parking spaces for the occupancy class proposed.
4. The proposed work shall not increase the amount of impervious surface area on the site. All existing water run-off patterns shall remain unchanged.

**E. Approval of Resolutions**

**Michael J. Savona, Esq.:** 2008-12: Right to Know Policy - This Resolution will implement the 2008 amendments of the Right to Know Act some of which does not become effective until January 1, 2009. Warminster will be five months ahead of the curve. It will establish that all public records in the Township are presumed to be public and disclosable unless they fall within one of the enumerated statutory exemptions (33) which primarily deal with legal privilege, personnel records, and such. It will be left to the Township Manager to designate a township “Open Records Officer” who is responsible to coordinate the processing of these requests to meet the requirements of the statute.

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**CONSENT AGENDA ITEMS (Cont'd)  
E. Approval of Resolutions (Cont'd)**

**Michael J. Savona, Esq.: 2008-12: Right to Know Policy (Cont'd)**  
Effective January 1<sup>st</sup> and onward determinations under the open records law will ultimately be appealable to the state Open Records Officer who is appointed by Governor Rendell pursuant to the 2008 Act. The Township will have a unique responsibility to comply to the greatest extent of the Act or we can face fines and penalties from the state for our failure to respond. I think it is preeminent that we get the Resolution adopted. I will work to the extent necessary with the Township staff to get them acquainted with the new requirements and be sure that our internal procedures match the requirements of the new Act.

**Michael J. Savona, Esq.: 2008-13: Records Retention Policy – This Resolution will essentially implement the state recommended records retention policy as promulgated by the Museums Commission. There is about a ninety-four page booklet of regulations and recommendations as to Municipal records retention. This Resolution will affirm Warminster’s intention to follow the state record requirements. We will work with staff to develop internal policies and procedures to retain those records and to eliminate or destroy only records that are outside the time limits recommended by the state and to properly catalog and document those records for retention purposes.**

**F. Approval of Legal & Engineering Releases:**

Coroad Associates - ABB Tract Parking Lot A -	\$17,180.97
Coroad Associates - ABB Tract Parking Lot B -	\$ 809.98
Christ’s Home Model Home -	\$ 406.72

**Frank Feinberg:** We have been provided with back up documentation by Mr. Thern.

**G. Approval of Construction Escrow Release:**

Christ’s Home Model Home -	\$ 1,000.00
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**Frank Feinberg:** We have been provided with back up documentation by Mr. Thern.

**H. Approval of:           Addendum to Improvement Agreement for Villas II  
                                  Financial Security Agreement for Villas II  
                                  Deed of Easement for Villas II**

**Michael J. Savona, Esq.:** The Addendum to the Improvement Agreement for Villas II is an addendum to the improvement agreement which will allow for the completion of the refunding of certain escrows for Phase I, the addition of a \$36,000.00 impact fee to this project that had not been included in the prior approval and the completion of certain requirements in order for Mr. McGrath to commence construction under the Villas Phase II. All those requirements have been met. The amounts required to be paid have been paid to the township. The escrows have been refunded and we are recommending that the Board approve the addendum as well as the initial Improvement Agreement, Escrow Agreement and approve the Deed of Easements for this project.

**I. Award of Bid 2008-05 for 2008 Road Program to Blooming Glen Contractors**

**Frank Feinberg:** We have the paper work from Gilmore & Associates in support.

**J. Award of Bid 2008-07 for Maintenance Building at Five Ponds Golf Course to Kistler Buildings**

**Frank Feinberg:** We have the paper work from Gilmore & Associates in support.

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**CONSENT AGENDA ITEMS (Cont'd)**

**K. Approval of escrow release for Villas of Five Ponds in the amount of \$64,317.00**

**Fred Gold: "Are we ready to release this"?**

**Michael J. Savona, Esq.:** Yes, we had a project meeting at Five Ponds Golf Course with Mr. McGrath, his attorney and representatives from our L & I Department. I think at that meeting we settled fairly well all the outstanding issues that had to be settled. That is what is immortalizing the addendum agreement I presented tonight. That included payment of outstanding matters that had not been paid for Phase I. He funded the escrows of another \$18,000.00. He provided an additional \$14,000.00 to pay for the balance of the LED sign which was part of the conditions for approval for Phase II that were still outstanding and had not been paid. We added an additional \$36,000.00 impact fee that had not been agreed to previously. There is now approximately \$50,000.00 we collected just on Phase II. In addition, when the agreements are signed this evening he will fund all the escrows to the tune of \$86,000.00 just for legal and inspections and about \$860,000.00 (approx) just for improvements. I am satisfied that Mr. McGrath has met all the conditions that we had for him. He has provided all easements that are required with the exception of one and that we are actively working on and getting it arranged. I believe the escrow release at this point is appropriate. The engineers indicated the improvements have been completed and there is no legal basis to continue to hold it. It is in the Townships interest to let it go. We have plenty of other escrows in matters that will insure that Phase II improvements will be installed appropriately.

**Fred Gold:** I was not privy to this meeting or the amounts you mentioned.

**James Krueger:** After the escrow release is approved tonight we will still have a remainder of \$462,454.76 that applies to Phase I.

**L. Addendum to Improvement Agreement for Christ's Home – Cottage Phase I - Trees**

**Leo Quinn:** What we are approving tonight for Christ's Home is the finalization of them agreeing on a time line to pay us a \$346,000.00 fee in lieu of replacing the trees which they can no longer fit on that property. Payment will be in three increments and it will all be paid up by July 2009. This is very nice for us to put into our fund to replace trees around the township.

Ellen Jarvis made the motion to accept the Consent Agenda Items as presented. Leo Quinn 2<sup>nd</sup> the motion. The vote carried 5-0-0 on all items with the exception of the Approval of the Minutes Item (4-0-1) that Fred Gold abstained from because he was not present at that meeting.

**MAIN AGENDA ITEMS**

**BILL LIST FOR THE PERIOD ENDING JULY 24, 2008**

<b>Prepays - \$146,269.52</b>	
General Fund	\$ 225,267.98
Library Fund	107,071.00
Park & Recreation Fund	32,662.71
Storm Water Management Fund	11,019.94
Golf Fund	68,474.69
Highway Aid	17,847.50
Legal & Engineering Escrows Fund	52,837.73
Payroll Date July 10, 2008	<u>294,185.69</u>
Grand Total	\$ 809,367.24
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**MAIN AGENDA ITEMS (Cont'd)**

**BILL LIST FOR THE PERIOD ENDING JULY 24, 2008 (Cont'd)**

**Ellen Jarvis:** On the bill list there is a payment to TelVue for the contract that doesn't exist. It is a \$600.00 payment that I would suggest being removed from the bill list and be withheld until we have a contract that requires such payment. We have no contract that requires such a payment at the moment. Until we have a contract, we shouldn't pay them anything.

**Michael J. Savona, Esq.:** Why don't we approve it subject to a written certification from the Solicitor and the manager that the release is appropriate once the contract is in place? We won't release the money until my ok that we have a contract with them. That way if we get a deal in place in the next week or so we won't have to wait until the next bill list. I agree with Ellen that if it is pursuant to a contract that doesn't exist we shouldn't write a check.

<p><b>Gail Johnson, Secretary/Treasurer, made a motion to approve the Bill List for July 10, 2008. The payment release of \$600.00 to TelVue is subject to the conditions stated by the Solicitor. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.</b></p>
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**APPROVAL OF TRANSFERS, JUNE 2008**

These are mostly payments that are made through the General Fund that were actually properly applicable to the other funds and what we do is transfer them to the other funds.

<p><b>Gail Johnson, Secretary/Treasurer made a motion to approve the transfers for June 2008. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.</b></p>
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**POLICY AND PROCEDURE MANUAL**

**Michael J. Savona, Esq.:** The Board indicated at the last meeting that it was desirous of updating the Employee Policy and Procedures Manual. We had entertained a price quote from our Labor Counsel which I discussed with Labor Counsel. My office has prepared two sets of these policies and procedures manuals for two other townships in the last six months. I thought we were well equipped to get this done and handled. Mr. Truelove, when I spoke with him, indicated they were obliged to complete labor negotiations on other matters; so, I felt it more efficient that my office just undertake that to get it updated. We have done that. We took the draft policy manual that the staff put together. This week my office has completed its review and edited it to current legal standards. The draft is in the hands of the manager and assistant manager. For a final manual, I would anticipate going through and making any final tweaks between now and the next meeting and we'll have a finalized set of employee policies and procedures for the Board's approval next month.

In response to the questions asked by Gail Johnson, Michael J. Savona, Esq. makes the following comments:

- The manual right now is about 112 pages with substantial policies that govern everything from accidents, alcoholic beverages, sexual harassment, family medical leave, pension, progressive discipline, sexual misconduct, vehicle use.... A great number of these have not been in place. Significantly, we have added policies that we had experience with in other municipalities with respect to use of computers, electronic communication...
- It is very important that we establish that there is no expectation of privacy in employee emails or use of township computers. All of these policies have been included and will be part of this omnibus policy that you are going to vote on at the next meeting.
- One of the things that will be required is noted on the first page, a disclosure statement that will be signed by the chairman indicating that we are putting employees on notice that these are policies; contract terms and subject to be changed by the Board at any time.

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**MAIN AGENDA ITEMS (Cont'd)  
POLICY AND PROCEDURE MANUAL (Cont'd)**

....Michael J. Savona, Esq. makes the following comments: (Cont'd)

- We have added a sign off sheet for each employee to sign, document and note that they received a copy of the manual and we will keep those in their personnel file. In the future, in the unlikely event that you would ever need to discipline them you would have proof that they received and acknowledged having the policy reviewed with their supervisor.
- This applies to all Township employees and to some extent uniformed employees unless it is contradicted by something that is in the police contract, in their SOP's (standard operating procedures) or in any directives from the chief. It is intended to apply across the board in many respects but in all respects to administrative and non-uniformed.
- The whistle blower is a part of this policy.

Frank Feinberg: This manual is guidelines of conduct and behavior but it is also protection for the employees of things that they don't have to put up with. It protects the township, the public and the employees. This is something that is a long time in coming. I am glad to see it is coming to an end.

**MAGLIARI MINOR SUBDIVISION**

Edmund A. Chadrow, III, P.L.S. –Eastern/Chadrow Associates, Inc. is here this evening representing the applicant for the Magliari Minor Subdivision Preliminary Plan and Final Plan Approvals.

The application is for the minor sub-division of 1215 Jacksonville Road. The settlement stipulations approved by the Board of Supervisors to allow Lot 1 to take access off of Jacksonville Road with a variance from lot width at the street line and lot width at the buildings set back line and Lot 2 would have access off of Benn Lane and will receive a variance for lot width at the street line. Both lots are roughly 2 acres in size. We have a letter from Gilmore & Associates dated June 12, 2008 and a letter from the Township of Warminster Planning Commission June 19, 2008. All items within the Gilmore & Associates and the Township of Warminster Planning Commission are acceptable to the applicant except for the following two:

1. Gilmore & Associates letter Subdivision and Land Development Ordinance - page 4 section 505,512,514 & 519 – requires road widening, curb, sidewalk along any roadway where improvements do not exist. Typically the township has deferred these conditions. We have added a note (#14) to the plans stating there is no widening, curb, sidewalk or planting strip to be installed at this time. When and if the Board of Supervisors determines that these items are necessary they will be paid for by the owners of the property. Typically this was acceptable in the past.

In addressing the first item (not acceptable to the applicant) the following was determined:

- The Township Engineer says if waivers of public improvements for minor subdivision is something the Board has done in the past then he fines it acceptable to grant a waiver of public improvements for the Jacksonville Road property frontage and the Benn Lane property frontage.
- The public improvements waiver the applicant is seeking includes road widening, curb, sidewalk and storm sewer facilities along the street frontage of each property (Jacksonville Road and Benn Lane).
- Ed Chadrow says there will 27 feet of improvements on Jacksonville Road and 50 feet of improvements on Benn Lane.
- The Township Solicitor said under the MPC (Municipal Planning Code) that he usually worked under they would do a fee in lieu of at the time of approval for a waiver; then the matter is resolved and this is what he prefers and suggests we do an approval subject to a fee in lieu of to be determined by the Township Engineer and approved by License & Inspections for this waiver.
- Ed Chadrow says the applicant agrees to the condition.

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MAIN AGENDA ITEMS (Cont'd)  
MAGLIARI MINOR SUB-DIVISION (Cont'd)

2. Gilmore & Associates letter – Zoning Ordinance – page 2 section 3005.G – We believe this section does not apply. I have a letter dated July 8, 2008 that outlines the reasons. Basically, section 3005.G was taken a little bit out of context. Section 3005 simply states where alterations occur. Since this is a minor subdivision we not believe that this applies.

In addressing the second item (not acceptable to the applicant) the following was determined:

- The Township Engineer says he needs some clarification on one of the conditions of the settlement from the zoning hearing board decision. The applicant agrees to provide on lot storm water management controls consistent with the storm water management ordinance. Section 3005.G obviously is a Zoning Ordinance issue that's why we haven't resolved it before the meeting tonight. Mr. Chadrow believes where it says alterations have occurred they are not required to do that. The issue is that once they subdivide if there are any storm water problems on the existing lot that cannot be corrected, we can't apply those ordinance requirement to that because it has been subdivided.
- The Township Solicitor says, he doesn't have a issue in deferring the on lot improvements to the extent that the Board is comfortable with deferring the storm water management requirements till the development phase of Lot 2 provided that it includes a note on this plan indicating to any future purchaser that Lot 2 has not been measured for its compliance with storm water management controls and that the subsequent purchaser will be expected to meet the then current storm water management regulations of Warminster Township as to the development on Lot 2.
- The note will be submitted to the Solicitor prior to placement on the plan for approval as to the language.
- Ed Chadrow says the applicant will comply with that condition:
- The Township Engineer says some of the technical issues related to the right of way dimension and plan requirements have been worked out. He is comfortable with all other conditions from the Planning Commission and the Gilmore & Associates letter of June 12, 2008. He recommends the Preliminary and Final Plan Subdivision approval subject to the conditions discussed tonight.

Michael J. Savona, Esq.: Mr. Chairman if the Board is inclined, a motion would be in order to approve the Preliminary and Final Magliari Minor Subdivision, Planning Commission #08-06, Tax Parcel No. 49-0220024 subject to the following expressed conditions and provisions:

1. The applicant will comply with all the terms, conditions, provisions and notations as indicated in the Township Engineer's review letter of June 12, 2008 with the exception that the applicant will be permitted to defer compliance with Section 3005.G regarding Storm Water Management controls subject to placement of a Note on the plan to the satisfaction of the Township Solicitor indicating that the storm water management compliance has not been measure for Lot 2 and that any subsequent purchaser will be required, as part of the building permit process, to meet the then current storm water management regulations of Warminster Township.

2. The applicant will be required to remove Note 14 from the plan and will be granted a waiver from compliance to Section 505, 512, 514 & 519 of the Subdivision and Land Development Ordinance subject to an appropriate fee in lieu of for each of the following:

Road widening – Sidewalks - Installation of Curbs - Any Storm Water Improvements or other such improvements as deemed appropriate by the Township Engineer.

The fee in lieu of will be calculated by the Township Engineer and approved by the Townships L & I Department and the Township Solicitor; no permits will be issued until the fee in lieu of is paid. All terms, conditions and provisions, of the Township Engineer Review letter June 12, 2008, will be complied with by the applicant as indicated on the record and are agreed to by the applicant's representative Mr. Chadrow.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**MAIN AGENDA ITEMS (Cont'd)  
MAGLIARI MINOR SUB-DIVISION (Cont'd)**

**Michael J. Savona, Esq.:** ....to approve the Preliminary and Final Magliari Minor Subdivision, ..... to the following expressed conditions and provisions: (Cont'd)

**3. The applicant will also be expected to comply with all the other terms conditions and provisions of approval as indicated in the approval letters or review letters of the Bucks County Planning Commission, Bucks County Conservation District, Department of Environmental Protection, the Warminster Township Municipal Authority and the Warminster Township Fire Marshal.**

**Ellen Jarvis so moved the motion for the Preliminary and Final plan approvals - Magliari Minor Subdivision as worded, by the Solicitor. Leo Quinn 2<sup>nd</sup> the motion. The vote carried 5-0-0. Note: The Solicitor asked Mr. Chadrow “on the record” for a waiver of the fifteen day requirement for the issuance of the approval letter. Mr. Chadrow replied: That is fine.**

**PROFESSIONAL REPORTS**

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

**An electrical storm activity outside caused a brief interruption to the broadcast of tonight’s meeting. I thank Mr. Calhoun for bringing that to my attention and apologize to the residents for the inconvenience. We are back on line recording and transmitting.**

**Parks & Recreation**

- **Karen Whitney (P&R) & I met with representatives from the Bucks County Planning Commission last week. The Commission was awarded a grant to conduct a study of trails throughout the county and determine feasibility of developing a plan to connect every Township via multi-purpose trails. We are working with them providing them information and updating their maps of all the trails in Warminster Township.**
- **The very busy season is upon us, camps are full and staff is keeping up with the activities, trips and excitement associated with the summer programs.**
- **Discounted tickets are available at the WREC for various attractions in Bucks County and surrounding areas. If you’re planning a day trip, call the WREC for discounted tickets.**

**Public Works**

- **Kudos to Public Works. On Tuesday they rolled 932 tons of asphalt completing paving along Brookdale, Aster & Garden Streets. They will complete a final hot seat of those roads in the next couple of days.**
- **All residents will be notified of upcoming paving schedules – please remember to have your vehicles off the street so we can proceed with the work.**

**License & Inspections/Fire Marshal**

- **Received a letter from L & I, the Fire Marshal’s office. As a reminder to residents, please do not dispose of any hazardous waste along with your normal household trash.**
- **On Tuesday, June 24<sup>th</sup>, a trash truck was noted with white smoke coming out of the back. It was immediately directed to the Public Works yard. There was a Haz-Mat team there along with the police and fire marshal. The investigation, after about two hours, determined that there was no harm or injury to anyone. The unknown substance was never identified. It was some chemical that was disposed of by normal household means. A second incident occurred last week where trash hauler spilled paint that was disposed of in a residents’ trash container.**
- **Please dispose of hazardous waste through the means that are provided in the county. There is information on the website. Any question, please call our office.**

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**PROFESSIONAL REPORTS (Cont'd)**

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

**Police Department**

- I would like to commend Chief Mike Murphy, his command staff and officers on receiving the PLEAC accreditation. I had the honor of being out there in Lancaster last week for the award ceremony. It is really an honor to be among hundreds of law enforcement officials throughout the entire state while Warminster is being recognized as only the second township in the entire county and the 56<sup>th</sup> police agency throughout the state to receive this accreditation. Kudos to Chief Murphy, Sergeant Carol Battistini his Accreditation Manager, Nick D'Eletto, the Assistant Accreditation Manager and to all those involved. It's a great achievement.

**Five Ponds Golf Course / Clubhouse**

- Through June 30, 2008 - Total rounds 18,728 down (120). Last year this time was 18,838. Golf Revenue totals \$844,336, ( a little under 100,000). Last year this time \$756,957. Restaurant total sales through June 30<sup>th</sup> this year are \$246,364, just ahead of 2007 year to date totals of \$239,812.

**Administration**

- My thanks to all department heads for the presentations made at the last meeting. It was a great opportunity for the residents to be made aware of the issues, activities, budget concerns and constraints of the various departments throughout our municipality. They work hard to do their jobs, work within budget and provide the services for the township.
- The department heads are now busy preparing their preliminary budgets.
- The Board of Supervisors have approved Warminster Township's purchase of a percentage of our energy consumption through a clean energy source. We have contracted through Native Energy and they will provide up to 20% of our clean energy and that will come from a Pennsylvania source. Due to the incredible demand and inadequate supply, there was a delay in Warminster Township getting signed up for the program. Native Energy anticipates that they will be closing some contracts with farmers throughout the state and that the supply of clean energy will be available within one or two months. At that time Warminster will be purchasing clean energy from Pennsylvania sources. Before that time we will be purchasing clean energy from an out of state provider via a windmill source out in Kansas.

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

**General Township Projects**

- NPDES – MS4 Report – Storm Water Management Consulting - we have received from Pennoni Associates the updated files for the storm sewer system within the township. That part of the transfer for the engineers is now complete. They finished year five requirement for the township, now we are taking all NPDES reports and mapping for the township from here out.
- Warminster Heights Development – General Township Consulting - we are wrapping up our recommendation to the Board for curb repair, some road repaving as necessary and will provide rough cost estimates associated with those improvements. They will be wrapped up next week, presented to the staff and to the chairman and then from there we will be working with the WHHOA board. We are moving forward with that project so we can get some construction under way this year. We are working with Public Works on a test repair to be completed in August. We would like to do a section of the curbs with an alternate type of concrete product to do the repairs instead of ripping out all the old concrete since that is a monolithic street underneath the paving and it is very difficult to remove just the curb.

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**PROFESSIONAL REPORTS (Cont'd)**

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

**General Township Projects (Cont'd)**

- **2008 Road Paving Program – Capital Improvement – Traffic - Phase I has been completed – the Board approved release of payment tonight. The milling paving looks great, public works were really busy and I have heard all positive feedback. The bids were awarded tonight so all the paperwork is in order so construction can move forward.**
- **Valley Road Drainage Project – Capital Improvement – Drainage - we have completed our design – The results of the storm water analysis increases the pipe size, the cost has gone up and Public Works has decided to defer that project to 2009. We will work with Public Works to put that out to bid by the end of this year - to award in 2009.**
- **Five Pond Golf Course Maintenance Building – Capital Improvement – Municipal – was awarded tonight. The building, foundation, stone bed –everything will be awarded to the contractor. The only thing the Township Staff will be doing is the concrete slab to save cost.**

**Subdivision and Land Development Projects**

A lot of reviews issued at the beginning of the year are starting to trickle back in. There are a lot of sketch plans and preliminary reviews that did not make it to the Board of Supervisors.

- **McGrath Homes Phase II – Major Subdivision – Residential – There was a staff meeting with McGrath Homes. We are all on the same page and moving forward. With the agreements that were approved tonight construction continues. We did have a pre-construction meeting with the contractors, representatives from McGrath and the County Conservation District. I have the erosion control permit and an amended ENS permit to close out all the documents.**
- **Christ's Homes – Subdivision/Land Development- Residential – we are still trying to resolve some grading issues so that building and foundation permits can be issued. We do have a scheduled meeting next week with their engineer. Hopefully, we will have a staff meeting to get the Solicitor and L & I updated on the remaining issues. There is still some paper work and conditions of approval still dragging on, that needs to be resolved before they can go ahead with full construction.**
- **Mearns Park – Acorn Development – Land Development – Industrial – did receive Variances at the Zoning Hearing Board two months ago. They have revised their plans and are ready to submit the revised Preliminary Plan which we should see in the next two months.**

**Construction Projects**

I mentioned Christ's Homes and also McGrath Phase II will be moving forward.

- **Anne' Choice construction has really come to a halt because of the economy and slow sales of the units. I was contacted by Erikson to try to work with them on Neighborhood 1 dedication process. Pennoni is currently handling that. We have taken over Neighborhoods 2, 3, & 4. I need to meet with the staff and Solicitor to work through wrapping up Neighborhood 1. Neighborhoods 2 & 3 are also complete and ready to be finally approved.**

**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)**

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**PROFESSIONAL REPORTS (Cont'd)**

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

<b>Parks &amp; Recreation (1)</b>
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- **Warminster Community Park –DCNR Grant**

<b>Traffic &amp; Transportation (1)</b>
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- **County Line Road (SR 2038) – Signal Interconnection**

<b>DISCUSSION</b>
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**Fred Gold:** Posed the question about the road that leads into golf the course. Is that a road that will be plowed and maintain by the Township as opposed to the Association?

- **Jim Krueger -** The Township will maintain from Street Road into the golf course.

**Leo Quinn** suggests that someone here start working with the Navy to take care of the Storm Water issues in Shenandoah Woods. Who would take this?

- **Craig D. Kennard, PE:** L & I will get me up to speed on the history; then the Solicitor & I would tackle the issue.

**4. Solicitor's Report – Michael J. Savona, Esq.**

- Since assuming my duties on July 1, 2008, I have had continuing discussions with Mr. Drexler and Mr. Harris to try to consolidate as many legal matters under my control as possible so as not to have matters scattered about. It makes it difficult for the administration to keep track of.
- I did assume the handling from Mr. Drexler of approximately 62-63 odd open files that he had in his office.
- Since my appointment, I also discussed with the Township Manager, I think we reduced the number of outstanding files under Mr. Harris's control to just Colonial Surety.
- To the greatest extent I have managed to pull in all the outstanding legal matters and I have managed to close about 12 or 15 of those matters that were opened under Mr. Drexler.
- I have opened 50 files in my office to handle matters in Warminster.
- I have submitted to the Board of Supervisors a report that indicates the progress in about 35 of those.
- Adopted Resolutions this evening updating your Right to Know Policy and the implementing of a Records Retention Policy.
- I substantially completed a revision and finalization of your personnel Policy and Procedures Manual.
- I finalized agreements with Christ's Homes for payment of \$346,000.00 worth of tree fees which you approved this evening.
- I finalized agreements with Mr. McGrath to move forward the development of Phase II – The Villas at Five Ponds. Those matters are to the point that they are ready to be funded.
- The escrow has been funded for Bristol & Mearns Roads project - The dedication of the rights of way to PennDot and the signal upgrade which was approved by the Board at the 07/10/08 meeting. The review is underway.
- Transit Oriented District Zoning Ordinance Amendment (presented as Transit Oriented Development -TOD) I did receive this week and transmitted to L & I the \$10,000.00 check for their escrow. That matter will be referred to the Bucks County Planning Commission and the Warminster Planning Commission for review.
- A meeting is set for next week to meet with representatives from AT&T Wireless to discuss their proposal to locate a cellular tower on township property. I have some significant issues and questions in respect to the zoning issues they presented. Depending on the outcome of that meeting, I may or may not recommend proceeding with that sight. I also have issues with respect to their proposed lease. We will work through those and I will update as appropriate.

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**PROFESSIONAL REPORTS (Cont'd)**

**4. Solicitor's Report – Michael J. Savona, Esq. (Cont'd)**

- We are moving forward with the codification and the update of the township's ordinances. At the last meeting (07/10/08) the Board approved General Code to re-codify and update all of the ordinances; we would hope to complete that in the next three to six months. Then, ordinances will be searchable on line, accessible through your township website, completely accessible and they will be periodically updated and reviewed for your constituents and any other interested parties who need to draw on that information.
- I will be bringing you in the next 30 to 60 days a proposed Responsible Contractor Ordinance which I understand the Board has been considering. I have received a draft from staff. I will finalized that and get that before the township so we have some procedures in place to protect the township for public projects and the spending of tax money on public projects.

<b>Highlight from the Solicitor's Report</b>
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- Long term borrowing – \$471,000 equipment & vehicles – It is my hope to have that loan closed and all that documentation finalized probably before this time next month.

In closing, I have enjoyed the last three weeks, it certainly has not been boring. I look forward to working with you to get all these matters well underway.

**OTHER BUSINESS**

Leo Quinn mentions that there have been ongoing discussions to get the Hankin property dedicated.

Michael J. Savona, Esq.:

I had a conversation with Mr. Carr who represents Mr. Hankin. He had written to Mr. Drexler.

- Proposed an elaborate restructuring of escrow accounts – this would have blown completely in the face of the agreement that was made with this Board to move the escrow from one bank to another.
- He did like that but would have liked more; to move it from that bank to about 4 other banks which I immediately rejected. It would be an onerous task to keep track of.
- In that same correspondence he invited that we have some dialogue with respect to setting up a meeting among the township staff and his client to identifying all the particular issues that are associated with dedication of that roadway. I understand that is not going to be an easy task.

I will probably set something up either late this month or early next month where we can get the stake holders from the township, public works, Mr. Tate, the engineer and myself out there so we can do an assessment of the road's condition:

- What the ideal level of improvement can be.
- What the acceptable level of improvements can be.
- What an unacceptable level of improvement can be.
- We need to price that out and figure out how much money there is to cover it.
- We need to see if we can or can't get the road up to shape.
- We need to sort out if we can or can't take dedication.

Leo Quinn: Whether or not we decide to take dedication of the road, there are a number of people who would certainly like him to remove the stone off the center of the road. It needs to be moved so people can use the road. I would like the solicitor to bring this matter to Mr. Hankin's attention. The Board and his tenants are annoyed.

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**OTHER BUSINESS (Cont'd)**

**Frank Feinberg:** asks for a motion to authorize Pennoni Associates to prepare the bid documents for the DCNR grant (DCNR C2P2 Grant – Phase 2 Development at Warminster Community Park) and also when Gilmore & Associates takes over per the request letter dated July 18, 2008 that was received from Kathie McDonough (Parks & Recreation).  
**Ellen Jarvis** so moved the motion. **Fred Gold** 2<sup>nd</sup> the motion. The vote carried 5-0-0.

**Ellen Jarvis:**

1. Discussed in the past with our former Solicitor was electronic billboards; limitations - motion type of signs - video type of billboards. Mr. Drexler had done some significant research on that and it might be something to look at before it comes before us for approval. We might want to put that back on the agenda and something we might want the Solicitor to look at.
2. The former solicitor had looked at some of the restrictions for adult businesses. Milford Township had some adult business sort of encroaching on some of their non-adult business type area of their township. We were thinking about restricting adult businesses to certain portions of our township and Mr. Drexler was looking at some ordinances. Again, we might want to put that onto the list of our Solicitor, Mr. Savona.
3. An editorial in the Intelligencer on July 12<sup>th</sup> which commended Warwick Township on preparing for the future. The article in part reads, "... Township supervisors and administrators have dusted off their crystal ball and are trying to plan for the next five years. This is not a comprehensive plan which looks at future land use but is a blue print for township government. In conclusion it reads, we hope that other municipalities as well as county school districts from the state are also preparing for the future.... In the planning of our budget we could look at some of the structural changes to our government.
4. A unit report had been prepared by Mr. Tate and provided to the Board back in May. Perhaps we can make this type of information public as well as look at what we are trying to do to save some dollars, particularly in fuel. On the bill list I noted we had at least one if not two \$26,000.00 checks for fuel....
5. Given to me by a township resident is a Performance Appraisal form for employees. Going forward we may want to have a standardized formatting for performance appraisals. .... I think it is important to be evaluating our township employees – have them set goals .... This would give us justification for merit increases... I would like the township manager to take this into consideration.
  - **Bob Tate:** I would be glad to review that. I believe we have a form and there are some guidelines in the Policy and Procedures Manual. We will look at both and utilize what is along the lines of goal setting and performance standards.

**Frank Feinberg:**

- **Bob** and I have briefly discussed the whole idea of employee reviews. They were not done in 2007. We are not sure that we have had Department Heads ever do employee reviews. This is something that needs to be put in place; it is a matter of when.
- We talked about Goals and Objectives for the Township and a Township Plan before the budget process and **Bob Tate** has started on that. At no cost to us, he had IT Consultants come in and evaluate everything; they gave us recommendations on the software needed and what is the best way to do it. This is a good start. The rest of the summer we will work on putting together the Goals and Objectives overall plans.

**SUPERVISOR'S COMMENTS**

**Fred Gold:** I just want to compliment Mr. Savona on the job he has done. He has taken over this position with great expertise. I was unaware of just how good he was and I am very happy he has done such a good job for us.

**Leo Quinn:** Ditto! Welcome aboard Mike.

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**AGENDA FOR THURSDAY, AUGUST 14, 2008**

- **Resolution for the County Line Signal Program - needs to be approved.**
- **The Traffic Signal Maintenance Agreement (an agreement with surrounding townships that border on County Line Road) needs to be signed by Warminster and the other townships.**
- **Approval of the Policy and Procedures Manual.**
- **Draft for the rewrite of the Responsible Contractor Ordinance.**

**Note: Mr. Quinn will be on vacation and unable to attend the August 14<sup>th</sup> meeting.**

**INDIVIDUAL ACTION ITEMS:**

**Bob Tate**

- **Per Ellen Jarvis – Unit report, this type of info made public – Ways to save dollars, e.g. fuel - Performance Appraisals.**

**Michael J. Savona, Esq.**

- **Contract – TVTN – Mr. Joseph Murphy (TelVue)**
- **Per Ellen Jarvis – Electronic billboards – Adult businesses.**

**Craig D. Kennard, PE**

- **Navy - Storm Water issues – Shenandoah Woods**

**MEETING ADJOURNED AT 8:45 P.M.**