

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, FEBRUARY 12, 2009**

MEMBERS PRESENT: Frank Feinberg, Chairman
Gail E. Johnson, Vice Chairman
Ellen S. Jarvis, Secretary
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 7:04 P.M., by Frank Feinberg, Chairman.

The PLEDGE OF ALLEGIANCE was led by Leo Quinn followed by a moment of silence for our men and women in uniform around the world and for Ellen Jarvis's mother, Dorothy Sager, who is in critical condition.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS

Leo Quinn:

1. Parks & Recreation Department:

- i) Christmas Trees - 362 were recycled this year which was 52 over last year. This sets a new record. Chips are now available at the WREC. Bring your own bags and shovel.
- ii) Wine and Cheese for February 27th, being held at the WREC, is sold out.
- iii) The Spring Egg Scrabble for children ages 3-10 is 4:30 P.M. Thursday, April 9th at the WREC. Please call the WREC to be placed on the age group listing or register on line. Fulton Bank is our prime sponsor for this event.
- iv) The Rubber Ducky Regatta is Sunday, May 17th. Tickets are available at the WREC. Buy a duck for \$5.00 or five ducks for \$20.00. Beneficial Bank is our prime sponsor for this event.
- v) Parks and Recreation is accepting applications for summer employment. Openings are available for recreation supervisors, swim instructors, life guards and park maintenance staff. Contact the WREC or download an application from our web site, www.warminstertownship.org.
- vi) The WREC will be closed Saturday to Monday, February 14th to the 16th for the President's Holiday.

2. The Ben Wilson Senior Center is celebrating their 20th Year Anniversary with a luncheon, Friday, February 13th at 12 Noon.

3. Warminster Rotary is sponsoring a Bowling Event to assist the Warminster Skate Spot on March 21st from 7:00 P.M. to 10:00 P.M. It will be \$125.00 for a lane (up to 6 bowlers on a lane) and to sponsor it is \$125.00. Details will be available soon.

4. It was mentioned at the last meeting that Troy Thern, a sophomore, at William Tennent High School, has been selected as a participate in the People to People Student Ambassador Program in France, Italy and Greece. Troy is asking for donations to help defray some of the cost of this venture. For more information please call, 215-672-0715. His home address is 82 Acorn Drive, Warminster, PA 18974.

Frank Feinberg:

- 1. We had an executive session prior to this meeting and we will finish up after this meeting with regard to present contract negotiations.**

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ANNOUNCEMENTS, CORRESPONDENCE, AWARDS (Cont'd)

Gail Johnson:

1. A white-winged crossbill bird was sighted for the first time in Warminster. This brings the different species seen to about 140.

Ellen Jarvis:

1. Leary Elementary School has received distinction as one of the excellent schools in the state of Pennsylvania and she suggests bringing the principal in for recognition.

2. Saturday, February 14th there is a recognition dinner at the German Club for the Hartsville Fire Company.

3. Received several letters in regard to the Five Ponds Golf Course LED sign. The letters suggest a closer look at esthetics and also a notion that the sign could be solar powered. Possibly it could be looked at by the environmental committee.

4. Says her mother, Dorothy Sager, is in Tampa General Hospital in intensive care. She suffered a massive stroke to her brain stem which required surgeries this week. She has regained full motion and speech. Her mother asked that the five symptoms of stroke, which she experienced herself, be mentioned this evening for everyone's awareness:

i) Sudden weakness, tingling or numbness in any extremity.

ii) Sudden confusion or disorientation.

iii) Sudden inability to speak or swallow and thickness in the tongue.

iv) Sudden and severe headaches.

v) Sudden dizziness, vertigo and nausea.

Her mother also thought it important to mention the need for knowing your medical community to learn what services are available at your local hospitals. In addition, she thinks it important to have a health advocate so decisions can be made for you when you are unable to make them yourself.

5. She thanks everyone for their support and prayers.

CONSENT AGENDA ITEMS

A. Approval of the Minutes of January 29, 2009

B. Legal & Engineering Escrow Release – Trovato in the amount of \$81.83

C. Legal & Engineering Escrow Release – Biggs Tool & Die in the amount of \$1,431.30

D. Authorization to Advertise Contract 2009-01 – Bituminous Tack Coat

E. Authorization to Advertise Contract 2009-02 – Tri-Axle Hauling

G. Approval of Res 2009-03 – TAN (Tax Anticipation Note) for 2009 in the amount of \$500,000.00

Leo Quinn made the motion to approve the Consent Agenda Items A, B, C, D, E and G as listed by Frank Feinberg. The motion was 2nd by Ellen Jarvis. The vote carried 4-0-1 (Gold/Vacation).

F. Authorization to advertise General Obligation Note Ordinance - \$286,926.00 has been changed to read Authorization to approve General Obligation Note Ordinance #685 - \$286,926.00. See below.

Michael J. Savona, Esq., Township Solicitor:

- Says this should be to adopt the ordinance not to advertise. It should have already been advertised.
- He suggests that Ordinance #685 be voted on for approval subject to a proof of publication that the advertising requirements have been met.
- Says in the event that it has not been advertised it can be listed again on the next agenda.

Gail Johnson made the motion to approve the Consent Agenda Item F as defined by the Solicitor. The motion was 2nd by Ellen Jarvis. The vote carried 4-0-1 (Gold/Vacation).

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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OLD BUSINESS

I. Preliminary / Final approval of Super Value Beverage – 625 Mearns Road - Joseph Bound, Jr. (Owner & Operator)

Michael J. Savona, Esq. - This is the time and place set for consideration of the Preliminary / Final Land Development application of Joseph Bound, Jr. for Super Value Beverage. The application deals with Tax Parcel Numbers 49-020-009-001 and 49-020-009-002.

The applicants counsel Thomas R. Hecker, Esq. and the applicant Joseph Bound, Jr. are here this evening.

Thomas R. Hecker, Esq. tells the Board:

- Mr. Bound's intention is to obtain approval to construct a 2,491 sq. ft. addition to the existing building and install three (3) parallel parking spaces on the lot. Improvements also will be made to the property (stuccoing the building, resurfacing/stripping the parking lot). The applicants request provides him the opportunity to make better use of the existing facility and better serve the community.
- Variances were obtained from the Zoning Hearing Board and one of the conditions was the installation of additional landscaping. The plans have been revised to incorporate some upgrades to the landscaping which further improves the looks of the facility.
- We have had the opportunity to review and discuss in detail with the Township Engineer and the Planning Commission the comments that have been set forth in the Township Engineer's (Gilmore & Associates, Inc.) Review Letter Dated January 14, 2009. All the items in this review letter that remain outstanding are "will comply" and workable items.
- We are requesting the following waivers from sections of the Sub-Division and Land Development Ordinance:
 - 1) Section 404 - Partial Waiver – to not show existing features within 400 feet of property.

Michael J. Savona, Esq. to Thomas R. Hecker, Esq.:

Do you have a problem if the Board were inclined to grant a partial waiver to include such items that might be deemed necessary by the township engineer?

Thomas R. Hecker, Esq.: I have no problem with that whatsoever.

2) Section 404.6 – Waiver – to not provide a Traffic Impact Study (TIS) for the driveway entrances along Mearns Road for this minor project. My client has agreed to offer a voluntary contribution in the amount of \$2,500.00 as a fee-in-lieu of performing a full traffic study.

3) Section 800 – Waiver – To not provide public improvements along Mearns Road. The Planning Commission recommended that the Board consider that waiver as well.

Michael J. Savona, Esq. to Craig D. Kennard, PE – Township Engineer:

Do you have any comments with respect to the waiver request?

Craig D. Kennard, PE: No, I support all the waiver requests.

Michael J. Savona, Esq. to Craig D. Kennard, PE – Township Engineer:

Your original review letter indicated you did not support the section 800 waiver, have you changed your position on that?

Craig D. Kennard, PE: Yes, after the Planning Commission meeting and reviewing the improvements as stated by Mr. Hecker there is no need for additional improvements at that site.

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OLD BUSINESS (Cont'd)

1. Preliminary / Final approval of Super Value Beverage (Cont'd)

Michael J. Savona, Esq.:

- **Recommends a motion to grant the Preliminary / Final Land Development Application for Super Value Beverage for Tax Map Parcel No. 49-20-9-1 & 2.**
- **Subject to the applicants compliance to all the terms, conditions and provisions set forth in the Township Engineers Review Letter of January 14, 2009 and as agreed by the applicant this evening.**
- **Subject to the appropriate waivers as requested under:**
 - Section 404 – (partial) waiver - to show only existing features as required or deemed necessary by the Township Engineer.**
 - Section 404.6–waiver–to not provide a traffic impact study and is subject to payment in the amount of \$2,500.00, payable to the General Fund of Warminster Township, as a fee-in-lieu of that traffic study.**
 - Section 800–waiver-to not provide public improvements along Mearns Road.**
- **As well as compliance with all the other terms, conditions and provisions of the Code of Warminster Township and the outside approvals of any agencies including the Bucks County Planning Commission, the Bucks County Conservation District, the Warminster Township Planning Commission, the Warminster Township Zoning Hearing Board, the Township Engineer and the Township Fire Marshal.**

<p>Ellen Jarvis so moved the motion to grant Super Value Beverage (Joseph Bound, Jr.), The Preliminary / Final Land Development Application and waiver requests under Sections 404, 404.6 and 800 subject to the terms as defined by Michael J. Savona, Esq., Township Solicitor. The motion was 2nd by Leo Quinn. The vote carried 4-0-1 (Gold/Vacation).</p>

2. Preliminary / Final approval of County View Land Development

Michael J. Savona, Esq. - This is the application of County View Properties for a Mixed Use Development. Warminster Township Planning Commission (WTPC) No. 04-20. Tax Map Parcel Numbers are 49-29-2, 49-29-3, 49-29-4, 49-29-9, 49-29-10, 49-29-11 and 49-29-12. This is before the Board tonight for Preliminary / Final Land Development Plan approval.

The applicant James Brandenburger, County View Properties, L.P, his counsel Mark Jonas (Eastburn & Gray) and his engineer Joshua A. Castillo (Carroll Engineering Corporation) are here this evening.

James Brandenburger, President of County View Properties tells the Board:

- **The property consists of approximately 20 acres at the intersection of County Line and Davisville Roads.**
- **The site will have a CVS Pharmacy, a PNC Bank, a 10,000 square foot free standing retail building and seventy eight (78) townhouses.**
- **We have received a change of zoning on this site that supports the proposed project. Six months ago it was determined we needed a zoning variance for the Pinehorst Road issue and we did receive that variance from the Zoning Hearing Board.**
- **We have been through the Planning Commission and have been approved for Preliminary / Final. We are here tonight for the Board’s Preliminary / Final approval for County View Mixed Use Development.**
- **The Township Engineer (Gilmore & Associates, Inc.) Review Letter is “will comply” items. This review letter does support the waivers we are requesting this evening.**

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OLD BUSINESS (Cont'd)

2. Preliminary / Final approval of County View Land Development (Cont'd)

Michael J. Savona, Esq. to James Brandenburger:

The Review Letter you are referring to is the letter from Craig Kennard, Township Engineer to James Krueger, Director of Licenses & Inspections dated February 9, 2009 regarding the County View Mixed Use Development.

Do we have the applicant's commitment that you will comply with all the terms, conditions and provisions set by the Township Engineer with the waivers that are identified in the February 12, 2009 waiver requests?

James Brandenburger: Yes

You provided my office and the township today with a response letter to the Gilmore & Associates Review letter. It is a letter from Carroll Engineering Corporation addressed to James Krueger, Director of Licenses and Inspections signed by Joshua Castillo dated February 12, 2009. This will be included as part of the record, Applicants Exhibit I.

The letter addressed to Tom Thern, Zoning Officer signed by Joshua Castillo dated February 12, 2009 details approximately 13 requested waivers. This will be included as part of the record, Applicants Exhibit II.

Joshua A. Castillo – Carroll Engineering Corporation – provides listing of 12 Waiver Requests from sections of the Sub Division and Land Development Ordinance:

NOTATION: Originally, Mr. Castillo said there are 13 waiver requests. However he removed the waiver request to not provide an additional one-half parking spot for each dwelling unit when our present Township Engineer said the plans do comply with the Ordinance.

1) Section 602.2.A.1 – Storm water detention basin water depth – waiver from the maximum five (5) foot storm water basin depth. Request is for a seven (7) foot high elevation in the basins for a 100 year storm event. We do not have the area required to hold that water in relation to the layout of the site. We have designed retaining walls around the structures of approximately five feet in depth. We have designed a facility with permanent water in the pond of one or two feet. A Fence is depicted on plans. Guards will also be installed for pedestrian protection.

The Township Engineer supports this waiver.

2) Section 602.2.A.2 – waiver from the side slopes ratio requirement of 10H (horizontal) to 1 (vertical) for the detention basins to permit 3:1 slopes. We are using retaining walls to minimize our area. The retaining walls proposed are vertical.

The Township Engineer supports this waiver.

3) Section 404.3.B – waiver to not show existing features within 400' of the site. We have all the information we need approximately over 100 feet around the site for areas that we had any concerns or where we are looking at the Highway Occupancy Plans. We do have some areas that stretch beyond or are about 400 feet. Within the back areas of the site we just show about 100 feet.

Michael J. Savona, Esq. to Joshua A. Castillo:

Do you have any issue with providing the details as deemed necessary by the Township Engineer as a condition of the Boards granting that waiver?

Joshua A. Castillo: I do not.

4) Section 519.2.G – partial waiver – to not match crowns of the storm sewer pipes at structure. There are two or three incidences within the site that the crowns of the pipes are not matched from the different pipes coming in. That is due to fitting the utilities underneath that pipe with minimal disturbance and just to eliminate the need to put the pipe so deep that some of the pipes would end up being ten feet deep if we were not allowed to do this.

The Township Engineer supports this waiver.

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OLD BUSINESS (Cont'd)

2. Preliminary / Final approval of County View Land Development (Cont'd)

Joshua A. Castillo – Carroll Engineering Corporation – waiver requests listing (Cont'd)

5) Section 504.9 – waiver - to allow private streets. The public right-a-ways are not shown on the plans and the private streets are not going to be dedicated so we don't need the right-a-way for that area. The width of the streets proposed is 26 feet wide – designed to the public street standards.

Craig D. Kennard, PE, Township Engineer to Michael J. Savona, Esq.:

- That layout is what was approved as part of the zoning amendment for this Mixed Use Development. This issue and all the other issues related to the road layout, waivers were discussed at length. We maintained what was approved as part of the sketch plan, attached to the Mixed Use Zoning Amendment and approved by the prior Board.
- To implement the zoning amendment the waivers must be granted or the project cannot move forward. I support the waivers related to the road alignment.

NOTATION: The following waiver request is also dealt with by the Zoning Ordinance Amendment for this Mixed Use Development:

6) Section 506.1.B.3 – waiver - to allow street horizontal radii of less than the minimum of 150 feet.

Michael J. Savona, Esq. to Joshua A. Castillo:

My only concern with private roadways is that the waiver be granted but subject to the adoption by the developer of sufficient covenants in the homeowners association documents to demonstrate that the private roads will be adequately maintained and those covenants would be subject to the approval by my office. Do you have objection to that condition?

Joshua A. Castillo: I do not.

Michael J. Savona, Esq. to James Krueger, Fire Marshal:

Are you satisfied that the turning radius is adequate to meet the fire truck needs?

James Krueger: Yes, they have proven that through one of their generated programs.

Michael J. Savona, Esq.: The waiver would be appropriate subject to the final approval of the Township's Fire Marshal.

7) Section 510.2 – partial waiver – to allow driveways within 40 feet from the intersection corner of corner lots. We don't have lots on our site. This waiver is here to clarify anything that might come up in that regard. There are only two areas - one driveway and one entrance way to a parking lot.

The Township Engineer supports the waiver for the driveways identified on the Preliminary / Final Land Development Plans.

Michael J. Savona, Esq. to Joshua A. Castillo:

This waiver would be appropriate subject to the final design approval by the Township Engineer. Is this acceptable to you?

Joshua A. Castillo: Yes

8) Section 510.4.C – waiver – to allow street and curb line widths at driveways which exceed maximum permitted. Width of the entrance and exits drives maximum 35 feet straight line and 54 feet curb line. We need to have a larger entrance way to the site due to the traffic stacking. The entrance is a PennDot issue.

The Township Engineer supports that and defers to PennDot for final determination.

9) Section 511.2 – waiver – to allow perpendicular parking along the proposed roads. We needed to create perpendicular parking to fit the required number of parking spots per the zoning requirement. Forty-three perpendicular parking spaces are proposed out of a total of 231 spaces.

The Township Engineer supports the waiver based on the location shown on the final plans.

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OLD BUSINESS (Cont'd)

2. Preliminary / Final approval of County View Land Development (Cont'd)

Joshua A. Castillo – Carroll Engineering Corporation – waiver requests listing (Cont'd)

10) Section 404.3.F – waiver – identifying species of trees six (6) inches in diameter or greater and existing buildings. A waiver of the existing features requirement.

Craig D. Kennard, PE – Township Engineer:

- The prior engineer and through the zoning amendment had done a sample area of the site and agreed to the tree replacement which ties into a later issue of the fee-in-lieu of tree replacement. That waiver has already been sorted out and we support it.

Michael J. Savona, Esq. to Joshua A. Castillo:

I will require that you would comply with replacement of such existing features determined necessary by the Township Engineer. Do you have a problem with that as a condition if the Board would grant this waiver?

Joshua A. Castillo: No.

11) Tree Ordinance #609, Section 107.1 – waiver – requesting a partial waiver of the canopy trees requirement to allow up to 50% of the required street trees to be under-story trees. The waiver is needed to plant as many trees as we can in the area we have on the site.

The Township Engineer supports this waiver.

Michael J. Savona, Esq. to Craig D. Kennard, PE – Township Engineer:

Do you feel there will be adequate plantings notwithstanding the fee-in-lieu of tree replacement?

Craig D. Kennard, PE:

Yes. I would prefer the alternate plan as far as esthetics and character of the development versus just straight street trees.

12) Tree Ordinance #609, Section 107.3 – waiver – To not replace 3' or greater caliper trees at a 1:1 ratio. Requesting waiver to pay a fee-in-lieu of the trees that cannot be replaced on-site.

Michael J. Savona, Esq. to James Brandenburger:

Have you had the opportunity to review the Agreement for Fee-in-Lieu of Tree Replacement that has been prepared between me and Mr. Jonas and are you in agreement with the terms and condition set forth in that agreement?

James Brandenburger: Yes, I am.

Michael J. Savona, Esq. to James Brandenburger:

In the event that the Board would approve this, do you understand that you would execute the agreement whereby you would pay Warminster Township the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) as a "fee-in- lieu" of the replacement of not more than 21,430 caliper inches of trees on the property. In the installments sent forth under the plan are you in agreement to execute that agreement?

James Brandenburger: Yes, I am.

Michael J. Savona, Esq. to James Brandenburger:

You were present for the discussion of the waivers and the conditions of the waivers that Mr. Castillo had with me and Mr. Kennard. Are you in agreement with all the conditions we discussed as to those waivers and do you agree you will be subject to those conditions in the event that the Board determines it appropriate to grant those waivers and approve this plan?

James Brandenburger: Yes, I am.

Michael J. Savona, Esq. to James Brandenburger: Is there anything else you want to add?

James Brandenburger: No.

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OLD BUSINESS (Cont'd)

2. Preliminary / Final approval of County View Land Development (Cont'd)

Michael J. Savona, Esq. to Mark Jonas, Esq.:

Do you have anything further on behalf of your client? Anything further we missed?

Mark Jonas, Esq.: No. You covered it all.

Michael J. Savona, Esq.: Any questions from the Board?

Leo Quinn: Is there access to the VE Club (Vereinigung Erzgebirge Club)? Did you agree on some type of fencing area where people could walk through?

James Brandenburger:

- There will be an access to go through there. On the plan there is an area hatched out with a gate that locks. It is part of the fence we are installing around the perimeter of the German Club property. That location ties in to the road that currently goes through there now.

Leo Quinn: Are the units going to have garages that are touching each other? How many cars will be able to fit on a driveway?

James Brandenburger:

- There will be one car in the driveway and one car in the garage. The balance of our parking through the zoning is taken up to the parking areas we have dispersed throughout the project.
- On the design where the driveways are next to each other the garages will be side by side.

Leo Quinn: What is the reason you are asking to keep it as a private community?

James Brandenburger:

- Basically, we do not have to have a right-a-way. We are constructed as far as the structure of the road, the thickness of the stone, the thickness of the asphalt, curbs. With a public street that is dedicated you need a right-of-way outside of the car-way.

Gail Johnson: How much of the storm water is going to be absorb by the site itself? How much will run off into our streets?

James Brandenburger:

- I can tell you we have a very extensive storm water system that is actually claiming some percolation into the ground. I will let my engineer explain the rate of run off, how much we are retaining and to what storm.

Joshua A. Castillo, Engineer:

- The storm water computations we put together follow the Ordinance. We did not need any waivers from that.
- The Ordinance calls for bringing a post development 100 year storm down to a pre-built ten year storm. The requirements are stringent with regard to rate of storm water.
- With regard to volume infiltrated through these facilities we follow the new PABMP (PA Best Management Practices) manual to achieve their volume reductions and to achieve water quality through their formal worksheets. This is looked at by both the Conservation District and the Township Engineer.

Gail Johnson: There appears to be four or five retention basins.

Joshua A. Castillo, Engineer:

- In the commercial area, there is storage underground that may not be as obvious as the above ground basins.

Craig D. Kennard, PE to Gail Johnson

- The plan you are looking at doesn't show the underground facilities in the commercial area.
- There are numerous basins out front and more conventional basins in the residential area.

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OLD BUSINESS (Cont'd)

2. Preliminary / Final approval of County View Land Development (Cont'd)

Questions from the Board (Cont'd)

Craig D. Kennard, PE to Gail Johnson (Cont'd)

- Additional infiltration testing was done. There are some areas that can't infiltrate anymore. They don't meet the minimum requirements by the state and the township ordinances.
- We and the previous engineer have looked and spent a lot of time to try to achieve the best storm water management system you can get given the layout and the prior zoning.

Michael J. Savona, Esq. to James Brandenburger:

- I am going to insist that the homeowner's association documents overtly provide for adequate control measures to insure that internal traffic controls are enforced in some fashion.
- We can designate no parking but our police department is not going to enforce that.

James Brandenburger:

We will make sure that is in the first draft we send you.

Michael J. Savona, Esq.:

- A motion is in order to approve the Preliminary / Final Land Development Plan of County View Properties, L.P., for the property at County Line and Davisville Road, identified as Tax Map Parcel Numbers 49-29-2, 49-29-3, 49-29-4, 49-29-9, 49-29-10, 49-29-11 and 49-29-12 subject to the applicants compliance of all the terms, conditions and provisions set forth in the February 9, 2009 Township Engineer Review Letter with the exception of those items discussed as waivers that is set forth in the Applicants Exhibit II, the February 12, 2009 Waiver Request Letter. The waivers will be granted subject to the terms and conditions that we have discussed this evening and will be immortalized in an approval letter that will be prepared by my office.
- In addition, the approval would be conditioned upon the satisfaction of any or all requirements as contained Warminster Township Code of Ordinances, and as required by any outside agencies including the Bucks County Planning Commission, the County Conservation District, the PA Department of Environmental Protection, the Warminster Township Fire Marshal and the Warminster Township Engineer.
- Finally, the applicant would be required to execute a fee-in-lieu of tree replacement agreement providing for the payment of \$450,000.00 in lieu of the replacement of not more than 21,430 caliper inches of trees according to the following schedule:
 - 1) One Hundred Fifty Thousand Dollars (\$150,000.00) shall be paid upon the application by the Developer for initial building permits for the land development known as County View.
 - 2) One Hundred Fifty Thousand Dollars (\$150,000.00) shall be paid each year thereafter on each year anniversary of the application for initial building permits, for two payments of \$150,000.00 thereafter for a total of \$450,000.00.
- By approving the motion to approve the plan, I would suggest that the Board also approve the Agreement for Fee-In-Lieu of Tree Replacement County View and execute same upon receipt of signed copies by the Developer.

<p>Ellen Jarvis so moved the motion for the approval of the Preliminary / Final Land Development Plan of County View Properties, L.P., the twelve (12) waiver requests under the Sections noted in the minutes and also to approve the Agreement for Fee-In-Lieu of Tree Replacement. All is subject to the terms and conditions as defined by Michael J. Savona, Esq., Township Solicitor. The motion was 2nd by Gail Johnson. The vote carried 4-0-1 (Gold/Vacation).</p>
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Michael J. Savona, Esq. to Mr. Jonas or Mr. Brandenburger:

Normally I get the approval letters sent out within fifteen (15 days). Do you have any objection if I extend that period to not more than thirty (30 days)?

Mark Jonas, Esq.: No objection.

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FINANCE

1. Approval of Bill List for February 12, 2009

BILL LIST FOR PERIOD ENDING FEBRUARY 12, 2009

Prepays - \$173,821.87	
General Fund	\$ 191,611.98
Park & Recreation Fund	28,895.69
Storm Water Management Fund	3,275.20
Sanitation Fund	306,667.33
Golf Fund	101,343.66
Debt Service Fund	50,376.49
Highway Traffic Cap. Improve. Fund	4,002.62
Highway Aid Fund	30,056.96
Payroll Dated February 5, 2009	<u>264,727.42</u>
Grand Total	<u>\$ 980,957.35</u>

**Leo Quinn makes the motion to approve the Bill List for February 12, 2009.
Ellen Jarvis 2nd the motion for discussion. The vote carried 4-0-1 (Gold/Vacation).**

Ellen Jarvis: I have just reviewed all the Bill List and Checks for our approval. I noticed we were paying a late fee to our credit card company. I would like Mr. Tate to check on the reason.

Bob Tate: Will do.

Gail Johnson: Bob do you have signing authority for checks?

Bob Tate: We have the forms. We are in need of Fred Gold's signature. Upon Mr. Gold's return, I will get his signature and execute the process. I will then be able to relieve some of the responsibility for the smaller checks.

Bob Tate: The Finance and Budget Committee are helping in the preparation of the budget review comparison to actual as of December 31, 2008.

OTHER BUSINESS

Bob Tate:

He tells the Board that the Township received nice letters from two Warminster residents. The letters were in regard to different matters but each mentions employees Pete Carter and Mike Mednick. He read both letters.

The first letter addressed to Public Works Director Buddie Mullen was from Mary Kay Rafferty. It seems that she along with several of her neighbors had concerns regarding their street and had to work closely with the Warminster Traffic Safety Committee.

- She acknowledges and thanks Pete Carter for being instrumental in coming up with a solution to address the problem, following up on all the required approvals and scheduling the work to be done in a timely manner.
- She acknowledges and thanks Mike Mednick for executing the job task in a professional and courteous manner with little to no disruption to the residents.
- She tells Mr. Mullen that having people on his staff like Pete Carter and Mike Mednick indicates to her the ongoing commitment he has to making Warminster a wonderful and safe place to live.

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OTHER BUSINESS (Cont'd)

Bob Tate: (Cont'd)

The second letter addressed to Bob Tate, Township Manager, was from Emery Kutney. It seems he wrote the Township regarding the street light outside his home and it is the response to that request that prompted this letter.

- He says that his street light was replaced and the street light pole was straightened out thanks to Mike and Pete.
- He says although he wasn't home when the work was done, Mike gave him a courtesy call to advise him the job was completed. The professionalism was everything that he expected out of a Warminster Township Department.
- He thanks Mr. Tate for the personal attention and follow through to his initial letter.

Mr. Tate said he appreciated the resident's comments. He said our crews are doing what they are supposed to do and they are doing it well. He extends a special thanks to Buddie, Pete and Mike.

Ellen Jarvis:

- Asks if Mr. Tate or Mrs. Sultzbach could help to get the Tri-Centennial Committee underway and possibly survey the members on behalf of the committee. She suggests that the meeting be on the third Monday or third Thursday of each month.
- Says she welcomes the assistance of Patty Chapman who has agreed to be a staff representative to the committee.

Leo Quinn:

- The following is BCATO (Bucks County Association of Township Officials) Resolutions that will be put forth at our meeting coming up. We will vote either up or down as a recommendation to go to PSATS (PA State Association of Township Supervisors) in April.

1. That PSATS seeks legislation to provide preferential property tax assessment for residential and commercial structures that have received a historical preservation designation in the commonwealth (Co-Sponsored by Newtown, Upper Makefield and Wrightstown Townships).

2. That PSATS seeks legislation to amend Act 110 of 2008 to authorize municipalities that require deeds to be filed with municipality prior to being recorded with the county and further that the maximum fee for municipal recording fees of \$25.00 (Sponsored by Wrightstown Township).

3. Resolve that BCATO work with the County Commissioners to make electronic records available for municipalities at no cost.(Sponsored by Wrightstown Township).

4. Resolve that BCATO work with the County Recorder of Deeds to make electronic deed registrations available at no cost (Sponsored by Wrightstown Township).

5. Resolve that BCATO work with the County Commissioners to ensure that Emergency Service Operations are not compromised because of the Open Records Act and that the county maintains a free flow of information back to emergency responders unless otherwise prohibited by HIPPO or legislation (Sponsored by Wrightstown Township).

- There is an effort that BCATO worked on and presented to PSATS last year regarding a transportation committee. We are trying to get money from the state. If we have any road issues or transportation improvements that we want to put forth within Warminster we should get that information in to be added to BCATO and PSAPS.
- An example mentioned and sent to all the Township Managers in Bucks County was that last year by doing this the surrounding Townships were able to get thirty (30) million dollars in funding from the state for the highways that they would not have been able to get.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, FEBRUARY 12, 2009**

PUBLIC COMMENT

Florence Fox – Warminster

- She said the infant she spoke of previously has passed away.
- Historic Craven Hall is having an “Open Hearth Cooking” on Saturday, February 21, 2009, from 10:00 A.M. to 2:00 P.M. Historic Craven Hall - Criteria 1720 – the cost is \$35.00. Regular beverages provided or BYOB. Advanced paid reservation is required. Lynn Schreiner will be there to help do the demonstration.

Robert Goodyear - Warminster

- He wishes his 5th cousin Liz Goodyear a Happy Valentines Day.
- He told the board that he is basically a genealogist. In late September, he discovered his new relative Elizabeth Goodyear. He said that Elizabeth is 101 years old and lives in Manhattan on West Twenty-Third Street.
- He said he has been visiting her once a month since October and hopes to continue a monthly visit.

SUPERVISORS COMMENTS

Ellen Jarvis:

- Saturday is Valentines Day for husbands, wives, boyfriends, girlfriends, partners, family and friends. Life is too short not to show your love everyday, Take advantage of Saturday to show your love.

Gail Johnson

- Happy President’s Day. Hope everyone enjoys it.

AGENDA FOR FEBRUARY 26, 2009

1. We will be swearing in two new Officers.
2. A short presentation from Nativity concerning the expansion of their parking lot.
3. William Tennent Land Development Preliminary / Final Plans
4. Discussion of Labor Contracts

ADJOURNMENT: 8:14 P.M.

INDIVIDUAL ACTION ITEMS

Bob Tate:

- Check the reason for the Credit Card late fee charge as requested by Ellen Jarvis
- Move forward with check signing authorization.
- Preparation of the Budget Review verses the 12/31/08 final figures with the assistance of the Finance and Budget Committee.
- Tri-Centennial Committee possible meeting on the 3rd Monday or 3rd Thursday of the month. Help to get the committee underway with the staff representative (Patty Chapman).

Leo Quinn:

- Inquire as to possible road issues or transportation improvements to be added to BCATO and PSAPS.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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