

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JANUARY 29, 2009**

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

STAFF PRESENT: Robert Tate, Township Manager/Treasurer
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 Public Meeting, held at the Township Building, 401 Gibson Avenue, Warminster, PA, was called to order at 7:05 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. A special thought for Chris Jones, Police Officer, Middletown Township who died in an on duty car accident today.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS

Bobbie Loftus, Tax Collector:

1. Homestead Farmstead Exclusion – those individuals who qualified last year and their School Tax Bill showed a reduction of \$157.00 do not have to reapply. You do not have to reapply unless your deed has been changed (new address, name etc). Forms for other qualified homeowners who need to apply are now available at the Tax Office. The forms must be filled out and returned to the Bucks County Courthouse by March 2, 2009.
2. The Real Estate Tax Bills will be mailed the last day of February.

Frank Feinberg:

1. The Board of Supervisors (BOS) had an executive session prior to tonight's meeting. Real Estate, contractual negotiations and a personnel matter was discussed.

Ellen Jarvis:

1. Troy Thern a student at William Tennent High School, and grandson of Tom Thern, Zoning Officer, was just selected to participate as a member in the People to People Student Ambassador Program in Europe. He will be visiting Italy, France and Greece. He will establish some international student/youth relationships in Europe this summer. Congratulations!!

Fred Gold:

Welcomes and reads the list of the following new businesses to Warminster Township:

- | | |
|---|-------------------------------|
| 1. Freedom Tax Service | 533 York Road |
| 2. Dollar Plus Store | 828 W. Street Road |
| 3. Representative Bernie O'Neill (new location) | 755 York Road, Suite 105 |
| 4. Heritage Screen Printing | 331 York Road |
| 5. Jim's Soft Pretzels | 555 York Road |
| 6. Capital Marketing | 65 W. Street Road, Suite 105B |
| 7. Keystone News Agency (new owner) | 273 E. County Line Road |
| 8. Nationwide Insurance Co. | 1165 York Road, Unit D |
| 9. Chuck's Auto Service (new owner) | 519 E. County Line Road |

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PRESENTATIONS

First Presentation – Archbishop Wood High School – District 12 Championship Football Team

As an Alumnus (1975) of Archbishop Wood High School, Leo Quinn, Supervisor does the honor of asking the team members and coach to come forward. He welcomes the group and reads the Warminster Township's Proclamation of Congratulations.

PROCLAMATION

WE, the Board of Supervisors of Warminster Township, Bucks County, Pennsylvania, recognize the outstanding football team of Archbishop Wood High School during the 2008 season ;

WHEREAS, the sporting teams of Archbishop Wood attempts to fulfill the needs of young people in five areas: social, spiritual, athletic, cultural and service and a tenet of education has become **Pride, Spirit, Values, Excellence**, while under the dedicated coaching team of Steve Devlin and his committed assistants who provided guidance and encouragement, Archbishop Wood became the first school in the Catholic League History to play for a State Championship;

WHEREAS, the 2008 season proved to be a record setting era, a school record for wins at 12, the defensive team did not allowed a point during the regular season play, several players of note were awarded honors and the football team volunteered and raised funds for the Special Olympics held at Villanova University;

WHEREAS, we congratulate Archbishop Wood High School Football Team as the PIAA District 12 Archdiocesan Champions;

NOW THEREFORE, BE IT RESOLVED, we, the Warminster Township Board of Supervisors, on behalf of all Warminster residents, offer our **Congratulations and Best Wishes** for this awesome season. In their honor we ask all Warminster residents applaud their exceptional efforts.

Chris Devlin - Coach

- Thanks the entire Warminster community and the BOS for inviting them here.
- Says, it truly was a special year for the team and you'll not find a better bunch of kids.
- It was his pleasure and honor to be their coach and for the time he spent with them.
- Their accomplishments this year bonds the team with a memory that they will never forget.
- He asks the members of the team to tell the community their names.

Second Presentation – Library Board Commendation – Linda Onorato

Frank Feinberg asks Linda to come forward and extends a welcome. He reads the Warminster Township's Proclamation.

PROCLAMATION

WE, the Board of Supervisors of Warminster Township, Bucks County, Pennsylvania, recognize outstanding achievements by volunteers, residents and members of the Library Board of Warminster Township; and

WHEREAS, Linda Onorato joined the Warminster Township Library Board in 1981 and has provided outstanding contributions and commitment to the residents of Warminster Township during her 26 years as a member of this Board; and

WHEREAS, Linda Onorato has participated as Secretary, Vice President and President during her tenure of the Library Board and has coordinated the self-government of the Warminster Township Free Library; successfully monitored the consortium agreements with Bucks County Free Library, giving rise to the promotion of literacy and;

WHEREAS; she developed a need for showing a passion for books and learning to the residents of Warminster Township and was successful in giving the Library Board a bountiful legacy ;

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Warminster Township hereby proclaimed the week of February 1, 2009 as a "Tribute to Linda Onorato" and asks that the entire Warminster community applaud this fine volunteer.

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Second Presentation – Linda Onorato (Cont'd)

Linda Onorato:

- Says it was a privilege to serve this community and an honor to receive this award.
- She thanks her fellow Board members and her family for all their support and help over the years.

PUBLIC COMMENT

Karen Whitney, Director of Parks and Recreation

- On behalf of the Parks and Recreation Conservation Board she is here tonight to bring to the BOS attention a letter written by the Chairman of the Board in July 2008.
- The letter requests that since the proposed cell tower may be built on park ground, the Park Board has requested that the funds that are derived from that lease be donated back to the Parks and WREC Department.

Michael J. Savona, Esq., Township Solicitor

- Says, to the extent that this is going to be new revenue to the Township, the actual amounts under the proposed lease may not be realized for up to two years from the time we sign.
- Once the money starts to be budgeted as revenue the Board could determine in that fiscal year how it is allocated.
- He recommends that the money remain unrestricted so as not to tie their hands but understanding as you move forward you can allocate that whichever way you choose.

CONSENT AGENDA ITEMS

A. Approval of the Minutes of January 15, 2009

B. Escrow Release to McGrath Homes - Villas at Five Ponds – Phase II in the amount of \$142,145.59

C. Approval of AT&T Lease

Michael J. Savona, Esq., Township Solicitor:

- Says, AT&T is still doing some internal reviews and he has indicated to their attorney that approval of the lease would be subject to receiving their signed copy before we sign off.
- He asks, if the Board approves the AT&T lease that the minutes reflect that the approval is contingent upon receipt of a fully executed lease from AT&T prior to the Board's execution.

D. Approval to proceed with appraisal of the WREC Center

**Fred Gold made the motion to approve the Consent Agenda Items as listed by Frank Feinberg and that the AT&T approval is contingent upon receipt of a fully executed lease.
The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.**

OLD BUSINESS

1. Appointment of Bob Tate as Treasurer of the Township.

**Frank Feinberg asks for a motion to appoint Bob Tate as Treasurer of the Township.
Ellen Jarvis so moved the motion. The motion was 2nd by Fred Gold. The vote carried 5-0-0.**

2. Appointment of Ginnie Gehring, Finance Director as Assistant Treasurer. Her role would be to serve as back up and also it serves to keep the Finance Department in the loop with the decisions made by the supervisors.

**Ellen Jarvis make the motion to appoint Ginnie Gehring as Assistant Treasurer.
The motion was 2nd by Gail Johnson. The vote carried 5-0-0.**

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OLD BUSINESS (Cont'd)

Michael J. Savona, Esq., Township Solicitor

- For clarification - Both appointments, Treasurer and Assistant Treasurer, are made with no additional compensation over and above their fixed employee compensation.

3. Approval of 2009 Agreement with NativeEnergy, Inc.

<p>Ellen Jarvis made the motion to approve the 2009 Agreement with NativeEnergy, Inc. The motion was 2nd by Fred Gold. The vote carried 5-0-0.</p>

Gail Johnson asks for a brief explanation.

Bob Tate:

- This is Warminster's continuing commitment to purchase 20% of energy from renewable sources. It is not restricted to PA renewable sources only because of the limited supply within PA.
- The 2009 Agreement now being done in a timely fashion is essentially the same dollar value and the same contract as signed in 2008.

4. Appointment of Warminster Municipal Authority Board member

<p>Ellen Jarvis nominates Penelope (Penny) Bristow for the position on the Warminster Municipal Authority Board. The motion was 2nd by Gail Johnson. The vote carried 3-2-0 (Quinn/Gold).</p>
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Leo Quinn nominates Kenneth (Ken) Penko for the position on the Warminster Municipal Authority Board. The motion was 2nd by Fred Gold.

Fred Gold nominates Joel Neulight for the position on the Warminster Municipal Authority Board. The motion was 2nd by Leo Quinn.

5. Approval of LED Sign at Five Ponds Golf Course

Michael J. Savona, Esq., Township Solicitor

- Says he asked Joe Alvare' to make a presentation this evening so the BOS is familiar with the proposed sign that we would be seeking approval for from the Zoning Hearing Board.
- Any question, comments or concerns that the Board may have can be addressed in advance of going before the Zoning Hearing Board.

Joe Alvare' – General Manager- Five Ponds Golf Course

- Makes reference to Bob Tate's Memo to the Board 1/23/09 – Five Ponds LED sign:
 - On September 5, 2005 the Board voted 4-0 to grant a Preliminary Approval subject to conditions.
 - In December, 2006 the developer paid \$10,000.00 towards the LED sign – money is on deposit with the sign company. In September 2008, the developer paid to the Township the balance of \$14,000.00 to be applied to the purchase of the LED sign.
- Makes the following points:
 - A big concern is the potential loss of business by not having the LED sign.
 - The purpose of the LED sign is to help stimulate the restaurant business and to effectively communicate our schedule to the public.
 - The LED sign will identify that we are a Public Golf and Dining Facility and not part of a Golf Course Development.
 - The LED sign will not only help us distinguish ourselves by increasing our exposure but will help communicate to the public more effectively when we are open and when we are not.
 - The approval of the LED is a big step in making our restaurant operations as successful as the golf operations.

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OLD BUSINESS (Cont'd)

5. Approval of LED Sign at Five Ponds Golf Course (Cont'd)

Michael J. Savona, Esq., Township Solicitor

- Approval of the LED sign tonight shows the Boards comfort with it and authorizes Joe Alvare' and I to present it at the Zoning Hearing Board as part of the variance application.
- We don't have much choice but to abide by whatever conditions the Zoning Hearing Board sets regarding placement or position of the LED sign.

Leo Quinn makes the motion to approve the LED sign at Five Ponds Golf Course.
The motion was 2nd by Fred Gold. The vote carried 4-1-0 (Jarvis).

Michael J. Savona, Esq., Township Solicitor:

“Do we have a motion to authorize the presentation of that sign to the Zoning Hearing Board and to seek appropriate variances for the final placement of the sign as Mr. Alvare' has indicated?”

Fred Gold so moved the motion to authorize the presentation of the sign
to the Zoning Hearing Board as defined by Michael J. Savona, Esq..
The motion was 2nd by Frank Feinberg. The vote carried 5-0-0.

PROFESSIONAL REPORTS

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

Administration & Management

Projects completed and will be removed from report:

- The Budget for 2009 approved in 2008.
- The Service Agreement with Berkheimer for Tax Collection has been signed effective 1-1-09.

Some portions of the following project will be removed:

- The Collective Bargaining Agreements – we will be settling two of the three contracts.

Ongoing Projects:

- Goals & Objectives – will be extended into 2009 – development of long range plan.
- Ordinance Codification & Update – project in progress.
- Clean Energy – Beyond purchasing clean energy, proposals will come before the BOS on utilizing alternative energy sources via solar panels and wind turbines at township facilities. Significant grants are available from the state for purchase and installation of these units.

Parks & Recreation

- The WREC center through Friday, January 23, 2009 recycled over 276 trees. Christmas trees will still be accepted through to Saturday, January 31st.
- The WREC center open house for the Fitness Classes was a big hit. Enrollments jumped to 150% for the evening class programs. Openings are still available in most classes.

Public Works / Animal Control

- Kudos to Craig Claycomb, Warminster's Animal Control Officer. Above and beyond keeping the public safe from unhealthy or threatening animals and rescuing animals in danger, Officer Claycomb played an integral role in a “sting operation” leading to the arrest of an operator of a West Virginia animal rescue shelter for the illegal sale of unhealthy dogs in the State of PA.

License & Inspections/Fire Marshal / Emergency Management

- A letter was received from residents Pat & Tony Lanzetta thanking Deputy Fire Marshals Jason Hauser and Daniel Laurich which reads:
“We just wanted to say a heartfelt thank you to you and all the members of the Fire Department who responded to the fire at our home on December 26, 2008. We wanted to make sure you knew how much we appreciated your quick response in averting a tragedy.

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PROFESSIONAL REPORTS (Cont'd)

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

License & Inspections/Fire Marshal / Emergency Management (Cont'd)

We were lucky enough to have guys like you, in addition to a couple of angels watching over us that day. We were also grateful for the care and consideration you showed both inside and outside our home. You guys are great and will forever be in our hearts and prayers”.

Police Department

- Learn what it is really like to be a Police Officer. Sign-up for the Township's first ever "Civilian Police Academy" beginning March 3, 2009 and running Tuesday nights from 7:00 P.M. to 9:00 P.M. at the WREC. Participants will ride along in patrol cars, learn about interview and interrogation techniques, discover how police gather quality clues at a crime scene and become familiar with forensic investigations. Sign-up is available via the website (Parks & Recreation).

Administration

- Stay tuned to your local public access channel as the Township introduces a new program for 2009 called "Warminster Your Township". We will record and televise a series of twelve informational programs with in-depth discussion and information on a wide range of Township topics including "State of the Township", Police Operations, Five Ponds Golf Course, Parks and Recreation, Fire Safety and Emergency Management Programs, Ambulance Corps etc.
- Our first taping is scheduled for tomorrow morning (1/30) at 9:00 A.M. We will be doing a State of the Township session. It should be broadcasted as early as next week.
- It currently takes 12 to 15 hours of manpower to plow the 108 miles of our Township roads. Reminds the residents not to park on the street during a snowstorm to allow the plows to remove snow in a timely manner. Areas that ice over are followed up (salt, etc.) on the second day.

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

General Township Projects

- NPDES – MS4 Reporting – Storm Water Management Consulting – Gilmore has started working with Public Works on the outfall water testing and the reporting for this year. That will be wrapped up the next month or so.
- Valley Road Drainage Project – Capital Improvement – Drainage – Gilmore has been approved by the BOS to work on the Grant Applications to obtain funding for that project. The scope of that project has increased from previous budget years.
- Zoning Ordinance Revisions – General Township Consulting - Gilmore has been updating the zoning map as revisions and reviews come in from L&I and Lynn Bush from BCPC. Mr. Savona is taking the lead on the Ordinance update.
- DCNR Grant Implementation – General Township Consulting - the BOS did award the contracts that were reviewed and recommended by Pennoni. Gilmore will be taking over the construction admin of those projects and working with Parks & WREC and Public Works.

COMMENT

We have seen numerous Plan Reviews submitted. Fifteen are listed and there are more inactive. We are starting to get phone calls questioning about picking up from where they left off.

Subdivision and Land Development Projects

- Pohle Enterprises – Lot 16 – Street Road Industrial Park – Land Development Industrial – the BOS has approved and they are anxious to get started. Awaiting record plan, legal and escrow submissions.

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PROFESSIONAL REPORTS (Cont'd)

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

Subdivision and Land Development Projects (Cont'd)

- Petrucci – 333 Jacksonville Road – Transit Oriented Development – we are anticipating a revised sketch plan addressing our prior comments and also a revised Ordinance. Once the staff has reviewed the changes Mr. Savona will then take over and advertise.
- County View Properties – Land Development – Mixed Use – Gilmore is currently reviewing revised preliminary plans for consideration at the 2/12/09 BOS meeting.
- William Tennent High School Addition – Land Development – Institutional – Gilmore is currently reviewing revised preliminary plans prior to consideration by the BOS in Feb/Mar.
- Giuseppe's – 1380 West Street Road - Land Development Commercial – the sketched plan is scheduled for consideration at the February 4, 2009 Planning Commission Meeting.
- Anmar Electrical – Park Avenue – Land Development – Industrial/Office and CVS Pharmacy – Street & Mearns (Part of Brandow Property) – Land Development – Commercial – Gilmore is currently reviewing their preliminary plans for consideration at the Planning Commission Meeting the end of February.

Construction Projects

- Ann's Choice – Neighborhood Phases 1 & 4 – Subdivision/Land Development – Residential – A meeting has been scheduled tomorrow morning (1/30) with Erickson's representatives to work on wrapping up Neighborhood 1 and moving everything to Neighborhood 4.
- Christ's Homes – Subdivision/Land Development Residential and McGrath Home Phase II – Major Subdivision – Residential – both projects have slowed down – most of the work is related to home construction.

Notation

Leo Quinn asks questions regarding - Shenandoah Woods – Warminster that was deemed excess by the Navy and the Parmentier Road storm water issues.

Craig D. Kennard, PE responded as follows:

- Says, he made the recommendation that we could work with Pennoni Associates (has all the files) and Mary Stover to get a summary report as to where we are with the storm water issues in Shenandoah Woods.
- Says, Parmentier Road – Drainage and store water issues typically are not looked at during the winter. It is on his Spring List of drainage and storm water projects.

3. Solicitor's Report – Michael J. Savona, Esq. has submitted a written report to the Board containing approximately twenty-eight (28) items that are pending in nature of legal matters. He highlights the following:

Zoning Ordinance Revision

- We are still working with Bucks County Planning Commission representative Lynn Bush to complete the revisions to the Warminster Zoning Codes and Zoning Map. We have a meeting scheduled for this Tuesday, February 3, 2009 at the L&I office. We have been meeting roughly every two weeks. We are getting close to producing a final draft ordinance and draft revised map for review by the BOS prior to sending it out for the formal approval process under MPC which includes sending it to County and local planning commission.

Erickson Retirement Community

- We did meet with a representative from Erickson and we are wrapping up a number of loose ends which remain outstanding for Phase 1 so, we can close Phase 1 and fold everything into Phase 4 of that project. There are six or seven land swaps that Erickson has yet to complete. We had a conference call with one of their attorney's today and we will be in line to have that done in the near future.

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

County View

- Anticipates that the Preliminary/Final approval should be before the BOS on 02/12/09.
- Expects a proposed agreement to resolve all the issues including the payment of the fee in lieu of tree replacement. The amount will be substantial. Hopes it will be structured so it realizes revenue to the Township on a yearly basis to help subsidize the General Fund.

WREC Center

- We have had discussions with the School District concerning the WREC property. Tonight the BOS approved to proceed with the appraisal of the WREC Center. The Township did acquire the title to that property from the School District approximately 20+ years ago. The School District did retain a reversionary interest and we are exploring the possibility of the district conveying that reversionary interest to the Township so there in no encumbrance on the Township's title. We have asked for an independent appraisal to ascertain the value of that reversionary interest so we can commence with more productive discussions with the School District.

Villas at Five Ponds Phase I

- Looking over a number of old projects for the Township, I view this project as one that needs to be wrapped up because it has the most loose ends. This includes unresolved Use & Occupancy Certificates, punch list items and other things.
- I have been working with the L& I Staff, Mr. Thern and Mr. Krueger and to address these issues a meeting is expected for Tuesday, February 3rd to meet with the representative from the Villas at Five Ponds Phase I to wrap up a number of these very loose ends.
- I will make it a priority the first quarter of the year to get those issues resolved and get an affirmed time line that I can bring to the BOS that indicates when the developer will have all those issues nailed down.

FINANCE

1. Approval of Bill List for January 29, 2009

Prepays – 2008 –\$97,137.40	2009 – \$39,189.56	
General Fund		\$ 185,325.38
Park & Recreation Fund		15,713.69
Storm Water Management Fund		6,122.36
Sanitation Fund		7,600.00
Golf Fund		23,847.16
Highway Traffic Cap. Improv. Fund		4,321.79
Highway Aid Fund		14,303.48
Legal & Engineering Escrows Fund		22,222.74
Payroll Date January 22, 2009		<u>297,439.21</u>
Grand Total		<u>\$ 576,895.81</u>

Bob Tate, Treasurer, asks for a motion to approve the Bill List. Fred Gold makes the motion to approve the Bill List for January 29, 2009. Leo Quinn 2nd the motion. The vote carried 5-0-0.

2. Transfers and Statements for December, 2008. Transfers are all the items paid for by the General Fund and allocated out to various funds such as payroll, public works, fuel, postage, real estate tax and escrows.

Bob Tate, Treasurer asks for the motion to approve the transfers for December 2008. Fred Gold so moved the motion. Gail Johnson 2nd the motion. The vote carried 5-0-0.

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FINANCE (Cont'd)

Ellen Jarvis: Inquires if Mr. Tate would be providing the information regarding the final figures as of 12/31/08 as requested by Gail Johnson at our last meeting.

Bob Tate: Says he has reviewed the December report and has worked up a preliminary analysis of each fund - budget verses actual. He expects his analysis in final format for review and discussion will be completed early next week. Upon completion, he will forward a copy to each Board member for discussion in an Executive Session or at the next public meeting.

OTHER BUSINESS

Leo Quinn:

1. The first meeting in February he will be bringing forth some Resolutions from the BCATO (Bucks County Association of Township Officials) organization to enlighten the Board. This will provide review before going to the BCATO Conference the end of February.
2. He wants to reach out to the generosity of Warminster residents. A member of our community for over forty years, **Thomas Smith, Jr. is surviving a severe stroke. He has developed significant paralysis. A number a people have rallied on his behalf to organize an event as follows:**

BEEF & BEER
PLACE: Five Ponds Golf Club
DATE: Sunday, February 8, 2009
TIME: 2:00 P.M.
COST: \$30.00 a person - \$50.00 a couple
There will be Door and Raffle Prizes.

Anyone interested in tickets please contact:
Kathy Salters 215-431-9941 or Danielle Godshall 267-981-5057

DONATIONS: by check or money order mail to:
C/O Thomas Smith, Jr. Medical Fund
PNC Bank – 521 N. York Road – Warminster, PA 18974

Bob Tate: The Traffic Safety Committee is in need of a Recording Secretary. The meetings are the last Monday of each month at 6:30 P.M. It is a volunteer position. If interested submit a resume or letter of interest to our Administrative Office.

**Fred Gold nominates Karen Schwartz as Citizen Advisor to the Golf Course Committee.
Leo Quinn 2nd the motion. The vote carried 5-0-0.**

Gail Johnson: The Environmental Advisory Council met on Monday, January 19th. The Council is in need of a Chairman. Under Section 4 of the Ordinance reads that the Board of Supervisors shall designate the chairperson of the council.

Gail Johnson makes the motion to nominate Dan McPhillips to be Chairman of the Environmental Advisory Council. Ellen Jarvis 2nd the motion. The vote carried 5-0-0.

Notation: The Environmental Advisory Council meeting will be held the third Monday of each month, beginning Monday, February 16th.

Ellen Jarvis: The Tri-Centennial Committee meeting date will be announced at our next meeting.

Frank Feinberg: Regarding the Tri-Centennial he tells the Board that he has been given some interesting documentation from two Warminster residents (Florence F. & Bob G.) of Bucks County and Warminster Township that might be helpful to the committee.

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PUBLIC COMMENT

Joel Mickelberg – 113 Villa Drive – Vice-President of the Villas at Five Ponds Association

As a representative of the residents at the Villas at Five Ponds (VFP), Mr. Mickelberg is here this evening to ask the Board of Supervisors for their positive vote in permitting Warminster Township to provide pre-snowstorm brining to the one mile of roadway in their development. He provided the BOS with two documents.

- He tells the BOS that although a previous request for snow removal support was denied by the Township a renewed encouragement for brining support appeared in a note on a discussion board of a website written by Ellen Jarvis, Township Supervisor, January 17, 2009. It seems in her inquiry with Mr. Tate, Township Manager on the matter, he suggested that the VFP Board send a written request and come before the BOS for approval.
- He says that one of the documents he provided was a copy of the posted note of Mrs. Jarvis (a portion of which he read). The other document was the VFP Board letter to Mr. Tate dated January 20, 2009.

Frank Feinberg:

- He tells Mr. Mickelberg that this evening the matter was discussed at length with the Township Solicitor who will explain the townships position.

Michael J. Savona, Esq., Township Solicitor

He tells Mr. Mickelberg that this matter very recently was brought to his attention and unfortunately he must say that the Township cannot under any circumstances provide the brining to the Villas roadways. Those roads are private property.

- He says the Township cannot legally provide services to that road and from a liability standpoint cannot provide services on private property.
- He says the supervisors in addition to being liable for surcharges if they would spend Township resources to improve private property could also be subject to suit and the Township could be subject to suit for any accidents or occurrences that would take place while the Township was on private property with or without your consent.
- He says it creates an ongoing problem with respect to the Townships perceived implied adoption of those roads.
- He says the Second Class Township Code provides two separate alternative ways by which a municipality can accept dedication of a public road:
 - Through the formal dedication process
 - And the other the Township deems to have taken acceptance of a roadway by virtue of the fact that they have undertaken maintenance activity.
- He says we can't fill potholes, we can't plow roads, and we cannot brine streets unless they're Township streets, not unless they are owned by this municipality.
- He says his legal opinion to this Board is that they should not consider this request or any request like this in the future which changes the status of the roadways from private roadways to dedicated and accepted public streets.

He reminds Mr. Mickelberg that the residents of the Villas receive Township services in the way of police, fire and all of the other things provided everyone. However, when you live on a private street, you are responsible when you have a homeowners association to maintain those streets.

Joel Mickelberg:

Since the VFP residents do pay the same taxes as other residents who do receive snow removal he asks, "In the future could we possibly ask and get a tax rebate"?

Michael J. Savona, Esq.:

- No, Pennsylvania Constitution requires uniformity of taxation across all persons similarly situated. It is enshrined in the constitution of 1968 and not subject to our change or amendment.

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PUBLIC COMMENT (Cont'd)

Joel Mickelberg – 113 Villa Drive (Cont'd)

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

- You choose to live in a development wherein you knew was responsible for the streets. This was an accepted condition. As a result, the court is not going to give you a free pass on the taxes that are levied uniformly at the same rate across all the properties in the Township.

Ellen Jarvis: Will the Township police things like no parking signs or speed regulation within the Villas at Five Ponds?

Michael J. Savona, Esq.:

- Typically, the police do not enforce traffic regulations that are imposed on private streets.
- There have been situations where sometimes arrangements are made. We have to look in the Covenants contained in the Association Documents.
- The police provide all other general services. Things that are other than traffic regulations

Richard Rodgers – 269 Fairway Drive – President of the Villas at Five Ponds Association

Tonight, Mr. Rodgers is here to address a few items that concern him in an effort to seek some help and/or clarification.

Richard Rodgers FIRST CONCERN: Although the Villas at Five Ponds roads are private, he asks of the Board of Supervisors for some police help in enforcing No-Parking sign violations since some areas are designated as no-parking because of fire restrictions or are handicapped. He makes the following points which he thinks the Township should answer to:

- He assumes that handicap parking in the Villas is the same as that in supermarket parking lots etc. which is enforceable regardless of private property because it falls under federal guidelines.
- Areas designated for fire purposes should be enforceable regardless of private property.

Michael J. Savona, Esq.:

- He thinks it would be a lot easier for the Association to enforce its own rules. The enforcement of private covenants is certainly actionable with a private security firm.
- He says he has not had a chance to review the fire lane and handicap access issue and will have to get back in that regard. He thinks that might be something we can ask the Chief of Police to look into.

Ellen Jarvis:

She says in her review of the conditions for the approval of the Villas at Five Ponds Phase II there will be no parking on either side of this private street. There will be no parking even for visitors.

Michael J. Savona, Esq.:

- Says if this condition was imposed by the BOS in the development of Phase II being approved it would be an enforceable condition by the Homeowners Association and if they failed to do that it could be subject to some sort of civil sanction by the Township. He does not see doing that.
- Says he doesn't see this as a police issue because it is a private street and a matter of internal traffic control.

Richard Rodgers SECOND CONCERN: Regarding the lights on the LED sign for the Five Ponds Golf Course:

- He asks that the BOS look carefully at the placement orientation and the number of hours in operation.
- He reminds the Board that there will be 36 homes zoned residential and doesn't want that the lights are a nuisance or hardship for the residents.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JANUARY 29, 2009**

PUBLIC COMMENT (Cont'd)

Richard Rodgers – 269 Fairway Drive (Cont'd)

Richard Rodgers THIRD CONCERN: He takes issue with the website posting by Ellen Jarvis, Township Supervisor that came across to the private association of the Villas at Five Ponds, Phase I and detailed matters that he thinks concerns only the Township of Warminster and the Builder.

- He said this posting led him and the resident's in the development to believe it was an official communication.
- He said he wants to know how far the BOS gets into the operations of the Board in his development because within this notification it talks about Certificates of Occupancy which should truthfully be between the Township, McGrath (builder), and the individual homeowners of the deeded property.
- He said there were what he calls Chinese Fire Drill items because the sentences referred to "We cannot risk having these homes condemned", "We cannot risk the condemnation and subsequent closure (referring to the clubhouse)" those are strong words to come from the supervisors board to residents in the community to get them all wired up, upset and concerned whether or not it is true.

Michael J. Savona, Esq. explains that he is hesitant to venture far into discussion, in a public forum, because he will be meeting with Mr. McGrath next week and does not want to compromise the Townships position on those negotiations. He makes mention of the following:

- I have every intention of seeing these issues resolved. They remain Mr. McGrath's responsibility. He is still under escrow and he is still under a development agreement to this Township
- The issues that you are posing with respect to the Temporary Use and Occupancy Certificates (issued so people could move into their homes), without transforming those temporary U & O's into permanent certificates they remain temporary and if for some reason the Township would determine that the conditions aren't being met to maintain those Temporary Use & Occupancy Certificates. The Township can and would remove the people and those buildings would not be able to be occupied legally.
- Those are issues Mr. McGrath has not resolved. I have a thick list of Use & Occupancy Certificate problems that go back numerous years. These are serious matters that I intend to have Mr. McGrath resolve. I certainly wouldn't want and I have no intention of pursuing anyone being displaced from their home or the clubhouse being closed.
- The point to underscore is that these are serious issues and I don't think they have been addressed as seriously and they needed to be.
- I would encourage everybody in the Villas at Five Ponds development to exert as much pressure as you can on Mr. McGrath to come to the table next week with the intent to resolve these issues for once and for all.

Richard Rodgers:

- He says he couldn't agree with the Solicitor more but obviously he is not here to debate for the homeowners, Mr. McGrath or the Board itself.
- He says his concern is that we are having the BOS in some ways being a little inflammatory and exaggerating some of this to the point of getting people upset and riled.

Michael J. Savona, Esq.:

I don't think anybody is intending to rile anybody and I'm certainly not intending to rile anyone. That you have an issue with the nature of the communication I understand but as it bears on this issue:

- Nothing in the communication that you presented to me and I reviewed is untrue.
- Understand that everything that is in this communication is true and these are items which are available to the Township as remedy in the event Mr. McGrath would fail to satisfy the conditions he is required to fulfill under the agreements.

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PUBLIC COMMENT (Cont'd)

Richard Rodgers – 269 Fairway Drive (Cont'd)

Richard Rodgers:

- Says this communication is recommending what the Villas Board should do and gives us a directive. This communication should have been directed to our Board and allow us an opportunity rather than to have residents coming to us Why did we do? Why didn't we do? and getting them all wound up.
- Says the Township has a quicker and more direct access to L&I and could certainly say to them in an internal memo or phone call, please call Mr. McGrath we need to deal with this in a non-public forum without getting 244 homes and homeowners all concerned about it and Why did their Board or not their Board do something about it.
- Says, the bottom line is, as much as we try to help, these are private homes. We are a Homeowners Association and it is very difficult for to try to get across the point that the people have to act for themselves as much as we try to help them.
- Says it doesn't seem to cut it getting the people all fired up and out of joint over something that could be more simply resolved with more direct communications between the Township and our Board.
- Says he is concerned about the BOS position on it and asks are we going to work together or not?

Michael J. Savona, Esq.: Let me say this to you.

- I have every intention of working to resolve these issues. To the extent that the Township has issues here, they are between the Township and Mr. McGrath. Mr. McGrath is the party with whom we are in a development agreement that sets forth these obligations.
- You may or may not be a third party beneficiary of those commitments but you are not a direct party to this discussion at this point.
- Neither, you or anybody that lives in that development has privity of contract with the Township in terms of those conditions.
- Understand that there are members of this Board that live in that community and certainly there is no Chinese Firewall between the Township and the residents that live in your community.
- I am not going to pretend that I am going to patrol the communications that go back and forth.
- I find it a little disingenuous you tell me that some of these residents you're trying as best you can to communicate with them but you can't always get through to them but that somehow it would be better if we communicated with your Board.
- At this point, I am not engaging in that communication because I haven't yet determined that it is necessary to circle the wagons and to round up the troops. If and when it becomes necessary I would certainly make use of your organization because it is far easier to communicate with you and your Board then it would be to communicate with the individual homeowners throughout the development.
- I am meeting next week with Mr. McGrath, if and when we arrive at some proposed resolution of these issues I would appreciate your leaving some contact information so I can contact you directly and inform you what is going on.

Richard Rodgers:

- If you have a problem or concern that our Board can be of help, you will find we are most agreeable to that.
- We don't like it coming in from left field with people complaining as oppose to direct contact..... here it looked liked it was going behind us and coming up to bit us as opposed to letting us work with you.

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

Richard Rodgers – 269 Fairway Drive (Cont'd)

Michael J. Savona, Esq.:

- Let us agree right now to put the suspicion and innuendo aside and understand that I am making a personal commitment to you that I will contact you in the event that I need cooperation or further information from you or members of your Board, or the residents in that development.
- I would just ask that you commit to communicate with me on any issues that arise and that you let me know if and when I ask you for information if you can provide that information in a timely way or if we have to look at using alternative communications means.

Richard Rodgers: It will be our pleasure...

Ellen Jarvis:

Mr. Rodgers the reason that this whole miscommunication surfaced was because a few months ago when this Board was to consider the release of escrow to McGrath for the Villas at Five Ponds #1.

- I sent an Email to each member of the Villas at Five Ponds Board as a Supervisor and indicated that this Board would be considering the release of that escrow which I believe was around \$400,000, leaving a balance of about \$100,000.
 - I sent that message and I asked, are there any outstanding punch lists items that need to be covered by that escrow or should we release that escrow in good faith?
 - I also invited any member of the Board to attend that meeting, to weigh in as to whether there are outstanding punch list items.
 - Not one Board Member responded to my email.
- However, during the next meeting when we did release that escrow Mr. Gold told us he had heard from the Board Members and it was OK to release that money.
- This Board voted 5-0 to release approximately \$390,000.00 of that escrow.

Since then I have heard that there are many outstanding issues:

- Including the drainage issues in the north-end of the community.
- Including the storm water management issues that would be covered under that punch list items if we had not released the escrow.

I feel personally responsible because I voted to release that escrow.

- If Mr. McGrath is unable or unwilling to pay for any of those repairs that are needed, it will be on the Association and this Township to meet those obligations.
- I have a fiduciary responsibility to this Township and I had expected to have a two way communication.
- The Villas at Five Ponds Board has opted not to communicate with me directly. This was the only way I could get across the point and ask our Villas at Five Ponds residents, are there issues that you want to be put forward to Mr. Savona when he meets with Mr. McGrath?

That is how and why I posted this question, are there issues? I heard nothing from the Board, nothing whatsoever. I did receive many calls from the people.

- I met with Mr. Savona privately to discuss anything that I found from any of the residents.
- When I met with Mr. Savona he did tell me of the severity of the problems with the Temporary Use & Occupancy Certificates.
- There are people rightfully concerned.
- There has been a lack of communication from the Board to the Residents at the Villas at Five Ponds.
- I am sorry that this Board has decided to engage in silence with me.
- I have a fiduciary responsibility to this entire Township and as a resident at the Villas at Five Ponds to communicate.

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

Richard Rodgers – 269 Fairway Drive (Cont'd)

Richard Rodgers:

- Although I hear what you are saying, I still strongly oppose the use of the title of supervisor in making a personal point. I don't think it should come down to that and I don't think that is appropriate and I take exception.
- The items listed on the punch list were items with dollar amounts against specific line items and you can't play with dollars on one line item against dollars on another line item.
- To my knowledge there is no line item that says anything to do with Certificates of Use & Occupancy. To say they weren't done doesn't reflect the line item from which you can hold funds

Michael J. Savona, Esq.:

- Mr. Rodgers, Why don't you leave those determinations to me? Unless you have negotiated escrow releases as often as I have I think I am in a better position to judge what I can and can't withhold escrow releases based upon.
- I am advising you that I am in a better position to make those determinations than you.
- Please don't assume you know what can and can't be negotiated with a developer when he has got almost a half-million dollars that he wants released and he needs an approval from this Board to get it released.
- I can tell you Sir, whether it is on a line item or not there are many, many ways a developer is willing to accommodate us in order to get his money released.
- Again, I think I am in a better position to judge what is or is not capable of being accomplished in an escrow release situation. Especially, in a situation like this where there are numerous, numerous outstanding items that are not completed and should have been completed long, long ago.

Richard Rodgers:

- I would only be concerned that L&I and the Township are supposed to be looking at those things as well and I would think there is a great deal of responsibility on their side.

Michael J. Savona, Esq.:

- Once again, as the chief legal officer of this Township it is better for me to be concerned about those things then quite honestly it is for you.

Mark Schwartz – 80 Villa Drive - Treasurer of the Villas at Five Ponds Association

- The Board does have a dedication list from McGrath that is over three quarters (3/4) done.
- We also have a one-year punch list on our Clubhouse that is constantly being worked everyday.
- The drainage problem is almost resolved. McGrath has been working on it.
- Mrs. Jarvis's statement that there was no communication at all with the Board is totally, totally not true.

Florence Fox - Warminster

- Says the information she provided the Chairman tonight was found on Bob's (Goodyear) computer.
- Says there were slaves here in Warminster. There is a list of the number of slaves and the names of who had them.
- She mentions that Warminster is the twin Township of Southampton. It was established in 1712.
- She passed to the BOS additional historic information and made mention that there is a listing of cemeteries.

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

Walt Clemens – Saxony Manor – Warminster (Cont'd)

Walt Clemens – Saxony Manor – Warminster

- Says, Mr. Savona's knowledge and handling of the brining situation was very impressive. As a president of an association he can see that if the brining occurred it would have opened a can of worms throughout the Township. He would have been 2nd in line. You can't favorably contribute to one Association and not to another.
- He criticizes Mr. Tate for his part in the brining issue and for the things he did in the past without getting the supervisors approval and mentions the ordering of the truck for Public Works.
- He says he thought Mr. Rodgers had valid points and understands that VFP is having growing pains. He sympathizes with that Board because they are in a learning phase right now. He wishes good luck to all parties concerned.
- He says at the Reorganization Meeting of Supervisors on Monday, January 5, 2009, he made various statements to the Board against Supervisor Fred Gold which were not factually correct. He wants to set the record straight and apologizes for any misstatements he made. After re-reading the State Ethics Commission report he wants to make it clear to everyone here and to everyone viewing this meeting on television that:
 1. Fred Gold was not convicted of anything and that a Consent Agreement between Fred Gold and the Commission was reached simply agreeing that three (3) violations occurred.
 2. The State Ethics Commissions specifically found that our former Township Solicitor, Stephen Harris, had verbally advised Fred Gold that as long as the janitorial supplies his son was charging to the Township were cheaper in comparison to other vendors, there was no conflict of interest. The Commission found that the prices which Fred Gold's son charged Five Ponds Golf Courses for these supplies were approximately twenty five (\$.25) cents cheaper per item than the prices charged by the previous supplier.
 3. There were never any charges against Fred Gold nor were there ever any findings to the effect that any money had been purloined in any manner whatsoever from the Township and that there were never any charges or findings that Fred Gold misappropriated any money from the Township.
 4. There were never any charges or findings that Fred Gold ever pressured any department heads to use his son's business.
 5. He said that at the meeting he indicated that Fred Gold paid seven thousand five hundred (\$7,500.00) dollars because the Commission requested that he repay the money which he misappropriated from the Township. That statement was not correct. The Commission's report does not indicate that this amount was a repayment of anything and only indicates that, per the Consent Agreement of Fred Gold and the Ethics Commission, Fred has accepted the Consent Agreement solely for purposes of resolving this matter.

Fred Gold:

- Mr. Clemens, thank you for rereading the State's Ethic Report and now informing the public of the true facts.
- Your misstatements caused me and my family personal humiliation as well as mental anguish.
- I am very happy you have recanted your erroneous statements.

AGENDA FOR THURSDAY, FEBRUARY 12, 2009

- Preliminary/ Final Approval for County View Development

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JANUARY 29, 2009**

MEETING ADJOURNED AT 8:50 P.M.

INDIVIDUAL ACTION ITEMS:

Bob Tate:

- 12/31/08 – final figures – budget verses actual

Michael J. Savona, Esq.:

- Private property- fire lane and handicap access – police enforce no parking?
- Covenants contained in Association Document – police enforce traffic regulations?