

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

**MEMBERS PRESENT:** Frank Feinberg, Chairman  
Gail E. Johnson, Vice Chairman  
Ellen S. Jarvis, 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 Warminster Township Board of Supervisors Meeting, held at the Township Building, 401 Gibson Avenue, Warminster, PA, was called to order at 7:00 P.M., by 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:** The Board of Supervisors had an executive session on January 9, 2009 to discuss contract negotiations.

**Bob Tate:**

1. Today, he attended the Horsham Land Reuse Authority (HLRA) meeting regarding the disposition of the property that has been deemed surplus by the Navy and the Department of Defense as was announced on January 2, 2009 which begins the BRAC process.

- This is relative to Warminster because the properties now occupied by the Navy in Shenandoah Woods (approximately 50 acres) and Ivyland (approximately 6 acres) have been deemed surplus.
- All residents of Warminster, Ivyland and surrounding communities are invited to attend a meeting here in the Township Building on April 2, 2009 beginning at 1:00 P.M. The BRAC process (base realignment process) will be explained as to how the disposition of the properties will occur, who are the eligible entities, who can apply and how, over a period of time, this will take place?

**Ellen Jarvis:**

1. There was a feature article in today's paper on a Warminster teen. Tonight she recognizes and congratulates Quaneesha Shields.

- Quaneesha is an eighth grader at Log College Middle School who was invited to participate as a member of the People to People Student Ambassador Program in Europe this summer of 2009. This program seeks to promote international understanding while building leadership skills. It is a twenty day experience that would include meeting with government officials, interaction with other students and home stays with host families.
- Quaneesha was nominated for her spot by a Log College Middle School Alumnae, Victoria Ricci. Ms. Ricci is already half-way toward fulfilling her desire to travel around the world and explore various cultures.
- Quaneesha needs financial aide for the required \$7,000.00 tuition. To accomplish this goal, she has been raising money through local organization.
- She is willing to provide further information on Quaneesha Shields to anyone who wants to help this young woman achieve her goals.

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

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

**2. Mentions that an email was sent by Dick Ludwig, Chairman of the Communications Advisory Board (CAB) to all the Supervisors.**

- **He and the committee have put together a terrific program that they hope to start with Bob Tate as their Host called "Warminster Today".**
- **This will be shown on our local television station. It will be about a 15 minute program with additional minutes for features as the months go on and the committee comes up with a schedule.**
- **It will be filmed by Ed Calhoun as well as Paul Elker who is a member of our committee.**
- **The committee is looking for ideas and input. The CAB will be responsible for suggesting and recommending to the Board of Supervisors (BOS) and Township Manager, policy and subject matter.**
- **The BOS has final responsibility for all policy and subject matter.**

**Gail Johnson:**

**1. The Environmental Advisory Council will have its first organizational meeting on Monday, January 19, 2009 at 7:00 P.M. Anyone is welcome who would like to give input.**

**Fred Gold:**

**1. The recycling of Christmas trees by Park & WREC has been very successful. So far they have tripled the amount from last year. When they finish recycling the residents can pick up the chips for mulch around their houses.**

**Leo Quinn:**

**1. At our next meeting we will be honoring Archbishop Wood High School football team for winning the District 12 Championship.**

**2. Regarding Home Mortgages, he provides the names of government programs found in the literature received from Senator Greenleaf's office:**

- a) **Homeowner's Emergency Mortgage Assistant Program – HEMAP - [www.hemap.org](http://www.hemap.org).**
- b) **Refinance to an Affordable Loan Program – REAL - offers programs for 30 year fixed mortgages where you can go to 100% financing with flexible credit underwriting.**
- c) **Homeowners Equity Recovery Opportunity Program – HERO**
- d) **More information on REAL & HERO can be found on the PA website [www.phfa.org](http://www.phfa.org) or by calling the toll free 800-822-1174.**

**PRESENTATION / DISCUSSION**

**Approval of Ordinance #680 – Responsible Contractor Ordinance**

**The meeting room is filled with individuals who want to express their opinions on the Responsible Contractor Ordinance that is on the Agenda, for approval this evening.**

**Mr. Feinberg, Chairman tells the group that all questions will be held till after Geoffrey Zeh and Gerald Waites make their Presentation. Following the presentations he defines that the Board of Supervisors will ask their questions and afterward welcomes any comments from the audience. He also mentions that Michael J. Savona, Esq., Township Solicitor, having expertise in this matter, will provide his input throughout the process.**

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PRESENTATION / DISCUSSION (Cont'd)

Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

**FIRST PRESENTATION - Geoffrey Zeh – President and CEO of The Southeast Pennsylvania Chapter of the Associated Builders and Contractors, Inc, known as ABC**

ABC is a trade association of Building Contractors with almost 500 members and covers the Five County Philadelphia area. In the Philadelphia area 75% of construction employees are “Open Shop” or non union and 25% are union. The company represents the merit side or “Open Shop”.

ABC does conduct State & federally approved apprentice programs. The majority of their members choose to train their employees by their own means.

ABC subscribes to the philosophy that Building Construction Projects should be awarded to the lowest responsible bidder without regard to labor affiliation.

- They support reasonable procedures that determine who is a responsible contractor and have a willingness to work with jurisdictions to accomplish this goal. This is especially important now that tax dollars are a rare commodity.
- They are opposed to discriminatory arrangements that exclude the majority of contractors that would otherwise be able to work in the Township. Including those contractors that performed work for you in the past.

Geoffrey Zeh:

- Says that an Ordinance like this, in many instances, is proposed as a convenient item to help certain interest groups and consequently it is a solution without a problem. He asks if there was some underlining problem that gave rise to this Ordinance.
- Makes reference to the Ordinance threshold amount of the \$100,000.00
  - Suggests if the Township doesn't have many projects in that amount he views it as a solution looking for a problem.
  - Suggests that that the majority of construction work done for the Township is under the threshold amount. He asks why the Township isn't equally concerned about the projects that are under the threshold amount.
- Says the net effect of the Ordinance as it is currently proposed:
  - Will eliminate or exclude a lot of potential contractors in the Greater Philadelphia Area and in the Township, with stellar reputations, because they have training programs they conduct on their own and, although proven effective, is other than the kind of apprenticeship programs outlined in the Ordinance.
  - The ABC members who have company headquarters in Warminster or others who employ residents of Warminster and pay taxes wouldn't be eligible to work on Township jobs over \$100,000.00.
- Says, regarding the provision in Section 3C10, he provided an alternative language for that specific section. He is in agreement to most other requirements of the Ordinance. He cites the following:
  - When the Bucks County VoTech (Middle Bucks Institute of Technology) school students finish their program they are certainly qualified to work for a responsible contractor but they do not meet the requirements of this Ordinance. We pay taxes to support this school.
  - Technically, if the Ordinance is read literally it excludes many of the largest union Construction Managers in the area from doing work for the Township. They don't have any employees and they don't participate in these training programs.
- He asks the supervisors to recognize that apprenticeship programs, as outlined in the Ordinance, are not the only way to train employees effectively. People are trained in composite type positions and can be multi-tasked. The union training programs which are basically defined in the Ordinance and including their (ABC) program are more craft oriented and limited to one craft.

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**PRESENTATION / DISCUSSION (Cont'd)**

**Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)**

**FIRST PRESENTATION - Geoffrey Zeh – ABC (Cont'd)**

- He says what determines who is qualified to do a particular \$100,000.00 construction project should be:
  - Can they get a bond? Bonding is at a premium. Not everybody can get a bond.
  - What kind of qualifications do they have, experience, and the people for whom they have worked?
- He says that Bucks County currently has a Task Force for RCO's, probably more because of the courthouse, and they have yet to come up with any recommendations. ABC has a representative on the task force, the unions have two representatives and there are other citizens represented. He urges the Board to withhold any decisions on this Ordinance pending findings by the Bucks County Task Force.
- He states that there are a number of Townships in the area that have considered RCO's and have had problems. Some revoked them and some made exclusions for projects. He provides examples:
  - Middletown Township has a Township Building they put out for bid after they adopted a RCO and nobody bid it.
  - Lower Makefield Township had a swimming pool, roughly a million dollar project, the bids came in at 1.2 million dollars and the lowest bidder was an open shop contractor and didn't meet the qualifications for training and so they re-bid it and I think it came in at 1.4 million dollars. They decided not to build the pool.
  - The City of Worcester, Massachusetts who has had RCO's for longer than the Philadelphia area has demonstrated that the net impact is that it eliminates the majority of contractors that would otherwise be eligible to bid on the job. Less competition leads to prices going up. It is a taxpayer issue.
- In closing he thanks the Board for the opportunity to speak and at the appropriated time, will be happy to answer any questions

**SECOND PRESENTATION - Gerald Waites – representing The Bucks County Chapter of the Philadelphia Building Trades**

The Trades represents approximately 50,000 members in the Greater Philadelphia Region. A lot of them live in Bucks County and a good amount live in Warminster Township.

He is with the law firm of O'Donoghue and O'Donoghue (offices in Philadelphia and Washington) and specializes in Public Works Contracting and Procurement.

He is here this evening to present the merits of the RCO Ordinance - quality control - all aspects of contractor performance - insure good craft labor.

- Supports the RCO requirement to have a registered training program that specifies:
  - Apprenticeship training - The tried and true way of teaching in the construction industry. It assures upfront that you get good qualified trained skilled craft labor on the job.
  - Has a graduation record of three years or three years out of the past five years.

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**PRESENTATION / DISCUSSION (Cont'd)**

**Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)**

**Gerald Waites - Trades:**

- He says the issue presented regarding the City of Worcester, Massachusetts was documented with a letter from a contractor. In his possession is a letter from the mayor of that city that reads “The implementation of this Ordinance, even with our robust construction activity, has not required major additional resources. Further, I am unaware of any negative affects associated with it. When I initially proposed this, I was convinced it was the right thing for my community. Today, I can look back and say it was a wise decision”.
- He says there is not a word in this Ordinance that says union. It is based on union affiliation. It is qualification standards based on performance, performance capabilities and those kinds of issues. It raises the bar for qualifications. It does not exclude anyone because they are not union. It puts apprenticeship training on a skilled training qualification level.
- He says that innuendo allegations were made regarding “problems of Schools” in different townships here in Bucks County. He asks where is the documentation and/or the witnesses? There may be kinks here and there and there are bidding problems on all projects whether you have Ordinances or not. Anybody can throw smoke but let us deal with the facts and the merits.
- He submits the following points in response to the statement “a law in search of a problem”:
  - When we first developed The Responsible Contractor Ordinance with various public officials in different counties around this region we recognized that there were all kinds of problems with the construction low bid system and especially the public construction low bid system.
  - The qualification standards were developed because when you look at low bid and rarely look at other qualifications you can often have a lot of problems.
  - He points out even if this Township hasn’t done a lot of construction or hasn’t had a lot of nightmares there are plenty that have.
  - He suggests it is a good time to look at smart management systems for construction projects when you don’t have a colossal problem.
  - This law that we have is talking about putting quality control over your Public Works program upfront before problems happens. It limits risks, it avoids the nightmares and it promotes good jobs in the community.
- He says, by virtue of state law, every jurisdiction and certainly PA has to award to the lowest responsible bidder. Our leaders on the state level don’t define responsible.
  - This Ordinance defies the word responsible and it defines that the objective is to have good successful projects. The best you can get for money, quality, scheduling and with limited problems.
- He says that this Ordinance establishes qualification standards upfront. They are specific, clear, well defined, pre-established and contractors can meet them. Some specific good qualification are:
  - Contractor has not been disbarred.
  - Contractor has not defaulted on any projects.
  - Contractor doesn’t have any serious law violations
  - Contractors certify that they meet these standards as a condition of bidding.
- In support of our adopting this Ordinance he provides the following list:
  1. These jurisdictions have adopted virtually this same Ordinance and they represent at least several hundred million dollars of construction work that has been underway or is coming underway.

**The Philadelphia Port Authority - Delaware County, PA  
New Castle County, Delaware - Mercer County, New Jersey.**

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**PRESENTATION / DISCUSSION (Cont'd)**

**Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)**

**SECOND PRESENTATION - Gerald Waites – Trades (Cont'd)**

- **In support of our adopting this Ordinance, he provides the following list: (Cont'd)**
  2. **Other jurisdictions that have adopted the RCO's**  
**Falls Township, Middletown Township - Lower Southampton - Lower Makefield  
Bensalem - Bristol Township School District - Bristol Township  
Tinicum Township Delaware County - Darby Township - Norristown Borough  
Conshohocken Borough**
- **He says, because of federal constitution law, you can't require that local people are hired on your projects.**
- **He says RCO's is one way of promoting community benefits by taking the tax dollars you spend that goes into the projects and in that create some good community jobs and training opportunities. It is worth looking at if you can do it and it is justified:**
  - **On economic grounds alone**
  - **That it helps your contracting process**
  - **That it upgrades your qualification levels**
  - **That it helps the contractor screening process**
- **He says construction is highly labor intensive, it's a high skilled industry and you have two choices when it comes to the general qualification factors or labor:**
  - **Award to the low bid and hope the Bonding and insurance companies help you and take care of you after the problem happens and you sit in litigation and face the problems.**
  - **You take a proactive approach upfront and take quality control of the issue including labor and protect your interest, protect your investment.**
- **He requests that we put aside interest groups, put aside that some union contractors and unions would benefit by this and put aside that some non-union would not and some non-union could meet the certification requirements. Ask: What is best for the Township?**
  - **Is it best to have quality control and avoid problems?**
  - **Is it best to embrace in friendship standards where the result will be much more likely that any amount spent on construction will produce good quality jobs?**

**NOTE:**

**The following are registered with the State of Pennsylvania Apprenticeship Council:**

**Non-union companies and ABC have about 420 Apprenticeship Programs**

**The unions have 56 Apprenticeship Programs**

**In closing he states that in any jurisdiction 65% to 75% of young individuals in that community will not graduate college. There are so many decent career options for them. One option is an apprenticeship:**

- **To provide a skilled trade**
- **To lead to a lot of career paths.**

**He thanks the Board for their time and expresses his willingness to answer any questions**

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PRESENTATION / DISCUSSION (Cont'd)  
Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

**QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS**

**Michael J. Savona, Esq. to Gerald Waites**

**1. Question: You read a number of jurisdictions that have adopted the Ordinance the Board is considering tonight, are you aware of any that have repealed those after adopting?**

**Answer: Not t a single one.**

**2. Question: Do you know of any projects in these townships where there was no bid submitted for a public building project as a result of the RCO?**

**Answer: There were no bids. There have been a couple glitches. There haven't been any amendments to this law and I see some that might be helpful.**

**SUGGESTION: Have the qualifications settled upfront and documented before you go to bid. You might get a bid for 1 million and one for 1.2 million. In the bid for 1 million the contractor doesn't have the qualification then the extra \$200,000.00 may come back to haunt you.**

**3. Question: Do you know of any of these Ordinance that have been overturned by courts as being violating of anybody's equal protection rights, fair competition rights or any other?**

**Answer: No I don't.**

**4. Question: I missed the exact number 400+ of registered apprenticeship programs?**

**Answers: Yes, (420). ABC and other non-union apprenticeship programs are registered with the State of PA Apprenticeship Council. This is pretty much true of all states. Also I should mention that in addition to the 15 to 18 (RCO's) in this region there are about 100 that have passed around the country, in different states.**

**Ellen Jarvis to Robert McMonagle Middletown Township Supervisor**

**1. Question: Would you comment on the statement made by Geoffrey Zeh, ABC regarding your township?**

**Answer: I am in my 2<sup>nd</sup> term, my eighth year as a Middletown Township Supervisor. It was represented tonight that there was a bid for our Township Building in Middletown Township on which no bid was received. That is just not true. It is misinformation.**

**Robert McMonagle continues...**

- **He says, Middletown Township adopted the Responsible Contractor Ordinance in 2006 and it has been the single most beneficiary thing to our taxpayers and residents that we have done. By raising the level of quality for the workmanship and bidders for the jobs, it saved money in engineering, inspection fees and most importantly litigation.**
- **He says, their Township Building built was bid and let in 2000 (RCO 2006). That their Township Building is still in litigation. It is possibly the worst built building in Bucks County.**
- **He says, his township is currently building a Fire Station and Public Works building and everything is on time, on budget and the best quality work that they have seen. He believes as does the rest of his Board that this is the direct result of their passing the Responsible Contractor Ordinance.**
- **He strongly urges our township to past the RCO for their residents and taxpayers especially in these economic times. He is confident it will save a lot of money and litigation.**

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PRESENTATION / DISCUSSION (Cont'd)

Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS (Cont'd)

**Gail Johnson to Gerald Waites**

1. Question: The controversy centers on the Apprenticeship requirement which is the only thing in the ordinance that anybody could really object to. Are you aware of non-union apprenticeship programs that will qualify as Class A?

Answer: Neither the state or the federal government publish graduation records. We don't have that information. We considered this fair and talked to impartial public officials, attorneys, engineers etc. that agreed this is a fair spec, a program that exists, stays in touch and does the job. All the other programs should be able to meet a simple graduation requirement.

2. Question: It is my understanding that the reason we set a threshold of \$100,000.00 is to allow other contractors who wouldn't meet this requirements, especially the apprenticeship program, to bid for smaller contract.

Answer: It is a common sense rule. Different jurisdictions use different thresholds. You pick the one that works for you. The bigger the jobs, you are at risk..... Smaller jobs, you won't get hurt as much.

**Frank Feinberg to Gerald Waites**

1. Question: How do you see small local contractors being affected?

Answer: The qualifications apply the same to everybody whether your small, large, union, non-union or local or not. The qualification standards are there. In the union community there are tons of small contractors, tons of minority contractors but they are tied into a system. ABC has their own apprentice training program, I am sure they have lots of small contractors. Both sides have local small contractors. The question is whether an apprenticeship requirement of 3 years is fair. We submit it is. When it comes to craft training in construction, in a specialized world, it is hard to come up with specification that will get you good labor on the job. We have come up with this and have not seen any counter alternatives.

**Gerald Waites continues...**

- Apprenticeship is a respective institution. It started in Europe centuries ago and we have been doing it here for 100 years. It has been described as the College of the Construction Industry.
- It is a three to five year program. The individuals work a forty hour week. On the job they get intensive supervision instruction, all day long, all week. They go to class or shop at night and on the weekend. They go from one level to the next. They must successfully complete each level. Their wage scale goes up accordingly.
- Whether union or not the bonafide apprenticeship programs that do the real training tend to be local programs. You end up getting local people on your job thereby creating employment opportunities, good wages and training.

**Fred Gold to Michael J. Savona, Esq.**

1. Question: If we pass the Ordinance, will the Centennial School District be required to use union labor?

Answer: The only party that this Ordinance would apply to is the Township. Nobody else in the township, no other private individual, no government agency or entity would have to comply with these requirements. This is an Ordinance that is written to help judge who the Township determines to be responsible bidders when you are making an assessment to award a public construction contract for Warminster Township.

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PRESENTATION / DISCUSSION (Cont'd)

Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS (Cont'd)

**Leo Quinn to Michael J. Savona, Esq.**

**1. Question: When we use public money prevailing wages applies to the contracts we bid. What is the dollar value?**

**Answer: The threshold under the Prevailing Wage Act is \$25,000.00. Any Public Contract \$25,000.00 or above must follow the prevailing wage.**

**2. Question: Does that mean that the unions and non-unions should be on a level playing field from that standpoint**

**Answer: In terms of cost to the Township there is no real difference. Conshohocken Borough has this Ordinance in place since 2006. This particular Borough did a cost analysis. The Borough engineer concluded that because all of these contracts would already be paying prevailing wage it would be a negligible cost to the Borough. The only extra cost was the administrative time to verify the certifications that came in with the bid.**

**Leo Quinn to Jim Krueger**

**3. Question: Do we have any feel as to what percentage of the jobs went union versus non-union?**

**Answer: The only recent jobs I can think of in construction, aside from road paving, was the Clubhouse. There was a mix of union and non-union. About 6 years ago it was a 1.2 million job.**

**Michael J. Savona, Esq. to Geoffrey Zeh**

**1. Question: You indicated that approximately 75% of all construction employees in PA were merit or open shop contractors?**

**Answer: No. I said approximately 75% of the construction employees in the Greater Philadelphia Area which is Delaware, Philadelphia, South Jersey, Southeast PA are open shop and non-union. In Pennsylvania it is 85% / 15%.**

**2. Question: You referenced a contract which you maintained went out for bid in Middletown Township and after enacting the RCO there was no bids. What building project are you referring to? Is it fair to say that the information you have in your handout, you did not check out yourself?**

**Answer: I was advised by one of my members, a resident in Middletown Township that a public building was put out for bid and there were no bidders on that particular project.**

**3. Question: You did indicate that you have a registered apprenticeship program with the PA Department Labor and Industry?**

**Answer: Yes, ABC has training in about 8 crafts that are approved by L & I and the U.S. Department of Labor. .... The fact of the matter is that the majority of the construction industry in this day and age is open shop or non-union. The majority of my members who are virtually all open shop non-union choose not to use our program. They have found other ways to train their employees. .... There are a lot of out-come based programs that are new and far more efficient. They are trained in multi skills that are much more adaptable and flexible to the needs today. ABC trains in specific crafts, very narrowly. It is just Section 3C10 of the Ordinance that we do not support.**

**4. Question: ...Isn't what we are talking about a governments purview to set whatever the objective standard is and then if your members find that they don't qualify for contracts they really want to get in on doesn't it behoove them to meet the qualifications?...**

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PRESENTATION / DISCUSSION (Cont'd)

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QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS (Cont'd)

**Michael J. Savona, Esq. to Geoffrey Zeh (Cont'd)**

**Answer:** If your qualifications exclude the majority of the folks in the community involved then it would be unreasonable both from the Township's standpoint as it is from ours. This is the only problem we have. It has been proven all around the country and every state including Pennsylvania that the majority of contractors have found other ways to train their employees and pretty effectively for a whole variety of reasons. An apprenticeship programs like we operate and the unions operates are good for certain folks.....the fact that the majority of our members choose not to participate tells us something about the lack of flexibility and some of other problems they have.

**5. Question:** Are there cost with this?

**Answer:** The cost is about \$1,850.00 a year. Cost is not a factor. You have things today like composite mechanics and cross craft training. .... Rather than go through five of my programs they have their own program that's customized to suit their needs in today's market place.

**Ellen Jarvis to Geoffrey Zeh**

She tells Mr. Zeh in the interest of full disclosure she was the one who first brought the Responsible Contractor Ordinance to the supervisors in Warminster for consideration. Her focus at that time was her new home and community:

- Her new home had been built with unskilled laborers and anyone who could hold a hammer.
- Her roof was put on by an unskilled laborer who left holes in the plywood underneath the shingles that caused problems. Her roof had to be repaired three times.
- In the building of the Community Clubhouse she witnessed:
  - OSHA violations (Jobsite shut down) - people falling off the roof of the building - people being injured on the job without workmen's compensation coverage - and unskilled laborers that could hold a hammer.

She tells Mr. Zeh we can't address the home sites but we are entrusted with the taxpayers dollars. The Township has the fiduciary responsibility to do the right thing. Right now in Warminster we don't have a way to define what is responsible. She asks:

**1. Question:** Can't we encourage our construction owners to provide some of the leadership toward a broader and better trained workforce by supporting the notion that craft workers should be certified in their skills?

**2. Question:** Shouldn't we be demanding a minimum standard, when we are talking about taxpayer dollars, to put up buildings of more than \$100,000.00?

**3. Question:** Can't ABC think of a way to encourage people to join the apprenticeship programs rather than saying we don't need this apprenticeship program?

**Answer:**

- The majority of our members have opted to go the other way and they train effectively. An apprenticeship program is not the only way to train people. That is the fallacy in our discussion tonight.
- There are other ways proven, the key is making sure they train. We have proposed some alternative language you may want to consider that provides a mechanism for the Township to insure that these companies are training. We wholeheartedly support that.
- ABC offers all kinds of options in our apprenticeship training and some other management training.

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PRESENTATION / DISCUSSION (Cont'd)

Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS (Cont'd)

**Ellen Jarvis to Geoffrey Zeh (Cont'd)**

**Answer: (Cont'd)**

- With the projects you are talking about, it is not so much the training but the general contractor who is responsible for the jobsite and all the subs.
- Select only the general contractor that doesn't allow that kind of activity to happen on their jobsite. We don't condone it, our members don't practice it. It is done by those outside the norm that we both have a problem with, we share your concerns. It is not good for anybody.
- The majority of construction companies around the country and commercial construction companies (we don't do much residential) have worked in you township and other townships without any problems.
- You can pre-qualify people. You have bonding requirements. In this day and age if you don't have a good track record you don't get a bond. Ask for experience on similar jobs. There is lot of things you can do to make sure the folks that are bidding to you are qualified.
- We support most of the qualification in the Ordinance, they are reasonable. We have a problem with Section 3C10 which basically eliminates the majority of the people. To tell the majority of the construction community that you have to use this particular program is just not going to work. They have found better ways to train. Things are a lot more specialized. They want to train to the craft but also to the specific duties they are required to perform by virtue of their business.

**Michael J. Savona, Esq. to Geoffrey Zeh**

**You have proposed some alternative language. Since we have identified that you are really concerned about just one provision of the Ordinance Section 3C10 which requires:**

- That as one of the certifications is that the contractor certify that the firm participates in a Class A apprenticeship Program for each separate trade or classification which it employs craft employees and shall continue to participate in such program or programs for the duration of the project.
- For purposes of this section on Class A – An Apprenticeship Program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journey person status for at least three of the past five years.

**Mr. Zeh your alternative language is as follows:**

- The firm currently conducts training for its employees or contracts with another entity to provide training for employees that pertains to the skills required and adequate for the performance of the work that is subject of the project.
- The firm will be required to continue to provide or participate in such training program or programs for the duration of the period or of the project.
- Then you provide - that Federal & State approved craft training and apprenticeship programs will be considered as meeting the requirements of this section and we may require bidders to provide evidence that they are actively engaged in a training program.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

PRESENTATION / DISCUSSION (Cont'd)

Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS (Cont'd)

**Michael J. Savona, Esq. to Geoffrey Zeh (Cont'd)**

It seems to me the Ordinance as proposed looks for something objective. Certification - which they participate in a registered apprenticeship program.

This is something government can look at: Do they have a certificate or not? Is the apprenticeship program that they are registered with registered with the State or Federal Government or not?

It seems to me as a matter of application and logistics that your language perhaps encourages fraud. All the employer has to do is to certify that he conducts training for his employees. I can indicate that I am conducting training for my employees.

What objective standard do we use that doesn't require the Township sending out the Public Works Director, the Manager or Engineer or somebody to conduct pop visits to the employers shop?

How do we measure that they are actually doing it? Or they are not just saying they are for the benefit of getting the contract?

**Geoffrey Zeh:** That can happen anyway.

**Michael J. Savona, Esq.:** It can't happen if you produce a certification from a registered apprenticeship program. That is something that is objective.

**Geoffrey Zeh:** I don't think that is what we are talking about.

- We are addressing some concerns that you have, that apparently have not materialized yet here in the Township.
- What you say is very simple, very neat, and clean. You don't have to worry about it, you wash your hands, you go away and that is it.
- The truth of the matter is you are going to exclude 75% of the construction employees including kids coming out of Bucks County VoTech. They wouldn't have that opportunity because they don't qualify.

**Michael J. Savona, Esq.:** Again, if this is your proposed language by what objective measurement is the Township to determine if the employer is conducting training short of actually having to send township employees out to physically investigate that the certification is accurate or not?

**Geoffrey Zeh:** The Ordinance as it is drafted has a whole litany of items that have to be certified. If somebody is going to be fraudulent with you they are going to answer all those question erroneously.

**Michael J. Savona, Esq. to Geoffrey Zeh:**

Of the standards, there are approximately 10 or 11 standards that apply:

- The first of which requires that they have valid effective license, registrations or certificates. That is an objective verifier that we can verify with the Department of Labor & Industry. I don't think it is a question of whether they are going to lie and get away with it in that instance, we can verify it.
- Meeting the Bonding requirements. If they are awarded the contract and can't produce a bond it is pretty good evidence that they don't meet the bonding requirement. It is an objective standard we can use to measure their compliance.
- Never been debarred by any federal, state or local government agency. That is verifiable. Those are governmental actions that are searchable, we can find that.
- Not defaulted on any project. They provide us with a list of projects in the past. We can verify that. .

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

PRESENTATION / DISCUSSION (Cont'd)  
Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)  
QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS (Cont'd)

**Michael J. Savona, Esq. to Geoffrey Zeh (Cont'd)**

**Of the standards, there are approximately 10 or 11 standards that apply: (Cont'd)**

- **Not have any type of license revoke or suspended. This is a state action to revoke a license. That we can verify**
- **Criminal convictions. We employ an entire police department that can verify that.**
- **These are all objective measurements we can use.**

**I am concerned that what you are requesting is that we put in is a very subjective standard as an appropriate standard to certify someone when everything else in the Ordinance has been designed to use objective measurements that are not subject to arbitrary enforcement nor do they require an over taxing of the township to verify these things.**

**Geoffrey Zeh: Maybe it needs something in-between.**

- **It is overly specific that it excludes the majority of the contractors participating on this work verses something you are not comfortable with. This means that perhaps something more objective and less exclusionary would be satisfactory.**
- **We don't claim to have the answer and we would be happy to work with the Township to fashion something that meets your needs.**
  - **But there are people contracting out there that can tell you when they train people, if they're not in a program, what programs they had.**
  - **I know you can always say if they want to deceive us and lie there is nothing any of us can do about that.**

**Ellen Jarvis: Right now we have no projects that would require this Ordinance. But should that sometime come down the pike we don't want to have to go through this process to make sure we have the best laborers possible and people who have the most training.**

**Geoffrey Zeh:**

- **I think instead of focusing on the training, on the procurement side you need to focus on who you are contracting with.**
- **If you get reliable contractors they are all going to train. It doesn't matter if they're union or open shop.**
- **Your good contractors have well trained employees. We support the right of unions and merit contractors to compete openly.**

**Gail Johnson to Geoffrey Zeh**

**1. Question: Did your organization place the Ad in the Intelligencer?**

**Answer: Yes we did.**

**2. Question: Why didn't you put that you are the ones that put that in there?**

**Answer: We normally do. It was a mistake on the part of the paper.**

**3. Statement: You questioned what gives rise to the Ordinance and Ellen explains her situation. The Township of Warminster had a High School built here in the 70's that from the get go it was a piece of trash. We are now going to have to spend a hundred million dollars to replace it. That's a tragedy that's affected a lot of taxpayers.**

**Answer: I can cite union projects and open shop project that are equally disastrous.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

PRESENTATION / DISCUSSION (Cont'd)

Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

QUESTIONS AND ANSWERS FOLLOWING PRESENTATIONS (Cont'd)

**Frank Feinberg to Geoffrey Zeh**

1. Question: You said there is a proven way of training by the contractors who do not desire the apprenticeship program. Is there certification for proficiency, for the people who go through such programs? What kind of oversight do they have?

Answer: All programs have a safety element. They do have OSHA training. They have oversight. There is record keeping, testing to advance. Each has developed a suitable training mechanism and they do track it.

Construction is one of the most dangerous industries in the country. What responsible employer is going to send an employee out who is not trained well? To put an employee in a situation where they can hurt themselves, hurt somebody else it is unacceptable. There are a lot of built-in incentives for people to do it right. It is not the converse. Homebuilders are a little different situation than the commercial and public sector.

**Michael J. Savona, Esq. to Geoffrey Zeh:**

1. Question: I think Chairman Feinberg question was: What agency oversees them?

Answer: There is no agency.

- For example: If you have a crane operator's there are national organizations that certify some fire protection.
- In some cases there are national organizations
- In others, it is an internally grown training program. They have their own training center.
- We tried to set up through our apprenticeship program a laborers program and the Apprenticeship Council out in Harrisburg which is basically controlled by the unions wouldn't allow us to do it.
- There are limitations on what other certain contractors or organizations like ABC can do in terms of establishing the kinds of apprenticeship programs that you are talking about.
- We would be happy to do more but there are some political factors that stand in the way.

**Leo Quinn to Geoffrey Zeh**

1. Question: Regarding the Bucks County Task Force how long it has been in place? How does it differ from what we are looking at? And how might they be tied together?

Answer: The Bucks County Task Force was appointed the later part of last year '08. The information I have indicates it may be some time before they issue a report. It was created in conjunction with the courthouse because there was an effort to push a Responsible Contractor Ordinance in the county to address the courthouse.

2. Question: How close to this Ordinance is the one that was provided the county? Is it similar?

Answered by, Gerald Waites: We submitted this same model to the county for consideration.

**Leo Quinn to Gerald Waites**

1. Question: So, the county commissioners are taking it under advisement by setting up a separate council (task force) for the review?

Answer: Yes. We are not involved, it is mostly the appointees. Engineering people, procurement people, community representatives etc. that are plowing through it. I would note that Delaware County didn't do that they just passed it. For the record, this is bi-partisan. This is not union or non-union. This is a qualification. Delaware County has five republican supervisor and they voted 5-0 for this same Ordinance without a task force.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

PRESENTATION / DISCUSSION (Cont'd)  
Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

Frank Feinberg now invites residents who wish to comment on the Ordinance to come forward.

**ORDINANCE COMMENTS FROM WARMINSTER RESIDENTS**

Listed are excerpts from the comments of 16 individuals  
14 are Warminster residents (10 in favor – 4 against)  
1 Southampton resident (rebuttal) – 1 Hatboro resident

1. Larry Burns – 50 Hamilton Drive – Warminster YES
  - If you are going to have something done you should have the most qualified and proof that these people are qualified.....
2. Joe Renk – 380 Kalmia Street – Warminster NO
  - As a business owner the thing I am having a problem with is relying on Section 3C10 as being the major component in deciding who is going to get this contract based on skill. You have already met the criteria through the bid bonds, your past experience, your licensing and your insurance. If you didn't have those things you wouldn't be able to come and even do a bid. So, I am asking the Board to just re-look at the words and don't make Section 3C10 as heavy on your decision and force it to go to another contractor because he may not have the class A - Apprenticeship Program.
3. John Tinari – 725 Locust Rd. – Warminster YES
  - Past projects in Warminster Anne Choice, Johnsville Navy Base before this Ordinance was put in place we had a lot of problems up there maybe if the Ordinance had been in place we would not had the problems....
4. John Cordero - 80 Bellaire Rd – Warminster YES
  - I went through a state certified apprenticeship program .....have thousands of hours of documented training ..... We have a state of the art training facility in Philadelphia, PA that can be visited anytime. It is not just union, it is a state certified apprenticeship program that our union went through and it is available to non-union people as well. There is a cost involved.
5. Mike Silverman 739 Blossom Rd - Warminster YES
  - I am a licensed Electrical Contractor. ... As a taxpayer in Warminster I would want to see the best contractor be it union or non-union to be able to properly complete their tasks and bring their projects in either on Budget or under Budget.
6. Rick Bray – 509 Fisher Lane - Warminster YES
  - I think township wise, money wise, it is wise to have qualified people. People who show some sort of Accredited Apprenticeship.
7. Tony Bria – Warminster NO
  - To take an Ordinance that is going to cut out most of the people in your Township to me is absurd and I am not saying to cut out the union either. Look at union and the non-union.
8. Chris Burden - 1457 Maguire Lane – Warminster YES
  - It is critical that the meat the potatoes of this Ordinance goes through as proposed. ...
9. Matt Kearny – Marshall Drive – Warminster YES
  - I am 100% for this Ordinance .....

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

**PRESENTATION / DISCUSSION (Cont'd)**

**Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)**

**ORDINANCE COMMENTS FROM WARMINSTER RESIDENTS (Cont'd)**

10. Mark McKee – Warminster YES
- ...I think you should consider this and I think you should vote for it.
11. Chuck Murtha – 704 Cotlar Lane – Warminster YES
- ....I am for this Ordinance. I am for apprenticeship. .... The apprenticeships are available to everybody and do offer college credits. You are guaranteed at least 32 credits toward an Associates Degree.
12. Tom Rack – Warminster YES
- I am for this bill. ...
13. Ken Robinson- 231 Parry Road - Warminster NO
- As a taxpayer, I am concerned that it will exclude a lot of potential contractors. ....that will result in probably a 10% to 20% increase in cost of doing the work over a period of time...
14. Brad Kirsch – Fisher Lane –Warminster NO
- In August I learned about this particular Ordinance. I gave the Board an analysis of the Ordinance. .... I said this was an Ordinance looking for a problem. I still don't see any jobs in sight so I see no immediate need to pass the Ordinance.
  - At Bucks County VoTech kids goes through three years of various trades. Every year they build a house, sell a house, somebody buys it. We have never had a major complaint about the houses we built. These same children our children, don't get into these programs is what I am hearing. I am willing to take somebody telling me I am wrong, I am willing to want to see how we can make sure the entry to these things is open, I would like to see the state have some kind qualifications program for testing into either.
  - We are spending \$10,000.00 a student to educate them and our own students may not be able to get into these programs. That to me is a very big gap in what you are doing as public policy.
15. Dennis Cally – Southampton – rebuttal to Mr. Kirsch statements
- I just would like to tell you that I have been a member of Apprentice Committee since 1977. We have never stopped anybody from VoTech from making application and testing in our program.
  - We do have standards. There are standards to make us a Class A program under the Department of Labor in the state of PA
16. Frank - Hatboro Resident
- As a contractor and small business man he talks favorably of the union.
  - He says the difference between ABC and the union from a professional standpoint is that the union is for workers and for the contractor. ... ABC is only for the contractor. That is who their concerns are for.
  - He says there are two multi-million dollar projects coming to Hatboro. The Stove Factory and another. Maybe a 50 million dollars project. All workers are non-union. A union contractor doesn't have a chance getting a job in there. ...The non-unions misclassify their workers. They have ten plumbers, ten fitters and one a foreman or one a fitter. The rest are classified as laborers. Everybody has there own deal. You cannot do that with the union, we police ourselves, we have a steward.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

**PRESENTATION / DISCUSSION (Cont'd)**

**Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)**

**BRIEF CLOSEING REMARKS**

**Ellen Jarvis:**

- **Thinks this RCO will affirm the Townships commitment that employers and taxpayers alike play by the rules by eliminating the problems of tax and insurance fraud through the willfulness qualification of employees as independent contractors.**
- **It protects wage and benefit standards and the standards of training.**
- **Because the threshold is over \$100,000.00, she firmly believes that the best trained workers need to be on the public projects.**

**Frank Feinberg:**

- **He references the Ad placed in the newspaper by ABC. He found the Ad misleading to people who didn't know what is going on.**
- **He thought it looked at emotion and that is the position from which it attacked. The readers found it upsetting as reflected in the response of resident's in the emails and telephone calls to the Township.**
- **He considered it a fear tactic.**
- **He said what we need to deal with is facts not emotion.**
- **He has read the documents sent by the ABC, closely looked over the Ordinance, placed phone calls, researched on line and has studied the situation.**

**Leo Quinn:**

- **He says the whole issue of the Responsible Contractor Ordinance started earlier last year when Ellen Jarvis made mention about her private residence. Some members of the Board started to write Ordinances which had homeowner verbiage. The issue that he brought up at the time - It is very difficult to police private money. Through discussions it was decided to remove that from this Ordinance for many good reasons.**
- **He says whether this Ordinance passes tonight or not. It does not affect any contracts that any of us want to conduct for our own residences. We can contract with any contractor that we feel suit our need.**
- **He says the Ordinance does not involve the School District. He further states that when the old school was designed and built a couple of things were not in place in the State of Pennsylvania and a couple major things occurred. We did not have our checks and balances in our laws that we have now.**
- **He says the School District in their plans to build our new school must come to the Township and go through the same process that any other builder goes through. They will be scrutinized by our Engineer and our Attorney to insure that it is a quality product and not fall down. We are going to make sure that building is built responsibly. He then relates one of the things that happened when the old school was built. It seems the architects forgot to calculate the weight of the students in the building. With the open school concept, as soon as the students went in the school the building started to crack. A possible disaster. It necessitated putting bands around the outside of the building to keep it from falling apart and a facade was put on so the bands could not be seen.**
- **He says he is for the Ordinance but "not for it" the way it is written. If the wording in Section 3C10 is so vague it is giving the perception it is going to exclude 75% of non-union people he would like to see more open verbiage (soften the language). It is great we are doing this to make sure we get the best for the best price and we want people to make a good wage (prevailing wage). We should not be doing it to where we exclude other good people just because of just about four words.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
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PRESENTATION / DISCUSSION (Cont'd)

Approval of Ordinance #680 – Responsible Contractor Ordinance (Cont'd)

BRIEF CLOSEING REMARKS (Cont'd)

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

- He said he is now in his sixth year and this topic ranks in the top 3 issues he has ever had to deal with. Since that Ad went out he received the most emails ever and not one person wanted him to vote for the Ordinance tonight. It was 100% - please do not vote for this Ordinance. He ventures to say in this meeting room tonight there are probably 80% / 20% of the people that want us to vote for it. He finds this an interesting dichotomy.

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

- He says Warminster is not the first community to consider adopting this Ordinance making these provisions part of their screening for the awarding of Public Contracts.
- He has worked with a number of communities among them Middletown Township and Lower Southampton that have adopted this and have been using it for going on 3 or 4 years.
- He has seen a number of projects performed better with this Ordinance, the pre-screening that is done with it and the provisions of this Ordinance than projects that are done without it.
- He believes there is a difference when you screen the contractors that you are going to use. It tends to weed out the problems. The fact that the Township does not have any standards right now to judge what is a responsible contractor troubles him because he is someone who likes to have definitive objective standards to judge things by.
- He says this Ordinance goes a long way toward helping guide the discretion the Board has in determining who is a responsible bidder. It is not always a race to the low bid. Sometimes you get what you pay for. Sometimes it is worth screening those contractors to make sure they meet certain minimum qualifications.
- He says to the extent that a bidder wants to bid on projects in Warminster Township it behooves them to participate and meet those qualifications. If the trend is toward requiring these provisions and in the free market these contractors choose not to participate that is their choice. Their choice should not dictate public policy.
- He says the Board needs to consider what is best for the community, if they adopt this Ordinance or not.
- He says that based on his experience with the other communities that have adopted this Ordinance a lot of the scare tactics, scary stories and rumors told are simply not true.

**Frank Feinberg:**

- When I look at the facts and look at the figures I have a hard time believing that 75% of the small contractors in this Township are going to be excluded from working in Warminster because of this Ordinance.
- This Ordinance (\$100,000.00 threshold) only applies to Warminster Township Buildings
- The majority of work done in the Township is not for the Township. It is done for the over 10,000 homes.

**Leo Quinn:**

- Bucks County has tabled this for further review. I don't see why we have to rush in to making a decision tonight.

**Leo Quinn makes the motion to table the Ordinance. The motion was 2<sup>nd</sup> by Fred Gold.  
The table motion was defeated 2-3-0 (Feinberg, Johnson, Jarvis).**

**Ellen Jarvis made the motion to adopt Warminster Township's Ordinance No. 680 – Responsible Contractor Provisions. The motion was 2<sup>nd</sup> by Gail Johnson. The vote carried 3-2-0 (Quinn-Gold)**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

**CONSENT AGENDA ITEMS**

- A. Approval of the Minutes of January 5, 2009**
- B. Award of Dog Park Pavilion & Maintenance Building General Construction 2008-09**
- C. Award of Dog Park Fencing & Gate Installation 2008-10**
- D. Award of Dog Park Electrical Construction 2008-11**
- E. Award of Mowing and Turf Management RFP for 2009-2011**

**Fred Gold made the motion to approve the Consent Agenda Items as listed by Frank Feinberg. The motion was 2<sup>nd</sup> by Gail Johnson. The vote carried 5-0-0.**

**Dog Park Notation:** The new Dog Park will be 200 feet by 300 feet. It will have a nice pavilion and nice fencing. Its design is modeled after Cape May County's Dog Park. There will be a fee of \$25.00 for the electronic key. There will be two separate dog areas. One is for the large dogs and one is for the small dogs. The big dogs will not be allowed with the small dogs. But the small dogs can visit the big dogs. Its location is right behind where the playground is for the kids.

**Leo Quinn commented that the minutes of January 5, 2009 - Reorganization of Township Government Meeting did not include the rate being paid to the contractors that were appointed. Normally that is defined at the reorganization meeting and then recorded in the minutes/**

**Frank Feinberg:** Bob has that information. All the rates for 2009 are the same as the rates 2008 rates. Basically no change.

**Bob Tate:** The Engineers have an average of almost a 4% increase for 2009.

**Leo Quinn:** I ask, for the record, that a letter as to rate this year verses last year of the contractors appointed get attached to the January 5, 2009 minutes.

**OLD BUSINESS**

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

**Fred Gold so moved the motion for the approval of withdrawal for proposed warning light at Warminster Fire Department. The motion was 2<sup>nd</sup> by Ellen Jarvis the vote carried 5-0-0.**

- B. Approval of James J. Scott, Esq. as Citizen Advisor on the Budget & Finance Committee.**

**Ellen Jarvis so moved the motion, for the approval of James J. Scott, Esq. as Citizen Advisor on the Budget & Finance Committee. The motion was 2<sup>nd</sup> by Fred Gold. The vote carried 5-0-0.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

**FINANCE**

**1. Approval of Bill List for January 15, 2009**

**BILL LIST FOR PERIOD ENDING JANUARY 15, 2009**

<b>Prepays - \$736,431.78</b>	
<b>General Fund</b>	<b>\$ 281,716.59</b>
<b>Park &amp; Recreation Fund</b>	<b>35,371.23</b>
<b>Storm Water Management Fund</b>	<b>8,234.12</b>
<b>Sanitation Fund</b>	<b>310,747.12</b>
<b>Golf Fund</b>	<b>71,127.61</b>
<b>Highway Aid</b>	<b>17,135.76</b>
<b>Legal &amp; Engineering Escrows</b>	<b>12,099.35</b>
<b>Payroll Date December 11, 2008</b>	<b>404,251.92</b>
<b>Payroll Date December 24, 2008</b>	<b>266,570.16</b>
<b>Payroll Date January 8, 2009</b>	<b><u>242,714.27</u></b>
<b>Grand Total</b>	<b><u><u>\$1,649,968.13</u></u></b>

**NOTE: Payroll dated December 11, 2008 includes certain incentives, sick leave, police longevity etc.**

<p><b>Ellen Jarvis, Secretary/Treasurer made the motion to approve the Check List for the payroll dates December 11, 2008, December 24, 2008 and January 8, 2009. Fred Gold 2<sup>nd</sup> the motion. The vote carried 5-0-0.</b></p>
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**2. Transfers and Statements for November 30, 2008. Transfer to move money from one account to another where it gets paid from one account and goes to another account.**

<p><b>Ellen Jarvis, Secretary/Treasurer makes the motion to approve the transfers for November 2008. Gail Johnson 2<sup>nd</sup> the motion. The vote carried 5-0-0.</b></p>
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**Gail Johnson to Bob Tate: At our next meeting when we have the 12/31/08 final figures. We can go over them. You can give us a brief synopsis of some of the big variances. Provide an overview of the Budget to actual comparisons.**

**OTHER BUSINESS**

**Frank Feinberg: As part of the executive session we discussed and agreed and now we need to affirm the approval for our Township Engineer to apply for two separate grants for Storm Water Remediation on Valley Road. The fee is \$3,000.00 per grant. There is a possibility for us to get 100% reimbursement for the project in excess of \$500,000.00.**

<p><b>Ellen Jarvis so moved the motion for the approval of our Township Engineer to apply for two separate grants for Storm Water Remediation on Valley Road. Fred Gold 2<sup>nd</sup> the motion. The vote carried 5-0-0.</b></p>
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<p><b>Ellen Jarvis made the motion to appoint Bob Woehr to the Communication Advisory Committee. Leo Quinn 2<sup>nd</sup> the motion. The vote carried 5-0-0.</b></p>
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**Leo Quinn requested Bob Tate to provide the Board with a copy of the Auditors January Minutes.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

**PUBLIC COMMENT**

**Rose Gold – Villas at Five Ponds**

- Thanks the Board for her reappointment as liaison from the Township to the Senior Center. They were happy to have her back and she was happy to be back.
- Says the Senior Center is running smoothly.
- In March the Senior Center will be having two events. Their annual Pancake Breakfast and a Fashion Show. Details will be provided at a later meeting.

**SUPERVISORS COMMENTYS**

**Ellen Jarvis – Gail Johnson – Fred Gold – GO EAGLES!**

**Leo Quinn:**

- Recommends that the residents keep the Warminster Township Recreation Directory. He thanks Abington Hospital for the large donation they made to the WREC Department that helps defray the shipping costs of this publication. Mentions there is some good information from Abington Hospital on the back of the directory.
- Says he was appointed to an organization called BCATO (Bucks County Association of Township Officials). He went to their meeting last Wednesday, January 7<sup>th</sup>. One of the main charters of this organization is to bring the common needs that we have as Townships within the County of Bucks forward into a unified body so we can bring our needs and concerns to the state level. What happens, in this organizations there are Resolutions that are brought forth from Townships like Warminster and all the other Townships. They will be then voted on by us as members, at the convention coming up in February. The meeting was lengthy and soon he will be getting the minutes. He will share details with the residents when available.

In a response to the remarks make by Walt Clemens last week I want to clarify a few things:

- I didn't vote for this Budget - based on the economy we should be pushing back wage increases and not giving them to our employees. That money should be saved for a rainy day.
- One of the ways we balanced the budget was because of the previous Boards conservatism. We had an excess of monies in the Storm Water Management Fund which enabled us to take that money out and put it in the General Fund and we were able to balance the budget.
- If our Township Manager hadn't worked as hard as he did to reduce the 23% increase that the insurance companies wanted to hit us with we would have be looking at a tax increase by itself.
- I wanted everyone to know, we do watch the pennies, we watch the dollars and try the best we can with our tax dollars.
- One of the things that Walt neglected to mention was that Fred was asked to resign from the Board by a Republican controlled Board of Supervisors. I asked Fred to resign and it was 2<sup>nd</sup>. Fred chose not to and things went along as they did and things ended up as way they did and Fred is still on the Board. I wanted to clear the record. This is reflected in the September 2007 Minutes.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
THURSDAY, JANUARY 15, 2009**

**AGENDA JANUARY 29, 2009**

- 1. Accommodation for a Library Board Member**
- 2. Appearance of some representative of Archbishop Woods District 12 Championship.**
- 3. Approval of the LED sign for Five Ponds**
- 4. Nominations and appointments of the Water Authority Position**
- 5. AT & T Lease**
- 7. Escrow Release for the Villas at Five Ponds Phase II**

**ADJOURNMENT: 9:58 P.M.**

**INDIVIDUAL ACTION ITEMS**

**Bob Tate**

- Leo Quinn asked that a letter as to rate this year verses last year of the contractors appointed get attached to the January 5, 2009 minutes.**
- The Auditors January 2009 Meeting Minutes provided to the BOS.**
- At the request of Gail Johnson prepare a brief synopsis of 12/31/08 final figures. Budget to actual comparisons of some of the big variances.**