

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, DECEMBER 11, 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

**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, CORRESPONDENCE, AWARDS**

**Frank Feinberg:**

1. Present this evening is Steven Sultzbach. Steven is the son of Barbara Sultzbach the Assistant Township Manager. He says that Steven leaves for Iraq on Monday and he thanks him for his service to our country.
2. On November 27, 2008 there was an executive session of the Board of Supervisors to discuss personnel issues and after the meeting tonight there will be a brief executive session to discuss the update on a negotiation that is underway.

**Ellen Jarvis:**

1. Archbishop Wood (Vikings) is competing in the PIAA Class AAA Championship Game, Friday December 12, 2008 at 7:00 P.M. at Hersheypark Stadium in Hershey, PA. They will be playing Thomas Jefferson (Jaguars).
  - This years MVP is our quarterback Sean McCartney.
  - Archbishop Wood is currently ranked number 2 in the State and Thomas Jefferson comes into the game with a 4 and 1 overall record and a number 1 ranking.
  - This is the first time that the Philadelphia Catholic League is playing in the PIAA Championships and Archbishop Wood has the first chance to carry home the trophy.
  - Thomas Jefferson has won two out of the last four and is hoping to make it three wins out of the last five.
2. Ticket and round trip transportation to the game is available through the Athletics Department of Archbishop Wood High School.
  - Luxury Bus Transportation and ticket is \$30.00 adults and \$25.00 children.
  - School Bus Transportation and ticket is \$10.00 for students and \$15.00 parent/adult.
3. Congratulates Archbishop Wood and recognizes the following individuals:
  - a. Steve Devlin – Head Coach
  - b. Jim Manion - Defensive Backs and Wide Receiver Coach
  - c. Frank McArdle – Linebacker - Running Backs Coach
  - d. Chip Ross - Running Back and Defensive Line Coach
  - e. Kurt Stengel – Wide Receiver and Special Team Coach
  - f. Tony Saltarelli – Offensive and Defensive Line Coach

**Go Vikings !!!!**

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**ANNOUNCEMENTS, CORRESPONDENCE, AWARDS (Cont'd)**

**Gail Johnson:**

1. Had a wonderful time at Archbishop Wood's Pep Rally.

**Fred Gold:**

1. Welcomes and wishes success to the following new businesses that have moved or are moving into Warminster Township:

1. Abington Hospital	205 Newtown Road, Suite 203 A
2. Abington Hospital	205 Newtown Road, Suite 104
3. Abington Hospital	205 Newtown Road, Suite 107 A
4. Abington Hospital	205 Newtown Road, Suite 201
5. Abington Hospital	205 Newtown Road, Suite 202
6. Abington Hospital	205 Newtown Road, Suite 216
7. St. Andrews Church	999 York Road (Finished Basement)
8. 10 OZ. Com, Inc.	246 W. Street Road
9. Therm-Omega-Tech, Inc.	347 Ivyland Road
10. Riverside Memorials, LLC	476 W. Street Road
11. R. C. Dog Care, Inc.	375 Patricia Drive
12. Abington Bank	Ann's Choice CB 1.0
13. Flow Formal Alliance	33 Bonair Drive
14. CMAX Warminster	565 W. Street Road
15. Advanced Medical Express Ambulance	831 Nina Way
16. Viriva Credit Union	157 York Road
17. Alpha Care Ambulance	780 Falcon Circle, Suite 109
18. Lendarm, Inc.	780 Falcon Circle, Suite 111
19. Griffiths Exteriors	780 Falcon Circle, Suite 114
20. Specialty Products & Insulation	780 Falcon Circle, Suite 116
21. Chestnut Hill Abstract Co., Inc.	780 Falcon Circle, Suite 122
22. Alternative Flooring	64 Evergreen Avenue
23. Holiday Inn Express	240 Veteran's Way
24. Maxum Specialty Ins. Group	720 Johnsville Blvd., Bldg. 9, Suite 9
25. ALDI Food Store	1023 W. County Line Road Rosemore Shopping Center
26. Craig Riddell	375 Ivyland Road, Unit 15

**Leo Quinn:**

1. He says he went to see the Holiday Inn Express.
  - It is a very nice hotel priced in the low \$100's.
2. He said as an alumnus of Archbishop Wood it was a real honor and a blast being at the school today.
  - The last time that Archbishop Wood went this far in football was when he was a senior back in 1975. That year Archbishop Wood won the Catholic Championship and the City Title down at the Vet.
  - Archbishop Wood wasn't expected to be that great this year and has taken many by surprise. We are rooting for them to bring back the trophy this weekend.
  - For them to compete in the PIAA Class AAA Championship Game they had to win the District 12 Championship. This means they were the City Champs, they won the City Title.
3. He suggests that the Township give recognition to Archbishop Wood as Champions.
4. Tickets for the championship game can be purchased at the door (Hersheypark Stadium) for \$8.00. The stadium has a Turf Field so the game will be played.

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**ANNOUNCEMENTS, CORRESPONDENCE, AWARDS (Cont'd)**

**Ellen Jarvis:**

Received an email from Victoria Ashford, reporter for the Wiltshire Times & Chippenham News - Wiltshire, England that reads as follows:

“Hello, I am writing to you from Wiltshire Times newspaper in the United Kingdom. We are writing a report on towns across the world that share the same name as our local towns, specifically Warminster. We are interested to get a few words from a council representative in Warminster, Bucks County, USA to tell us what Christmas is like over there so we can compare it to Christmas in Warminster, United Kingdom. Are you able to help me or know someone who can? I am hoping to complete this by Friday, next week”.

- If anyone has anything that they would like us to impart when we speak to the reporter from England, please get in touch with the township.

**Bobbie Loftus – Warminster Tax Collector**

- The 2009 Dog Licenses are in.
- Any eligible senior (62 or older) homeowner (billed for trash) who has not gotten their trash discount refund must do so before the end of the year (12/31/08). For your refund, come to the tax office with your driver’s license as proof of age and residency.
- Tomorrow, December 12, 2008 is the last day for taxes to be paid by personal check. Any payments made after tomorrow must be by bank check, certified check, a money order or cash. All taxes have to be paid by December 31, 2008. If payment is not received by that date, a lien will be placed on your home and your taxes will then have to be paid at the court house.
- There are 243 homes in Warminster we have left to collect for Township and County Taxes out of 10,000. We are doing fairly well this year.
- A reminder to senior citizens. Forms that must be submitted by the end of the year for the Tax and Rent Rebate from the State are available at the tax office. File by 12/31/08 to get money back from your 2007 Taxes.

**Frank Feinberg:**

I received a note from the Warminster Traffic Safety Committee that there is a vacancy for a recording secretary and/or citizen advisor.

- Anyone interested please send an email to the Township Manager’s Office with a resume.

**PRESENTATION – APPROVAL OF FINAL BUDGET FOR 2009**

**Bob Tate:**

Before the Board tonight, for approval, is the final Budget for 2009. The Final Budget is substantially the same as the Preliminary Budget with a minor adjustment which was simply reclassifications among some expense line items in the police budget of less than \$3,000.00. Everything else is exactly the same.

We have worked hard to keep our conservative estimates in regard to revenue. There are credits and such that will help us with our budget for future needs.

<p>Gail Johnson moved for a motion to approve the Final Budget for 2009. The motion was 2<sup>nd</sup> for discussion by Ellen Jarvis. The vote carried 4-1-0 (Leo Quinn)</p>
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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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PRESENTATION – APPROVAL OF FINAL BUDGET FOR 2009 (Cont'd)

<b>Discussion - Final Budget 2009</b>
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**Ellen Jarvis:**

I want to acknowledge the terrific work the staff has done in reaching a balanced budget which calls for a zero tax increase for our residents. Practically, every source of Revenue has decreased but we have been able to hold the line on a tax increase.

From my prospective this Budget is neither a license to spend nor a restriction from spending. It is a good budget and a terrific guideline. We don't need to necessarily spend the money that we budgeted on line items that may be high. It is important to note that the budget currently includes a line item that states about a 4% increase for employees.

In the coming year, I would like the Board to look at travel, conferences, sick leave incentives, health benefits etc. We should be challenged to find ways of improving and saving money in the future.

We need to be guided by whatever we are able to reach with our contract negotiations. Any of our non-contracted personnel should be mirroring whatever we achieve through the contract negotiations.

**Gail Johnson:**

In February or March, I would like to take a look at our 2009 Budget and compare it to our actual expenditures.

**Frank Feinberg:**

I would like to thank the Manager and the Finance Director and all the Department Heads for doing a great job. I appreciate their hard work and effort.

**Fred Gold:**

To the Staff, this is a job well done.

**Leo Quinn:**

I would like to compliment Bob Tate, the Department Heads and fellow Board Members on working very hard to prepare the 2009 Budget. Many requests have been denied and/or rescinded and we have a budget that reflects no tax increase to our residents in 2009. Many of our surrounding Township's were unable to make that same claim. Warrington Township will be increasing their average tax to their residents from \$295.00 to \$404.00.

I want to congratulate previous Boards for being fiscally conservative, especially, in our Storm Water Management Fund that was over funded allowing us to move approximately \$300,000.00 into our General Fund. This enabled us not to increase taxes this year and/or ask for more cuts.

I will be voting "no" for the Final 2009 Budget:

- Based on this year's economic situation, people should be thankful they have a job and are not getting cuts in pay.
- Huge industry layoffs are affecting many if not most of our residents. We just hit a 26 year high in unemployment.
- By leaving 4% in the budget for salaries we are setting ourselves up for almost certain tax increase in 2010 or a reduction in head count in the coming years.
- We as residents will be getting tax increases from our School District for at least the next three years at a minimum.
- The State will be raising taxes for at least the next three years to replenish the state and teachers pension fund which is also a state law.
- We should put a freeze on all across the board salary adjustments and, I would vote "yes". This would give us a year to assess the total financial impact of the recent economic downturn and go from there.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**CONSENT AGENDA ITEMS – (One motion to approve all items)**

- A. Approval of the Minutes of November 13, 2008**
- B. Authorization to Advertise – Responsible Contractor Ordinance**
- D. Authorization to approve contract with TelVue – Access Channel**
- E. Authorization to approve contract with Print Media for maps & directories**
- F. Authorization to appoint the Township Manager as Open Records Officer**
- G. Authorization to appoint the Assistant Township Manager as Records Retention Officer**
- H. Approval of contract with Berkheimer Associates for 2009 Tax Collection - Resolution 2008-21  
(Note: Contract includes reduction in fee from 1.9% to 1.75%)**
- I. Adoption of Resolution 2008-20 – approval of County View Planning Module**
- J. Franklin Corporate Center – Lot 5 – Mylar Signing**
- K. Authorization for payment to Kehoe Construction – 2008 Road Milling project in the amount of \$16,670.26**
- M. Approval of Native Energy Agreement**

Leo Quinn made the motion to approve the Consent Agenda Items A,B,D,E,F,G,H,I,J,K &M. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.

**CONSENT AGENDA ITEM C:**

- C. Approval for escrow release to McGrath – Phase 1 in the amount of \$336,007.47**

**Fred Gold:** I gave a copy of this escrow release to the Board Members of the Villas at Five Ponds and they are agreeable to this escrow release.

**Ellen Jarvis:** I did send an email to the Board Members of the Villas at Five Ponds and asked if they had any comment that they come to tonight's meeting (no one present) and/or contact one the township supervisors.

**Fred Gold:** I was contacted today and they said everything is fine.

Leo Quinn made the motion to approve the Consent Agenda Item C - approval for escrow release to McGrath in the amount of \$336,007.47. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.

**CONSENT AGENDA ITEM L:**

- L. Authorization for payment to Bartholomew Concrete – 2008 CDBG Curb Ramp Project in the amount of \$61,682.71**

**Craig D. Kennard, PE:** I was told a representative for Bartholomew Concrete would be here tonight. Since no one is present the authorization in the amount of \$61,682.71 can be approved.

Ellen Jarvis made the motion to approve the Consent Agenda Item L - payment to Bartholomew Concrete in the amount of \$61,682.71. The motion was 2<sup>nd</sup> by Gail Johnson. The vote carried 5-0-0.

**OLD BUSINESS**

- A. Approval of acceptance of Johnsville Blvd. – Veterans Way – Veterans Circle**

**John A. VanLuvanee** is here this evening representing his client Erickson.

- The applicant is requesting the acceptance of dedication for Johnsville Boulevard, Veterans Way and Veterans Circle.

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OLD BUSINESS (Cont'd)

A. Approval of acceptance of Johnsville Blvd. – Veterans Way – Veterans Circle (Cont'd)

**John A. VanLuvanee (Cont'd)**

- The applicant is requesting that a Maintenance Bond not be required for Johnsville Boulevard, Veterans Way and Veterans Circle because these roads have been maintained by Erickson in excess of 18 months after the top course of pavement was installed and with respect to Johnsville Boulevard, this road has been a public street for five years.
- The applicant is requesting the release of the remaining Financial Security for Phase I.

In his brief presentation, Mr. VanLuvanee outlined the reasons for the applicant's requests and states that all necessary improvements have been done, where dedication is appropriate, with respect to the street themselves.

Mr. Savona, Esq., Township Solicitor asks Mr. VanLuvanee if he had the benefit of reviewing the Pennoni Review Letter dated December 9, 2008 in which Mr. VanLuvanee responded that he has not seen that letter.

**NOTATION**

The Pennoni Review Letter dated December 9, 2008 signed by Mary R. Stover, PE, Township Engineer (In Transition) summarizes the current status of any remaining items for Erickson Retirement Community, Phase 1 and includes items relating to Johnsville Boulevard, Veterans Way and Veterans Circle. In this matter, Mr. Savona wants to deal with each road separately.

**Johnsville Boulevard**

**Michael J. Savona, Esq.:** According to the review letter there are just three items that are still listed as outstanding with regard to Johnsville Boulevard:

1. Three (3) rusted Light Poles -

- After Mr. Kennard's input, Mr. Savona asks, "Mr. VanLuvanee, in the interest of moving this forward does your client have any problem with remediation to the satisfaction of the Township Engineer or the alternative replacing the poles?"

**John A. VanLuvanee:** We do not have an issue with that. ....

2. Two (2) Construction Entrances where the curb, sidewalk and street trees have not been installed per plan.

- After Mr. Kennard's recommendation to defer this work to the completion of Neighborhood 4, Mr. Savona asks, "Are you in agreement with that Mr. VanLuvanee?"

**John A. VanLuvanee:** I am.

**Michael J. Savona, Esq.:** The acceptance of the road would not be contingent upon that being satisfied. That will be rolled into the requirements for completion of Phase 4. Do you have problems with that?

**John A. VanLuvanee:** No, that is fine.

3. Legal Description - have not reviewed the revised legal description for Johnsville Boulevard....  
....recently received a legal description from Bohler Engineering.

**Michael J. Savona, Esq.:** ..... Mr. VanLuvanee, do you have any problem that the Deed of Dedication and the description are to be subject to review by the engineer and myself?

**John A. VanLuvanee:** Of course I don't. ....

**Craig Kennard, PE:** ..... We spoke to your engineers at Bohler Engineering and they agreed that there were some minor errors in the legal description and they are having their surveyor revise that and resubmit and that will then be included with the Deed of Dedication. ....

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OLD BUSINESS (Cont'd)

A. Approval of acceptance of Johnsville Blvd. – Veterans Way – Veterans Circle (Cont'd)

**Johnsville Boulevard (Cont'd)**

**Michael J. Savona, Esq.:** ..... I would recommend that the Board make a motion to accept Johnsville Boulevard and to accept the Deed of Dedication from Erickson for Johnsville Boulevard subject to the following conditions:

- The applicant for acceptance would replace and/or repair the rusted light poles identified in Pennoni December 9, 2008 Review Letter and that no escrow for Johnsville Boulevard be released until that remediation is made.
- That the requirements identified as item number 2 on the Pennoni December 9, 2008 Review Letter with respect to the construction entrances be deferred to be included in the requirements for the completion of Neighborhood 4.
- That an adequate legal description be submitted, subject to the approval of the Township Solicitor and the Township Engineer. Mr. VanLuvanee, Any objections to the conditions?

**John A. VanLuvanee:** Those conditions are acceptable.

Fred Gold so moved the motion to accept Johnsville Boulevard and to accept the Deed of Dedication from Erickson for Johnsville Boulevard subject to the conditions as stated by the Township Solicitor, Michael J. Savona, Esq. The motion was 2<sup>nd</sup> by Ellen Jarvis. The vote carried 5-0-0.

**Michael J. Savona, Esq.:** I am not recommending that a Maintenance Bond be required since this road has substantially been opened for public passage and thoroughfare for the past six years.

**Veterans Way & Veterans Circle**

**Michael J. Savona, Esq.:** states the terms of the Pennoni Review Letter dated December 9, 2008.

1. Sidewalk and Handicap Ramps - The sidewalk was not constructed along one side of the street as required on the Land Development Plans for Veterans Way or Veterans Circle. Handicap ramps were required at all intersections and have also not been installed.

**John A. VanLuvanee:** There has been discussion about moving that to Franklin. They are the ones responsible for the curb cuts and sidewalks on the individual lots.

**Craig Kennard, PE:** That was requested. Franklin Corporation has agreed to install them. They are coming through Land Development right now. They have approval to do that.

**Michael J. Savona, Esq.:** Are you talking about Franklin Lot 5?

**Craig Kennard, PE:** Yes. They have agreed to install the rest of the sidewalks that they are required to do. It is the Staff's recommendation that we relocate the escrow from Neighborhood 1 to Neighborhood 4. As soon as Franklin Corporation completes that we would release the escrow in neighborhood 4.

**Michael J. Savona, Esq.:** That is acceptable. An escrow will continue to be required for the sidewalk and handicap ramps as part of the escrow for Phase 4.

**Mr. VanLuvanee,** in the interest of perfect candor, I have received word from the attorney for Franklin Lot 5 development that it is not likely that they will precede in the near future. Your client may be faced with the probability to put in the handicap ramps and sidewalks themselves or suffer the hazard of an extended escrow at this point.

**John A. VanLuvanee:** I understand that. That is our problem to handle with Franklin.

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OLD BUSINESS (Cont'd)

A. Approval of acceptance of Johnsville Blvd. – Veterans Way – Veterans Circle (Cont'd)

Veterans Way & Veterans Circle (Cont'd)

2. Wearing Course -The Public Works Director, Buddy Mullen, is concerned because there have been utility crossings cut across the road (four in close proximity for Lots 13 & 14 for Franklin Corporate Center). These areas were patched appropriately. However, they are patches. Erickson had already laid the wearing course and was preparing the road for dedication prior to these utility crossings being made. Mr. Mullen would like to see the area milled and repaved to eliminate the patches.

Craig Kennard, PE: The report refers to the entire roadway.

Discussion regarding the Wearing Course for Veterans Way and Veterans Circle ensued between Mr. VanLuvanee, Craig Kennard, PE, Township Engineer and Michael J. Savona, Esq., Township Solicitor. Highlights of that discussion are as follows:

John A. VanLuvanee:

- I can't imagine that there are many roads in this township that don't have some patches. It is not common practice to mill and repave an entire wearing surface of a road especially when the patch has been done under supervision and done appropriately as this letter acknowledges.
- The top coat was installed 18 months ago with the expectation we would be offering it for dedication. Erickson has been trying to dedicate that street. The purpose of installing a wearing course is always to complete it. By the same token it is not uncommon for Township Engineers to attempt to hold that process back while work is still going on in the subdivision.
- The Development Agreement doesn't state you can't dedicate until all work in that subdivision or land development is completed. Frankly, that is not fair and is not authorized by the MPC.
- All this work was done under the Township Specs and Township Supervision including the patches. It is appropriate to accept it. With respect to this, we could put a maintenance bond up.

Craig Kennard, PE:

- The Township would prefer milling overlay and have a new street but that is at the discretion of the Board. I am hearing an approximate cost of \$100,000.00 (for ¾'s of a mile) for a milling overlay.
- Typically with trench restoration patches, there is additional maintenance. I agree with Public Works Director Buddy Mullen that the Township will have additional costs by taking a road that is not in accordance with the approved plans. The approved plans said that a dedication street shows a wearing course. It doesn't show patches or trench restorations.

Michael J. Savona, Esq.:

- In my experience, anytime a developer puts a wearing course down, typically, they are fairly confident there are not going to be any additional wear and tear to that wearing course, to incur additional expenses or additional problems and have the road accepted by the municipality.
- Certainly, from the government side we don't want to accept a road where there is a possibility that the residents will be forced to incur the expense of road repaving in less time than would be expected in the normal wear and tear of the wearing course.
- Understanding there are other issues in this particular instance that may have prevented the prompt acceptance of the dedication of that road, I am going to suggest that perhaps there is a fair mid-ground to be struck. .... I do think that some contribution toward the Township's efforts to resurface that road is probably appropriate. ....

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OLD BUSINESS (Cont'd)

A. Approval of acceptance of Johnsville Blvd. – Veterans Way – Veterans Circle (Cont'd)

**Veterans Way & Veterans Circle (Cont'd)**

Michael J. Savona, Esq.: (Cont'd)

- .....the approximated cost mentioned is \$100,000.00. I would suggest a contribution of perhaps half of that (\$50,000.00.00) in lieu of a maintenance bond and in lieu of any other contribution.
  - The Township would reserve that in a Sinking Fund and would release any further obligation of your Client to continue to maintain that. .... That represents a fair contribution by your Client.

Discussion that followed Mr. Savona's suggestion of the \$50,000.00 contribution was as follows:

John A. VanLuvanee:

- Frankly that offer tonight, while I understand that you are trying to make a compromise is not acceptable to Erickson.
- If the Township accepts it under those circumstances, there is no leverage left to deal with Franklin. I think that is a problem because they are the ones who created the holes in the road not Erickson and not the Township.....

Michael J. Savona, Esq.:

- Perhaps it would be better to defer your request until such time you can discuss it with Franklin.

John A. VanLuvanee:

- If that is the only basis upon which you are going to handle it, the answer is yes.
- My feeling was to address the concern about the structural integrity of the road. The Maintenance Bond is appropriate and that was what the MPC would require. ....

Michael J. Savona, Esq.:

- I am giving you some financial parameters within which I would be willing to recommend. I think Mr. Kennard might agree with me (Mr. Kennard acknowledged his support as to what was outlined tonight).
- Perhaps this will give you a frame of reference, to go back to the other parties that are involved here, to craft an appropriate remedy.

John A. VanLuvanee:

- I will then review that with Erickson and we will determine whether or not we want to come back again, or whether we want to handle it in a different way before we request dedication.

Michael J. Savona, Esq.: I would recommend that the Board table this matter at this time.

Fred Gold made the motion to table the approval acceptance of roads Veterans Way and Veterans Circle for dedication. The motion to table was 2 <sup>nd</sup> by Ellen Jarvis. Motion is tabled.
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B. Approval of escrow release to Erickson Ann's Choice in the amount of \$427,486.47

Leo Quinn so moved the motion, with discussion, to approve the escrow release to Erickson Ann's Choice in the amount of \$427,486.47. The motion was 2 <sup>nd</sup> by Fred Gold. The vote carried 5-0-0.
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In answer to the question posed by Leo Quinn, the amount remaining in escrow after this release is \$655,007.79.

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

**B. Approval of escrow release to Erickson ... (Cont'd)**

**Discussion ensued regarding the suggestion to table the escrow release to Erickson.  
Highlights of that discussion are as follows:**

**Ellen Jarvis:**

- Suggested that the escrow release to Erickson be tabled because the Pennoni recommendation letter was just received.
  - She has not had any time to read it and assure there is validity to the statements.
  - She trusts Pennoni tremendously but to just get this the day before voting on it is irresponsible.
- Says, we have a right to have the opportunity to review. The Board of Supervisors is hired to do that. Gilmore & Associates have always given us the opportunity to review.
- Says, going forward, it is incumbent upon our professionals as well as those who make an application to the supervisors to give us enough time to be literate about what we are talking about. That is the only responsible thing to do in terms of representing the tax payers who have been stuck on other projects, and I am not saying Anne's Choice.
- Says, she withdraws her objection. She amplifies; let us go forward doing it the right way in 2009.

**Fred Gold:**

- A representative from Pennoni should be here to answer our questions.

**John A. VanLuvanee:**

- Once the Township Engineer inspects and recommends an escrow release the Board is obligated to approve it. It is not discretionary. Procedure in the Municipalities Planning Code is mandatory. It gives that inspection authority to the Township Engineer.
- Erickson has had over a million dollars held on Phase 1 for more than five years after they finished the improvements. A good part of it is being held in contingency funds that should have been released pro rata as the job went ahead. Holding \$600,000.00 on a job that has been finished 5 or 6 years with the exception of a few items you may have seen in a letter that we just reviewed for Veterans Way and Veterans Circle is certainly much more financial security than the Township needs.
- You were about ready to accept dedication if we gave you \$50,000.00 but you still have \$600,000.00. This is all Phase 1. Phase 2 and Phase 3 Mr. Kennard has told you have been closed out. Phase 1 is still sitting back there. It is just not quite fair to the developer.
- An escrow release is a little different then a request that I make of you with no information at all and your staff hasn't had a chance to investigate and report back to you or they hand you a report on something the night of the meeting. I am totally sympathetic with you there.

**Leo Quinn:**

- He suggests that the escrow release be approved.

**Craig Kennard, PE:**

- Says, an escrow release is a little bit different than normal reports and he is in support of this escrow release. He has reviewed it and does support Mary Stover's recommendation.
- Says, that although tonight Mr. VanLuvanee quoted the MPC several times, all the requests that came in from the developer have not been in accordance with the MPC. Procedure has not been followed from day one on this project.

**John A. VanLuvanee:**

- What you said is correct Mr. Kennard and I have told my client and we intend to rectify that. I agree with you it is a lot easier if everybody has the road map and documentation is done in accordance with the MPC. It makes everyone's job easier.

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OLD BUSINESS (Cont'd)

**C. Approval of withdrawal for proposed warning light at Warminster Fire Department**

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

- I have to caution that this is not an appropriate request. I understand the Warminster Fire Department is earnest and erstwhile in its attempts to divert this money.
- Unfortunately, the applicant was Christ's Home. This application does not come from Christ's Home. It comes from a third party entity who is not otherwise party to the Development Agreement or to the Development Conditions.
- I would recommend that the board table this and direct the Township Manager to contact the Warminster Fire Department and ask them to have Christ's Home join them in this request. As the applicant who is subject to this condition, Christ's Home appropriately should be asking for the waiver not the Fire Department who would be the beneficiary and isn't on the hook for the payment of funds. It is a technicality.
- I ask the Board to consider tabling this and we button this up by having Christ's Home join in the request and approve it appropriately in a manner that would be sustainable under the MPC in January.
- My only issue Mr. Chairman is that this is subject to an agreement that the Township has with Christ's Home to which the Fire Department is a beneficiary but is not a party. I need to see something from Christ's Home requesting that this be approved. I think it is a legitimate modification of their Agreement and their Approval Conditions. It is really a matter of them indicating that they consent to the request of the Fire Department and that would satisfy that little privity of contract problem that we have.

Fred Gold made the motion to table the approval of withdrawal for the proposed warning light at Warminster Fire Department. The motion to table was 2<sup>nd</sup> by Ellen Jarvis. Motion is tabled.

**TREASURER'S REPORT**

**BILL LIST FOR PERIOD ENDING DECEMBER 11, 2008**

Prepays - \$719,140.61	
General Fund	\$ 530,905.30
Fire Fund	137,887.00
Park & Recreation Fund	74,411.05
Storm Water Management Fund	7,089.93
Sanitation Fund	289,749.33
Golf Fund	93,913.71
Highway Traffic Cap. Improv. Fund	6,673.50
Highway Aid	81,310.24
Legal & Engineering Escrows	385,234.77
Payroll Date November 13, 2008	259,264.23
Payroll Date November 26, 2008	<u>275,273.03</u>
Grand Total	<u><u>\$2,141,712.09</u></u>

Gail Johnson, Secretary/Treasurer made the motion to approve the Bill List for the payroll dates November 13, 2008 and November 26, 2008. Leo Quinn 2<sup>nd</sup> the motion. Fred Gold asked for discussion. The vote carried 5-0-0.

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

**DISCUSSION HIGHLIGHTS**

**Fred Gold:**

- Makes mention of a bill for trail mix, pretzels etc. Are we supplying snacks? I was treasurer for three consecutive years and I never saw a check for anything like this.

**Ellen Jarvis:**

- I refused to sign that check - this is one department putting out snacks, then there are others etc. I think we are opening up Pandora's Box. If someone wants a snack they should bring it from home.

**Frank Feinberg:**

- I signed the check. There is no policy in place to say no. If we ask people to follow guidelines and policies we have to have the guidelines and policies.
- If the Board determines that they want to rule against something like this that is fine, but we have to do it going forward.....

**Ellen Jarvis:**

- We need to have an approved list of commonly used items here in our Township and develop a RFP where we can get discounted items going forward in 2009. We don't get the best prices if we don't negotiate prices going in.

**Fred Gold:**

- I just became aware that the Janitorial Contract expired six months ago. I mandated the manager to start negotiations for a new bid for the Janitorial Supplies and copy paper etc.

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

- The Township should avail itself of the benefits of the COSTARS Program. The State has multitudinous contracts on the COSTARS Department of General Services website that enables you to purchase supplies without the expense that you have to go through putting out a RFP and considering bids.
- These are state awarded contracts that we piggyback on and typically much lower prices without going through all the advertising and other expenses you go through for public bidding.
- It is a much more beneficial way of doing this and less painful and a lot less staff time intensive. Most of the Townships in the area are doing that and we should avail ourselves of the benefits of COSTARS as much as we can. Especially for paper towels and the types of things we are talking about.
- It is a cost benefit analysis. It is not worth bidding those things because you waste whatever you are saving in the cost of advertising and other expenses that you have going through the public bidding process.

**Fred Gold:**

- I suggest we take Mr. Savona's suggestion and start that immediately.

2. Transfers for October 2008. Transfer to move money from one account to another where it gets paid from one account and goes to another account.

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

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

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, DECEMBER 11, 2008**

**PROFESSIONAL REPORTS**

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

**Administration & Management**

- **Collective Bargaining Agreements - discussions are in progress - Our labor attorney (Dave Truelove) and I have had productive meetings with all three unions and more meetings are scheduled for next week. We anticipate a resolution on the first two unions (WTEO-Local 2289 & Public Works –Local 1598) prior to year end.**
- **Job Descriptions - Thanks to Barbara Sultzbach, I have a book in which we have compiled every job position & job description. We will review and make updates as needed. There will be a series of updates for Public Works and for the Clerical union workers. As we resolve the contracts there are some job descriptions and positions that are going to be redefined. This is an ongoing process.**
- **Information Technology – yesterday we did complete an assessment with an outside vendor. He spent the day and toured all our facilities. He took inventory of all the computers, the servers and how things work and how we communicate. They will be preparing a report with recommendation to me and to the Board as early as next week.**

**Parks & Recreation**

- **The winter program schedule will be available in the Winter Directory, scheduled for completion and mailing to residents by Monday, December 29<sup>th</sup>.**
- **Please check out the directory for many FREE programs and classes available to residents who are members of the WREC.**
- **Annual memberships are available. Individuals - \$20 - Couples - \$25 - Families - \$30.**

**Public Works**

- **In preparation for winter, crews have been busy clearing inlets, repairing potholes and preparing equipment for snow removal.**
- **If you are aware of a pothole or other road hazards, please report it immediately to allow the crews sufficient time to repair before the deep freeze of winter arrives**

**License & Inspections/Fire Marshal/ Emergency Management**

- **Congratulation to Nancy Leopold who will be retiring from L & I on December 19, 2008. Nancy’s letter to me reads, “I have been blessed that the entire 21 years has been filled with wonderful co-workers who are exceptional in every way and that there has always been a family atmosphere in L & I. Nancy will be solely missed and I wish her the best in her future endeavors**
- **Bucks County ReadyNotifyPA is an emergency communication system used by governments, emergency management agencies and first responders to send emergency alerts, notifications and updates to your cell phone, pager, BlackBerry, PDA and/or e-mail account.**
- **In the event of an emergency, such as a terrorist attack or severe weather incident, Bucks County and Warminster Township emergency management personnel will send important alerts, updates and instructions right to your cell phone or mobile device using your device’s text message feature, and/or to your e-mail account (s). No software to install or extra equipment to purchase.**
- **Registration is simple and takes only a few minutes. To sign up go to website [www.bucks.alertpa.org](http://www.bucks.alertpa.org) or if you don’t have internet access contact Warminster Township.**
- **Warminster Township currently has 236 residents and businesses signed up. By this time next year we hope to have most of the Township signed up. I strongly encourage every resident and business in Warminster Township to sign up for this valuable notification program.**

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

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

<b>Five Ponds Golf Course / Clubhouse</b>
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- Tee-times are plentiful as the golf season slows, but holiday parties, special events and Fun Fridays are in full swing at the Clubhouse. Please call Debra or Joanne at 215-956-9727 for booking a special event.

<b>Administrative</b>
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- Reminder to all residents- yard waste collections end on Monday, December 15<sup>th</sup> – after that yard waste must be included with your trash. No plastic bags please – brown bags (up to 10) or in a trash can.

<b>Comments</b>
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Leo Quinn wants information regarding the Bucks County ReadyNotifyPA (an emergency communication system) placed in all quarters of the WREC Directory. Bob Tate will handle.

Ellen Jarvis inquires about Early Bird Dinners at Five Ponds. Bob Tate responds as follows:

- Early Bird Dinners were being done based on a reservation. We are not open every Monday thru Thursday for an Early Bird Dinner. At this time it is being done by request only.

Fred Gold inquires about Friday nights at Five Ponds. Bob Tate responds as follows:

- Each week seems to be increasing. There seems to be a regular following.
- It is a warm welcoming environment for people who want to get out for a couple hours on Friday night.
- A great job was done decorating. It looks really nice.

Gail Johnson commented on the improvement of the Townships website. Bob Tate responds as follows:

- Larry (DerHagopian) does a tremendous job. He is the king of the website. He also does the Public Access Channel. He does what he does and it just seems to happen seamlessly.

Ellen Jarvis inquires about Christmas tree recycling at the WREC center this year. Barbara Sultzbach responds as follows:

- The WREC center has set aside an area behind the building where the residents can place their trees. Trees will be accepted from the 5<sup>th</sup> of January through to approximately the 20<sup>th</sup>.
- We usually end up with several hundred trees. We mulch the trees and use that mulch in the parks.

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

- This is the last report for the year and I want to compliment my Staff as well as Public Works on how things were handled with the delays, the transition at the beginning of the year and their moving forward on projects. Public Works completed their projects and even managed to squeeze in the Warminster Heights paving.

<b>General Township Projects (9)</b>
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- You will be seeing more projects under General Township Projects that Gilmore & Associates will be taking over in 2009.
- Traffic Projects - We will be taking over the Traffic Projects. We will be administering and assisting the Township with the County Line Road Closed Loop Project that was let earlier and Notice to Proceed by PennDot. We are not going to be inspecting that project. There will be issues that we will need to be involved in with Public Works and also the Township as that project moves forward.

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

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

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

- **2008 Road Paving Program - All the handicapped ramps that you see noted are completed and we hardly have any issues. It is rare that certain projects don't have large punch lists that get put into the next year. It has really come together.**
- **Valley Road Drainage Project – this project is being deferred. We still need to work with Warrington Township on the cost sharing. We may be looking at either down sizing that project or deferring it further or maybe just doing three or four other small drainage projects.**
- **We definitely have had an increase in drainage problems. Some have been mentioned on the Board level. I have met with L & I. They have some as does Public Works. Through the winter and early spring and even based on the weather this week the complaints are coming in. I want to focus through the winter working with the Staff as to whether or not we can knock out three or four smaller projects in lieu of a larger project.**

**Subdivision and Land Development Projects (14)**

- **Even with the downturn in the economy we have actually seen over the past month an increase in plan submissions. Most of them are resubmissions.**
- **Franklin Corporate Center Lot 5 – the record plans were approved tonight. I have been notified that they will probably be delaying that project.**
- **Marquis Realty – Learning Experience Daycare – They did receive a variance. We did have an engineers meeting to go over the application before they actually submit their Preliminary Plans. It was a cooperative meeting, very beneficial to the owner and the engineers to get some feedback from Gilmore before they prepare the plans. The opportunity to get involved early on was appreciated. By the time the Board sees the Review Letters a lot of the technical things will have been addressed.**
- **Pohle Enterprises – Lot 16 Street Road Industrial Park – They did receive final approval and are anxious to get started. You should be seeing Development Agreements, Record Plans and Escrows in the near future.**
- **Petrucci – 333 Jacksonville Rd – a Transit Oriented Development – I was notified yesterday that they are in the process of amending the sketch plan again for resubmission to the Planning Commission and the Board to show how their plan meets the draft of the Zoning Ordinance Amendment.**
- **William Tennant HS Addition – We have had several meetings and a recent meeting at L&I to work out issues that I noticed could delay the project. I wanted input from L&I and the Solicitor. Mr. Savona and I talked today about one issue at William Tennant HS regarding zoning and the use of a section of the property at the lower end where the Driver's Ed facility was. In that area there are about 5 or 6 acres of pavement. There are drainage issues. We will be working to resolve that prior to the Board considering that plan. The school will be in front of the Planning Commission on December 17<sup>th</sup>.**
- **Giuseppe's – 1380 West Street Road – we just received their revised sketch plans. The review will be forthcoming next month.**

**Construction Projects (4)**

- **Christ's Home – Three Occupancy Permits were issued this week. We are moving forward with Occupancy. There is still work to be done out on Norristown Road which we are trying to work to get that buttoned up through the winter and then the rest of the issues will be addressed in the Spring.**

**Comments**

**Leo Quinn inquires about Parmentier Road Storm Water Issues and said he would like to accompany Craig to the site. Craig Kennard responds as follows:**

- **I Spoke to Mr. Krueger about that. We are creating a prioritized list to have my Staff go with L &I 's Staff to look at those projects and others that Pubic Works has raised.**

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

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

<b>Comments (Cont'd)</b>
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Leo Quinn inquires about the Valley Road Drainage Project and was told that Warrington did not budget money for that project in their 2009 Budget.

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

<b>Construction &amp; Review Services for Land Development (4)</b>
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- Park Entrance Road for Former Base Property – 529 Lemon Street – Land Development Reviews – Construction Inspections

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

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

**4. Solicitor's Report – Michael J. Savona, Esq.** has submitted a written report to the Board containing approximately forty-two (42) items in nature of legal matters. Thirteen (13) are complete, twenty-seven (27) are pending, one (1) is in progress and one (1) is dormant. He highlights the following:

**Zoning Ordinance Revision**

- We are still working toward completing a complete revision of the Zoning Ordinance and the Zoning Map. We have another meeting scheduled for December 16<sup>th</sup>. At this point I am hopeful to have a presentation for the Board of Supervisors sometime late January or early February before the matter would be referred to the Township's Planning Commission.
- I am very pleased with the revisions. We have made a lot of progress in a short amount of time. We are catching up on probably what needed to be finished from the time the Comprehensive Plan was adopted back in 2003.
- The Zoning Map that we are working on will prove to be much more user friendly, much less complicated and a much more straight forward approach to dealing with the zoning issues.

**AT&T**

- It is likely that we will have a final Lease Agreement with AT&T for the cell tower site. We have been in off and on negotiations with AT&T for the last several months. We ran into an issue with an easement that is held by the sewer authority. We have gotten over the hurdles and I am hopeful to have a lease before the Board for approval next month. The new lease more than doubles the amount of monthly rent that was proposed by AT&T from the initial draft that was forwarded to us. In the event that the Board approves that then it will go before the Zoning Hearing Board.

**Petrucci Transit Oriented Development**

- The Petrucci development is moving forward. We have asked them to revise and do some additional engineering in order to insure that we don't run into issues of compliance with respect to the zoning conditions that they have asked us to adopt. I consider that a high priority item. The worst thing you can do is adopt a zoning ordinance to accommodate a development only to find out the development can't accommodate the zoning conditions because they didn't do enough engineering up front. Thankfully, Petrucci has agreed to invest enough money into doing some engineering to ensure we are not going to have those problems. Hopefully, when it comes back to the Board it will be an approvable ordinance.

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

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

**TelVue Contract**

- **The Board did approve this evening the TelVue Contract. Today, I spoke with the Chairman of the Communications Advisory Board who advised me he was in concurrence with the adoption of that agreement. TelVue agreed to several revisions to the contract which permits us to engage in revenue sharing with TelVue with respect to the sponsors that they sell space to for the Township's Access Channel and in addition it gives the Township the option of selling advertising space for which we would keep 100% of those proceeds. TelVue would produce the ads and put them up on the site and we would keep all the revenues from that endeavor.**
- **In the event that we have the capacity to do that in the future and we decide to contract with somebody else to pursue that for us it opens up new avenues for non-tax revenue which in my experience is always a good thing.**

**County View Properties**

- **We continue to work with County View Properties and the Land Development Application that they have pending. We have had meetings with their attorney and we are working toward a resolution of the major issue in that development which is the fee in lieu of the tree replacement.**

<b>Comments</b>
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**Gail Johnson inquires as to the completed items in the Solicitors Report. Mr. Savona responds as follows:**

- **I am contemplating reformatting my report. In 2009 I will reset the report and remove the items that have been completed.**
- **If the Board has no objection, I would prefer to switch to a narrative memorandum style report. It gives more of a description of what is going on in a one or two paragraph format. This eliminates reading the interpretations row by row, cell by cell.**

**PUBLIC COMMENT**

**Florence Fox – Warminster**

- **Craven Hall has their annual open house this Sunday from 12:00 P.M. to 4:00 P.M. House tours are free.**
- **Tells the Board that she took pictures of historical (Revolutionary War) sites on a recent visit to North Jersey.**
- **She brought with her pictures for the Board Members to view that were taken on November 29, 2008 in the town of Oxford, N.J.**
- **She offered her services for the Tri-Centennial Committee.**

**Scott Brown – 519 Juniper Street**

- **He tells the Board that he lives across the street from Soncini's Bar & Restaurant located on York Road which (outside this bar) was the scene of a triple shooting in the early morning hours of November 15, 2008. That morning after the shooting he had 30 to 40 police officers combing every inch of his property for the gun.**
- **He presented to the Board Members pictures (of an adult nature) from Soncini's that ended up in his backyard.**
- **He asks of the Board, "What are they doing to protect the Health, Safety and Welfare of his family and the rest of the community where he presides"?**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**PUBLIC COMMENT (Cont'd)**

**Scott Brown – 519 Juniper Street (Cont'd)**

- He says Soncini's has lowered the quality of his life, his family and that of his neighbors. The excessive noise (music) that continues till 2 O'clock in the morning (there is no buffer), the fights, the drug paraphernalia and the propaganda found in their backyards has become intolerable.
- He has made over 35 calls to the police department asking for help. He feels his calls to the police department now go unanswered.

**Bob Tate:**

- We hear you and it is troublesome, we know that.
- ..... Mr. Soncini, as a business owner, has certain rights just as the residents do. He has complied, as an owner, with all the requirements in opening his establishment.
- In the early stages when there were problems and there were noise issues our inspectors were out there and our police were out there and a lot of those were addressed.
  - He did close the back door to reduce the sound going out the back of his building.
  - He made some internal changes. ....
- He has operated within the confines of the Township Ordinances and it is unfortunate that hasn't been enough.
- ..... I don't know if you have seen that as of today the name of the place has changed. The business has dropped off dramatically. ....
- Our chief can speak more towards enforcement and what has happened as far as the enforcement of what's been going on there. There has been an active involvement of our police force.
- As far as a buffer zone that you mentioned, there was never a requirement for a buffer zone for Mr. Soncini to open his business. ....it was something of a suggestion which obviously didn't materialize.

**Scott Brown – 519 Juniper Street**

- If there was no requirement.....why wasn't a new requirement levied on the new establishment which just popped up today which is Soncini's establishment again, just with a different name.
- Nothing has changed since the shooting. ....Sunday night I called the police department two (2) times and never saw them come by. It is like I am becoming the nuisance in my own township .....My family has owned this property for 57 years .....
- There is no supervision over Mr. Soncini and his club. When I called to complain about the noise they tell me, what are you going to do about it?
- Now I am asking the Board, What are we going to do about it?

**NOTE:** From the audience is heard the voice of a woman (name unknown) vehemently speaking out against the gun shots, the unwelcome adult fliers appearing in backyards and the unfavorable publicity that this brings to the Township of Warminster.

**Michael J. Savona, Esq. (Township Solicitor) - expresses his understanding and states the following:**

- The Township is here to try to do what we can. We are trying to explain to you what we are doing so far and what if anything we can do in the future.
- The aggravation you have really shouldn't be vented on these people. We are doing everything we can under the confines of the law. Understand that kind of frustration is not the fault of the Township and we are going to do what we can to help you through.

**Mr. Savona asks Chief Murphy to address what his department has done to combat this problem.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**PUBLIC COMMENT (Cont'd)**

**S. Michael Murphy – Police Chief of Warminster Township**

- The police department responds to every call.
- On Sunday evening an officer did respond to Mr. Brown's call and did not hear any music.
- Most of the noise complaint calls about Soncini's received by the Police Department since the beginning of May proved to be unfounded or the noise was deemed not to be excessive.
- Soncini's is not a Sports Bar it is in fact a Night Club. It was a high volume business. They brought in a lot of events that are much more conducive to a night club atmosphere.
- To the best of my knowledge Soncini has met all the zoning requirements.
- Anytime we have made a suggestion to Matt Soncini he has accepted it. After the shooting we made strong suggestions to him.
  - monitor the people going in and out of the establishment
  - wand them
  - search people who they have indications or concerns about
- Anytime Soncini's called us about patron concerns
  - We go out and respond to the disturbances in the lot.
  - If people need to be arrested we make arrests.
- It is a much more active place than other bars in our community. It is not the type of neighborhood bar that we are use to in Warminster.

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

- Chief are you working with the LCE (Liquor Control Enforcement)?

**S. Michael Murphy:**

- I have been in contact with the LCE.
  1. The LCE has had two complaints that they have acted upon with Soncini's and one complaint that is pending. .... It is a complaint that has not been issued to the bar owner so they won't discuss it with us.
    - 1. A noise complaint that was filed in July based upon complaints received up through to May 21<sup>st</sup>. ....They did file a citation and Soncini's was fined for that in July.
    - 2. The complaint concerned a non-sufficient fund check payment to a supplier. It was made good immediately. The LC agent advised me it is common practice in the bar business that deposits cross in the mail and a non-sufficient check is not unusual in the bar business in fact it happens on almost a daily occasion however, it is an actionable item that they write a warning letter on.
    - 3. ....The third offense...the citation letter hasn't been issued yet, but the LC agent indicated to me it is more of an administrative issue and it is not the type of a complaint that could result in a suspension of his license to serve alcohol.
  2. We are talking to the LCE agent almost on a daily basis about this. I am waiting for him to get back to me with any additional information he might have.
- I have strongly suggested to Mr. Soncini that the planting of arborvitae trees across the back of the property might go a long way in
  - reducing the noise complaints and
  - reducing the trash that might blow out of the parking lot ...
- There is nothing I can think of as a Police Department that we can do that would force any kind of action. We go out and if we see a violation of the law we act on it.

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

- Chief have you considered having your officers do a walk through.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**PUBLIC COMMENT (Cont'd)**

**S. Michael Murphy:**

- They do foot patrols as well as motor patrols on a regular basis. ....
- I strongly suggested to Mr. Soncini that he add security to his outside lot
  - The problems spilling out on the neighbors are occurring out on the lot ...not occurring in the business themselves.
- I feel for the residents there.
  - I just don't know, short of harassing the person which is going to put us in jeopardy that we could do any more. ....
- We do respond. If you call the police we do go out. You may not see us, but we are there. We park out front, we park out back, the officers get out of the car they talk to the people inside and they listen. I don't think they know we are coming.
- ....I believe from the time Soncini's opened till the November 15, 2008 incident.....there were 31 complaints to the Police Department relative to noise.
  - .... 8 were found to be substantiated. .... 8 was noise but it wasn't to the level that the officer believed was excessive and the others were unfounded.....
  - ....I am not saying there isn't noise.....but when the police get there, it is not occurring for the most part.
  - We have made arrests. ....disorderly patrons, for people urinating in the lot, for those types of quality of life crimes that the officers observed.
  - I wish that we could do more.
- When we met with Mr. Soncini he has been extremely receptive to the ideas. Whether he has implemented it or not, I don't know.
- I saw the sign yesterday morning, for the first time, under new management. And I saw the sign today that the name has changed.
- I am of the understanding that Mr. Soncini is still the principal owner.
  - but he is looking for a partner for some other financial backing
  - ....my officers are telling me since the incident on the 15<sup>th</sup> business has dropped off markedly. ....A perfect example would be on the night before Thanksgiving which is the biggest bar night of the year there were only 11 cars in the parking lot.

**Scott Brown – 519 Juniper Street**

- That was also a night that the music was over excessively loud going through my house. When I place a call to the police, the officers many times drive through the parking lot and drive right out. I have had to literally go out and flag the officers down to ask them to get out of their car and go inside or come inside my residence. Maybe they can't hear it inside of their car but if you take the time to come into my residence you'll see what the annoying noise is.
- The Liquor Control Board agent is the person who came to my house and spent from 10:00 P.M to 11:00 P.M. with me and he found it to be intolerable. He is the one who issued the citation over the noise level.
- ...I am not making up or telling stories, I am telling you the way it is. .... This club has brought the value of my life and my household down. Who would want to buy my house across the street from a bar where a triple shooting just took place?
- I invite anyone in this room to come to my house on a Thursday, Friday, Saturday, Sunday night and you can be the judge whether you would tolerate this noise.
- I only ask the Officers to consider the residents that live in the neighborhood. Yes, they do come, but many times they do not get out of their cars, they do not address it and the times they do go in and address the noise it is worst after they leave. It is like a game that Mr. Soncini plays. The police come in, they turn it down, the police drive away and they turn it up ten more decibels.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
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**PUBLIC COMMENT (Cont'd)**

**Gail Johnson:**

- **Mike, are you always sending uniform officers over there? Basically, you are not sending detectives?**

**S. Michael Murphy:**

- **Not generally would we send a detective, it is a uniform officer call. Most of the calls coming in are at Midnight or 2 O'clock in the morning. Traditionally, in police work detectives and investigators work during the day and some evening hours.**
- **In light of what Mr. Brown is telling me we can change that. We will direct the officers to get out, walk into the establishment and after they talk to the people, hang out there.**
- **We will send some plainclothesmen officers in. I will also make a point to re-contact the Liquor Control Agent tomorrow and see what we can do as far as getting a little more pro-active out there.**
- **I sat down and I read all the reports that have been filed in the last year and it is troublesome. It is what it is, it is a night club. .... They bring in radio personalities and almost every night they have a disc jockey or live band there. ....**

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

- **Chief, for what it is worth, it is a nightclub but it exists in an area where there are residential neighborhoods and nightclub, bar and notwithstanding any liquor licensee has certain rules, certain regulations they have to follow.**
- **What I am hearing from the neighbors is that this particular establishment is perhaps not following what needs to be done.**
- **I have represented in my career, college towns with lots .....lots of problems.....what I found to be effective is:
  - **Having frequent contact with the police, walk through - through the bar and sending your guys in there more than just on a drive through basis. It let's the bar owner know we are paying attention.**
  - **Having frequent contact with the LCE. They can operate as a licensee but they operate within the rules the LCE promulgates or else they risk losing their license either as a nuisance bar or because of repeated violations where they are cited and fined by an administrative law judge.****
- **From what I am hearing, you guys (residents) just want some vigorous enforcement and you want some assurance from our Police Department that we are going to do whatever we can.**
- **Some of the issues you raised are issues we are going to address with respect to the Zoning Ordinance. The changes we are going to make deal with adult entertainment and things that don't exist in the Township right now and I assure you have already been incorporated in the next draft of the Ordinance. We are going to do what we can to protect the community from the kinds of things you are passing out.**
- **That is also an issue that is governed by the Liquor Control Enforcement Office and I would encourage you to turn that stuff over to the LCE. If you have contact with a Liquid Control Enforcement Agent you turn that stuff over to him. That is something that should be their investigation. They have primary jurisdiction over their licensees. They can hurt that guy more than the Chief can. They can take away his liquor license. It is like punching him in the wallet and that usually is more effective than anything else.**
- **Keep up the line of communication not just with our Township Police. We regulate criminal activity. The Liquor Control Enforcement Agency regulates their license and I guarantee you Mr. Soncini is going to pay a heck of a lot attention to the LCE who threatens to take away his livelihood then he is to the Chief who is going to cite him for a \$300.00 disorderly conduct fine.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, DECEMBER 11, 2008**

**PUBLIC COMMENT (Cont'd)**

**Scott Brown – 519 Juniper Street**

- I agree and I have taken that approach with the Liquor Control Board and I believe that was the time that they changed from just Sports to Soncini's Bar & Restaurant.
- Now, they have changed the name to McNally's and anybody who is familiar with this township going back to the 70's McNally's.....was a horrible bar. There was nothing but drugs and violence going on there.
- Nothing has been mentioned about the drug paraphernalia that is being found..... I pick it up in my yard. I have it as evidence but I did not bring it with me tonight. ....
- I am asking for help from anybody I can get it from.

**Frank Feinberg:**

- You are going to get help. The Chief is going to adjust the way they precede. There is going to be a lot more coverage. Sorry you are going through this.

**SUPERVISOR'S COMMENTS**

**Frank Feinberg:**

- Time flies and it is now a year for Ellen and me. It has been a good experience and everybody has worked hard. I am very impressed with the professionalism of the employees of the Township and the hard work they have done.
- I am please with some of things that we have accomplished, things we felt needed to be done.
  - Bob and his staff have stewarded Employee Procedures & Policy Manuals  
Job Descriptions – Initiating Goals & Objectives
  - The good work on the Streets Program. And almost putting to bed the 12 year long project in Warminster Heights with respect to their curbs
  - The great work that Mike & Craig and everybody have done
  - Tom & Jim in respect to the Ordinance overhaul
- I want to thank you and I wish everybody a very, very Happy Holiday Season.

**Leo Quinn:**

- I just want to mention and congratulate a member of the Park Board who is retiring after twenty-five years. I would like to recognize Mr. Jim Dunn for his years of dedicated service to the Township on the Park Board. He retired at our last meeting, last week. He will be solely missed. He has provided tremendous wisdom and dedication to our Township.

**Jim, a great job!**
- I want to wish everyone a Merry Christmas, Happy Holidays and a Happy New Year.

**Fred Gold:**

- I would like to wish everyone a Happy Holiday.
- I want to congratulate my grandson. This Saturday he will graduate from The Florida Institute of Technology with a Degree in Fission Physics. I will leave tomorrow morning for Melbourne, FL to attend his graduation.

**Gail Johnson:**

- Happy Holidays to everyone.
- My Warminster Bird List is up to 137 Species and I am proud of that.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, DECEMBER 11, 2008**

**SUPERVISOR'S COMMENTS (Cont'd)**

**Ellen Jarvis:**

- I want to congratulate Thomas Reinboth, a Democrat in Warminster Township, who was recently elected President of the Centennial School Board, for the coming year. I wish Tom, good luck and God's speed.
- My daughter Emily got married in October. My congratulations to her and Josh. They now live in Hatfield – Montgomery County. In addition, Emily started a full-time job as a nurse at Children's Hospital.
- It's been a long year as a Supervisor and a Mom. I thank everyone for their support and helpful information.
- I wish the residents of Warminster and beyond, a Merry Christmas, Happy Hanukkah, Happy Kwanzaa and a Happy New Year.

**Frank Feinberg: Our next meeting is Monday, January 5, 2009.  
The Reorganization of Township Government Meeting**

**INDIVIDUAL ACTION ITEMS:**

**Bob Tate**

- Insertion of information regarding The Bucks County ReadyNotifyPA in all quarters of the WREC Directory as requested by Leo Quinn.
- Contact the Warminster Fire Department to have Christ's Home join them in their request for approval of withdrawal for proposed warning light - per the Township Solicitor.

**Craig Kennard, PE**

- Contact Leo Quinn, to accompany you, when you go to see Parmentier Road.

**Barbara Sultzbach:**

- Agenda item for the January 15, 2009 meeting – Lease Agreement with AT & T - per the Township Solicitor.

**MEETING ADJOURNED AT 9:17 P.M.**