

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 14, 2009**

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Legal and Engineering - \$417.65	
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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 14, 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
Michael J. Savona, Esq., Township Solicitor
Craig D. Kennard, PE, Township Engineer (Gilmore & Associates)
Thomas Thern, Zoning Officer
James Krueger, Fire Marshal / L & I Director

CALL TO ORDER: The Public Meeting of the Warminster Township Board of Supervisors, held at the Township Building, 401 Gibson Avenue, Warminster, PA, was called to order at 7:04 PM, by Chairman Frank Feinberg.

The PLEDGE OF ALLEGIANCE was led by Ellen Jarvis, followed by a moment of silence for our men and women in uniform around the world and also keep in our thoughts and prayers Florence Fox's sister Rita and her family whose home burned down yesterday. Fortunately, no one was injured.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS

Frank Feinberg:

1. Says an Executive meeting was held before tonight's meeting in which was discussed personnel issues and benefit plans.
2. In answer to questions asked regarding the proposed new location for Discovery House's Methadone Treatment Clinic, he reads the following letter from the Township of Warminster, Department of Licenses and Inspection (Tom Thern, Zoning Officer) to Discovery House Headquarters in Providence, RI:

"This letter is written as a follow up to my communication with you dated January 14, 2009 where I informed you that a medical clinic was permitted use in the "O" Office Zoning District and thus permitted at the property of 1386 W. Street Road.

The Township has been in the process of finalizing our new Zoning Ordinances and Zoning Map and as you probably know the new Ordinance and Map no longer permit an office or clinic, medical or dental examinations of persons as out-patients at the 1386 W. Street Road location. Indeed your proposed use, a methadone treatment facility, is a separately defined use but is no longer permitted at this location.

As you have not submitted any application to commence use of the 1386 W. Street Road property as a medical clinic or as a methadone treatment facility the Township has determined that such a use cannot be approved under the new regulations, accordingly no U & O (use & occupancy) or permit will be issued for such purpose.

The new Ordinance and Zoning Map are available on the Township website for your review at www.warminstertownship.org. I am also available to discuss this matter should you have any questions regarding this or any other site in the Township".

3. He says this week is the 2009 National Police Week – May 10th through May 16th – "Never Alone, Never Forgotten ". This is the special honoring of men and women who protect and serve their communities and particularly a remembrance of those who gave their lives in this service.

Ellen Jarvis:

1. Says, that "Warminster Your Township" will have a new Broadcast of the Manager's Report and will feature our Tri-Centennial Committee. This is scheduled for May 24th through May 30th at 2:00 PM and 7:00 PM. It will be on the government access channels (Verizon & Comcast). She encourages all resident to tune in and learn about the upcoming Tri-Centennial activities for 2011.

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ANNOUNCEMENTS, CORRESPONDENCE, AWARDS (Cont'd)

Ellen Jarvis: (Cont'd)

2. She reminds the residents that Warminster Township has a leash law to protect residents from those dogs who might be a little exuberant. She mentions that recently a woman walking her dogs was attacked by another resident's dog.

3. She looks forward to seeing everyone at the Warminster Memorial Day Parade.

Leo Quinn:

1. Ben Wilson Senior Center is having the annual Craft Flea Market, Friday, May 22nd from 5:00 PM to 8:00 PM and Saturday, May 23rd from 8:00 AM to 2:00 PM. If anyone wants to participate or has questions about the event, call 215-672-8380.

2. At the Ben Wilson Senior Center, on June 14th from 2:00 PM to 5:00 PM, there will be a Spaghetti Dinner to benefit members of the Della Bonnanis family whose lives were devastated by the gigantic earthquake that recently struck L'Aquila, Italy. The cost is \$25.00. For more information, please call 215-672-8380.

Note: He requests that both announcements be put on the Character Generator.

3. He wishes his father, "Happy Birthday"!

Fred Gold:

1. Joe Seibel – VFW Post 6493 - sent his thanks to the Township of Warminster for the \$7,500.00 donated for the 2009 Memorial Day Parade and he included a listing of the following participants:

The Warminster Township Police Car (Chief Murphy)
The Warminster Police CRT Vehicles
Hatboro Borough Police Car
WGNAS Color Guard
McGregor Pipe Band
104th PA Volunteer Infantry Company C
followed by the Grand Marshal, Commander Eric Humphreys, WGNAS
VFW Post 6493 Commander David Twiggs
U.S. Representative Patrick Murphy
State Senator Stewart Greenleaf
State Representatives
Kathy Watson - Bernie O'Neill - Tom Murt
Warminster Township Supervisors
The Bucks County HOG
The Patriotic Guard Riders
Marchers for Disabled American Veterans
Craven Hall Historical Society
Warminster Pioneers Cheerleaders - Football
Junior Girl Scout Troop 2501
The South Philadelphia String Band
Warminster Youth Baseball/Softball Association
Classic Cars
Corvette Club
Boy Scout Troop 137 & 139
William Tennent Marching Band
The Warminster Fire Department - The Hartsville Fire Department

Gail Johnson:

1. He introduced the members of the Environmental Advisory Council present this evening. Dan McPhillips - Chairman, Barbara Johnson and Larry Menkes. He expressed the group's excitement about reaching their clean energy goal and satisfying the requirements to be a Clean Energy Community (Note: This is in conjunction with the Township's 2007 Resolution that requires that at least 20% of its energy comes from clean energy sources). They consider that this is their first major accomplishment. The goal was 200 new sign-ups of 300 kilowatt hours per month and they achieved over 300 new sign ups.

2. He said, God Bless all the people who signed up for clean energy (mostly it was for PECO wind power), and hopes for more successes like this one.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PRESENTATION – CVS Pharmacy – Mearns & Street Roads – Preliminary/Final

Julie Von Spreckelsen, an attorney with the law firm of Eastburn & Gray, is here on behalf of the Applicant, Pennsylvania CVS Pharmacy, LLC for the Preliminary/Final Land Development approval and three requested waivers. With her this evening is Joel DelliCarpini (Landscape Architect), Robert (Rob) Hoffman (Traffic Engineer) and John Zaharchuk (Project Developer).

The Applicant is the equitable owner of the property located at 455 West Street Road.

- The property is a split zoned:
 - 32,794 square feet located in the HC-Highway Commercial Zone.**
 - 37,509 square feet located in the R-2 Residential.****
- The property has three (3) street frontages – Street Road – Mearns Road – Orchard Avenue.**
- The property has a vacant building previously used as an Automotive Dealership.**

The Applicant proposes:

- To demolish existing building and construct a 13,013 square foot pharmacy with 78 parking spaces.**
- Access to the site will be via Mearns Road which will be relocated further from the intersection of Street & Mearns Roads and will be a full movement access.**
- There will be an additional driveway access located on the western property line connecting the adjacent parcel, which is owned by Repete Associates.**
- The property is served with public water and sewer and will contain an underground Stormwater Management Basin.**

In order to proceed with Land Development, the Applicant first sought zoning approval and obtained eight (8) variances from the Zoning Hearing Board on December 10, 2008, confirmed by written decision January 15, 2009.

Michael J. Savona, Esq.:

1. As part of record we have:

- 1) Gilmore & Associates- Township Engineer Review Letter dated March 25, 2009. This summarizes the review of the plan that is under consideration by the Board.**
- 2) Bohler Engineering – Engineer Response Letter signed by Joel R. DelliCarpini dated March 27, 2009.**
- 3) Bohler Engineering – Waiver request summary signed by Joel R. DelliCarpini dated March 27, 2009.**
- 4) Bohler Engineering – letter dated May14, 2009 is responding to comments raised by Mr. Kennard. It is indicating that the Applicant has determined that installation of a right turn lane from Street Road onto Mearns Road could be accomplished in accordance with the recommendations of the Planning Commission and Mr. Kennard.**

2. The only items outstanding and require discussion are three (3) waivers:

- 1) Section 301.2 - A waiver request to combine both the preliminary and final approval. Craig D. Kennard, PE: We support that waiver based on the condition that all the Technical issues are will comply. Per Julie Von Spreckelsen: That is correct, issues are will comply.**
- 2) Section 510.4 – A waiver to exceed the maximum 54-foot driveway opening (Mearns Road entry) at the curb line. Per Joel DelliCarpini, this essentially is to allow the proper turning radius from that driveway onto Mearns Road this will allow both the vehicular and truck traffic to be able to negotiate the driveway. Craig D. Kennard, PE: We support that waiver.**
- 3) Section 521.2 – A waiver to consider the existing buffer trees along Orchard Avenue as street trees. Per Joel DelliCarpini, existing along Orchard Avenue is a continuous evergreen buffer. In lieu of taking those trees down and planting street trees, they would like to maintain those trees and supplement the existing buffer with additional evergreen material to maintain that buffer.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PRESENTATION – CVS Pharmacy – Mearns & Street Roads – Preliminary/Final (Cont'd)

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

3) Section 521.2 – waiver (Cont'd)

Craig D. Kennard, PE: We support that waiver as did the Planning Commission with the condition that there will be supplemental Landscaping provided subject to our approval. Landscaping should be added to the revised plan set submitted.

Craig D. Kennard, PE:

- **The Planning Commission supported the Preliminary/Final at their meeting on April 1, 2009. In their letter dated April 7, 2009 there are several conditions recommended which are not in my letter. The supplemental planning was is there, discussion on limiting the time of deliveries and the chain link fence being replaced by an eight (8) foot wooden fence after demolition of existing building. He would make the Board motion contingent upon the Planning Commission conditions being met.**

Per Julie Von Spreckelsen: The Applicant has no objection and agrees to comply with all the recommendations of the Township of Warminster Planning Commission as contained in their April 7, 2009 letter.

QUESTIONS - COMMENTS

Leo Quinn: Inquires as to what is being done to beautify the corner as far as adding green shrubbery etc.? Is there a traffic study?

Joel DelliCarpini:

- **What we are proposing along Street Road would be the installation of a right turn lane on Street Road, a deceleration lane into the property, a new sidewalk along Street Road, a landscaping strip between the parking lot and sidewalks with an evergreen hedge to shield the cars from Street Road as well as some deciduous shade street trees.**
- **We are also extending the throat of the driveway into the site a significant distance and adding some green space with evergreens hedges to screen the headlights.**
- **A large planted landscape area will be planted at the corner and evergreen hedges will continue all down the parking spaces on Mearns Road.**
- **The existing shade street trees will remain to be supplemented with new deciduous shade trees.**

Craig D. Kennard, PE:

- **A traffic study was submitted. Our comments are in our Review Letter. The Applicant has agreed to all of those.**
- **We are reviewing the Highway Occupancy Plans that they submitted. We will provide comments to the Applicant and PennDot prior to the issuance of the PennDot permit.**

Jim Krueger:

- **As recommended by the Delaware Valley Planning Commission, the Applicant has also agreed to put a right turn lane onto Mearns Road from Street Road. This also requires a Highway Occupancy Permit.**

Fred Gold: What will be the hours? Will it have a drive-in window?

Joel DelliCarpini:

- **Initially, the hours will be 8:00 AM to 10:00 PM. Depending upon demand, the store may go 24 hours. There will be a drive-in window.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PRESENTATION – CVS Pharmacy – Mearns & Street Roads – Preliminary/Final (Cont'd)

QUESTIONS - COMMENTS - (Cont'd)

Public Comment: Jack Diamond - Warminster

- He thinks that CVS Pharmacy would be a welcomed addition to Warminster.
- He objects to the more recent proclivity of this administration to have preliminary/final approvals in one shot. He thinks this process inappropriate and should not be done now or in the future. Things go to fast and are swished through.
- Says, the general public is unaware of this particular project. This is a public meeting and the public is supposed to be informed as to what is going on. There should be at least two meetings in a row for awareness to say yes / no.
- Public awareness is why there are advertisements and it is why there are public meetings.

Craig D. Kennard, PE:

- The CVS Pharmacy plans were prepared in November of 2008.
- All planning and zoning issues were discussed at the Planning Commissions and the Board. At this administrations request, the engineers work to resolve the technical issues prior to the plans reaching the public meeting.
- In this particular case, based on the eight variances granted and taken out of the equation, it doesn't lead to many zoning issues. The review letter issues are will-comply and there are only three (3) minor waivers being requested. There are no other significant planning issues.
- At the Staff level today and again tonight, my recommendation is for preliminary/final approval. We have had a couple plans that do warrant preliminary/final.

Michael J. Savona, Esq.:

- Systemically, the land development approval process should not be a meat grinder. The goal is not to keep bringing the applicant back in to keep revising the plans. It is not cost effective for the property owner (large or small).
- My philosophy has always been, I don't want a development to reach this Board unless we are down to the waivers and they have agreed to comply with the Ordinance.
 - If they have agreed to comply with the Ordinance there is no reason to do preliminary and then to do a final.
 - Nothing is going to change if they are complying with the laws as written. You can't penalize them for that.
 - You should encourage them to work with the engineer. Do what they need to do to get their plans as clean as they can possibly be and you eliminate the need to have to continuously revisit these things.
 - Changes that are made between preliminary and final plan design tend to make the entire process a lot more complicated.
- A project like the one tonight with three waivers is about as clean as you can get a project. I couldn't in countenance bring an Applicant back for a preliminary and then a final plan approval when there is really no justification for it.

Frank Feinberg:

- This was in the Planning Commission, they advertised it. We advertised it. If they have to go to the Zoning Hearing Board they will advertise it. That is three times in the paper.
- We have had a lot of complaints from developers because the process used to be so stretched out. It would drag on, sometimes for years. We are trying to make it more efficient.
- We get our Township engineer involved early in the process so we don't bog it down. It saves everybody money and will bring new business into the Township.
- Nobody wants empty strip malls, empty buildings and loss of revenues.

Public Comment: Dick Ludwig, Chairman of the Communication Advisory Committee

- Says he would welcome Jack Diamond as a communications committee member. Perhaps by working together we could find a way to improve public awareness in our community.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PRESENTATION – CVS Pharmacy – Mearns & Street Roads – Preliminary/Final (Cont'd)

Michael J. Savona, Esq.:

- I would recommend a motion to approve the Land Development Application for CVS Pharmacy, Warminster Township Planning Commission #08-13 for the project address at 455 W. Street Road Preliminary and Final,
- to be subject to the Applicants compliance to all the terms, conditions and provisions set forth in the Engineering Review Letter of the Township Engineer dated 03/25/09, and subject to the Applicants compliance with all the representations as expressed in their response letters, to that Engineering Review Letter, dated 03/27/09 and the Applicants compliance with the installation of the additional right turn lane from Street Road onto Mearns Road as represented in the Applicants letter of 05/14/09
- and in addition subject to all the terms, conditions and provisions of the approval letter to be issued by my office
- as well as compliance with the recommendations of the Warminster Planning Commission as expressed in their correspondence dated 04/07/09
- and subject to the following waivers being granted:
 - A waiver from the requirements of Section 301.2 of the Warminster Township's Subdivision and Land Development Ordinance – to permit preliminary and final approval.
 - A waiver from the requirements of Section 510.4 – to exceed the maximum 54-foot driveway opening at the Mearns Road curb-line.
 - A waiver from the requirements of Section 521.2 – to consider the existing buffer trees along Orchard Avenue as street trees subject to the location of additional landscaping and plantings as required the Township Engineer.
- and in addition the Applicant will comply with all the terms, conditions and provisions of the Code of Warminster Township, Warminster Township Zoning Ordinance, Warminster Township Subdivision/Land Development Ordinance, Storm Water Management Ordinances
- as well as the outside recommendations of the Bucks County Planning Commission, the Township Fire Marshal and any other outside agency having review or jurisdiction over this project.

Leo Quinn: He asked about the removal of the in-ground gas tanks.

Jim Krueger: The gas tanks were removed many years ago.

<p>Gail Johnson so moved the motion for the approval of the Preliminary/Final Land Development Application of CVS Pharmacy (WTPC #08-13) as defined by Michael J. Savona, Esq., Township Solicitor. The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.</p>
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Michael J. Savona, Esq. to Julie Von Spreckelsen

Do I have a waiver of the 15 day requirement to issue the approval letter? Normally, I get them out in 15 days.

Julie Von Spreckelsen: Yes.

PUBLIC COMMENT – Consent Agenda Items Only

Jack Diamond – Warminster

- Comment on item B – Ordinance #687 – All-way Stop Signs at Worthington Drive and Sinkler Road
 - Says this is speed control.
- Comments on item D – Advertise Bid #2009-04 – Air Conditioning WREC Gym.
 - Says he didn't know there was an issue about putting money into the WREC building as mentioned by Gail Johnson.
 - Says you go to the gym to sweat.

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PUBLIC COMMENT – Consent Agenda Items Only (Cont'd)

Frank Feinberg: A stop sign is not used to slow traffic down. Studies are done and PennDot approval is necessary to put one up.

Leo Quinn: The Gym at the WREC is now used as a multi-purpose room. The air conditioning system will be used to make people comfortable and they will want to come to events such as Plays.

SUPERVISOR COMMENT – Consent Agenda Items Only

Gail Johnson: The Environmental Advisory Council has serious concerns about the general condition of the WREC building. That needs to be looked at.

NOTE: In Kathie (McDonough) memo dated May 8, 2009 it states that the \$30,000.00 estimated cost is to install a condenser and coils to the existing heating system in the gym to provide air conditioning.

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

- A. Approval of the Minutes of April 30, 2009**
- B. Adoption of Ordinance #687 – All-Way Stop Signs at Worthington Drive and Sinkler Road**
- C. Award Bid #2009-03 – 2009 Road Program - Twin Streams - to Kehoe Construction, Inc. in the amount of \$98,271.75**

Jim Kruger: The bid was also for paving. We took that portion out and we came up with a savings of about \$37,919.00 if the Public Works Department performs the paving.

- D. Authorization to Advertise Bid #2009-04 Air Conditioning WREC - Gym**
- E. Legal and Engineering Escrow Releases:**
 - 1. Magliari – 1215 Jacksonville Road - \$2,396.28**
 - 2. Garzoni & Toner – 557 Lemon Street - \$1,462.65 allocated as follows:
Construction - \$1,045.00
Legal and Engineering - \$417.65**
 - 3. Leibley – 35 Caledonia Drive - \$21.00**
 - 4. Dr. Jeffrey Klein – 965 W. County Line Road - \$4,778.09**

<p>Leo Quinn so moved the motion to approve the Consent Agenda Items A, B, C, D and E as read by Frank Feinberg. The motion was 2nd by Fred Gold. The vote carried 5-0-0.</p>
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OLD BUSINESS

1. Communication Advisory Board – Dick Ludwig

Dick Ludwig, Chairman of the Communications Advisory Board (CAB) is here this evening to provide a status report on what the committee has accomplished and what it is planning to do. He introduces Joan Greenberg, a committee member, who is playing a lead role in one the committee's important ongoing projects. The CAB now in its fourth month is working on a number of projects and would benefit greatly if additional people would volunteer. He brings forth the following information:

- **TV - Warminster Your Township is now being televised. There have been three shows to date and there are others in the works. It was recommended that the Broadcast times be advertised.**
 - **The CAB has had positive feedback on these shows along with some constructive criticism. The CAB will provide Mr. Tate with comments and suggestions as they are received.**
 - **The CAB is looking into the possibility of broadcasting the show on the website.**
 - **The CAB has identified several companies as potential sponsors for TV Programs.**

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OLD BUSINESS (Cont'd)

1. Communication Advisory Board – Dick Ludwig (Cont'd)

- The CAB is in the process of preparing a list of suggested conditions, as input for Mr. Savona, in their anticipation of a necessary sponsor contract preparation. The conditions include such items as:
 - The number of Broadcasts that will be guaranteed to a sponsor.
 - The length of time and number of times the sponsors name will be mentioned.
 - The length of the commitment, the price and that which might be included in the discussion with the potential sponsor.
- Posting a Bulletin Board. The CAB is planning to recommend formally that Warminster Township create a Jobs Available Bulletin Board for our TV and Website. When finalized, the plan will be presented to the Board of Supervisors.
- Municipal Directory and Map Project - Joan Greenberg is taking the lead role on this project. The print company of Bethel Park, PA is authorized by the Supervisors and Township Manager to print a current map of Warminster Township along with useful information.
 - The plan is to distribute the publication to all the residents at no cost to either the residents or the Township.
 - The project which is expected to be completed by mid-2010 has been underway for about two months.
 - A major problem - We need help to find a suitable current map of the Township.
 - The CAB met with the chairperson and some members of the Tri-Centennial Committee to show them the idea and determine if it would be useful to tie it in with their work. They were very responsive.
- The CAB is working on a plan to provide, at no cost, public service announcements on the TV channel and website. We will use programs provided by various government agencies and private sector organizations.

Notation: Leo Quinn mentions that organizations like Rotary have public service announcements and charity type videos. Rotary International has them readily available. All you would have to do is upload them.

Leo Quinn asked if something can be done to up-beat the music.

Dick Ludwig said he would bring this to the attention of the committee members and asks Mr. Quinn to provide him with some suggestions of the music he would like to hear.

Gail Johnson asked Mr. Ludwig to have his Smart Power Segment removed from the TV Channel. The goal has been met.

FINANCE

1. Approval of Bill List for May 14, 2009

BILL LIST FOR THE PERIOD ENDING MAY 14, 2009

Prepays - \$242,421.07

General Fund	\$ 182,138.34
Park & Recreation Fund	55,634.73
Storm Water Management Fund	450.00
Sanitation Fund	2,096.00
Golf Fund	96,734.02
Highway Aid Fund	181,705.60
Legal & Engineering Escrows Fund	474.40
Payroll Date April 30, 2009	<u>300,465.13</u>
Grand Total	<u><u>\$ 819,698.22</u></u>

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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FINANCE (Cont'd)

1. Approval of Bill List for May 14, 2009 (Cont'd)

<p>Fred Gold so moved the motion to approve the Bill List for May 14, 2009. The motion was 2nd by Gail Johnson. The vote carried 5-0-0.</p>

NEW BUSINESS

1. Adoption of Ordinance #688 authorizing the refinancing of the 2004 Bond Issue and authorizing the Township to incur non-electoral debt

Bob Tate:

- Says, the timing was right to research financing options to refinance the 2004 Bond Issue as well as elect to borrow additional funds (estimated between \$516,000.00 to \$580,000.00) for certain capital projects for 2009.
- Says, if we move ahead with the refinancing and the additional debt the Township could expect to realize a savings of \$75,000.00 to \$135,000.00 in the initial twelve (12) months.
 - The term of the bonds does not change.
 - The bonds are still due to be paid in full by the year 2023.
 - The overall debt service beyond the first year in total is expected to be the same. There may be fluctuations, but, over the remaining years of the life of the bonds the debt service does not increase.
- Says, part of the provisions of the police contract and certain obligations require the additional financing and borrowing.
 - To take advantage of the bond issue and use those funds for the capital needs will provide the additional cash needed for the provisions of the police contract.
- Says, at this point, we are looking to authorize refinancing the 2004 Bonds and to incur some additional debt with parameters.
 - The parameters provide that the savings are there and the rates are still good as we finalize this process.
 - If the market would dramatically change we would not be locked in.
- He introduces to the Board Scott Shearer. He is here tonight to provide detail information about the process.

Scott Shearer:

Tells the Board that he is with Public Financial Management, Inc. out of Harrisburg, PA. He gave each Board member a nine page hand-out that gives an informational background of his firm. It shows an index that closely correlates to the average life of the Township's 2004 Bonds and also what that would apply to with the new money that could potentially be borrowed. It shows the existing debt service on the 2004 Bonds. It shows the refunding portion of what the new bond issue would look like. It shows the payback structure of the new money, the combined series of both the refunding and the new money and the breakout of the source and uses to give an idea of not to exceed costs or the estimated cost.

Public Financial Management only specializes in helping local governments borrow money or invest money. They are the largest financial advisory firm in the state and the nation and have consistently been ranked the nation's number one Financial Advisor. Scott specializes in debt transactions.

They represent most of the counties in the area, the great majority of the school districts in the area, a lot of boroughs, townships and municipal authorities. They're the investment advisor to the PA Local Government Investment Trust (PLGIT). They provide all services related to financing with the local government whether it comes to actual borrowing or doing analysis. They do a lot of actual bidding out the Bond Issue that is basically like an "EBAY for Bonds".

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NEW BUSINESS (Cont'd)

1. Adoption of Ordinance #688 (Cont'd)

Scott Shearer: (Cont'd)

- They have their own private label website and invite investment bankers from around the nation to participate. He mentions they had two auctions today.
- It's a 15 minute auction where the bidders are allowed to go back and forth and submit multiple bids. Also applied, if a new leading bid comes in within two minutes it is extended for another two minutes to give the bidders ample enough time to keep submitting back and forth until the bidders ultimately give up and then selected is the one with the lowest true interest cost. That is based on the underwriter's commission submitted as well as the interest rates. It is a bidding process they go through for the selection of the underwriter to be able to produce the interest rate savings.

He said we are hearing about a lot of financial turmoil and distress in the market but when it actually comes to municipal bonds we are now at all time historical lows. This is a good time to at least be entertaining this kind of idea to see if you want to move forward with it just because of the overall rate environment that we are in.

- The average fixed interest rate on the Township's 2004 Bond issue is about 4.25%. If we would have gone out to bid this today the New Bond Issue interest rate range from .79% out to a 4.19% that averages out between 3.6% to 3.55%. You would be taking the average rate from about 4.25% down to about 3.6%. This scenario generates the debt service savings of about \$76,000.00. That changes day to day, hour by hour depending on the market.

He said, if you do want to proceed with this Ordinance tonight, they would try to have the bond sale in about two weeks. They would work very hard and very quickly to get all the necessary documents together. We'll get a credit rating for the Township, post all the documents, and invite all the bidders to participate and probably have this auction in 10 to 14 days.

- The combine series of both the refunding and the new money would be somewhere around 6.8 million. The largest part, by far, of this transaction is the payoff of the 2004 Bonds so roughly 6.1 million would be there for that.
- They will be bidding out the Underwriters Discount/Commission.
- They will be bidding out Insurance. Right now there are two remaining Bond Insurance Companies. They would solicit proposals from both of those. They actually allow the underwriters to choose which one they want and maybe they may not want any at all.

Questions – Comments

Gail Johnson: Is the insurance to guarantee we will pay this back?

Scott Shearer:

- Yes, that is insurance that most bond-holders still like to see.
- We don't know where your credit rating is right at the moment. That would allow you to have the highest credit rating possible. You pay the one-time upfront premium to one of the two insurance companies and that attracts more buyers and because of the extra security not only is it your full-faith and credit taxing power backing the bonds but it also the bond insurance. The Bond holder feels safer so therefore the interest rates are going to be lower. We actually need to define whether or not the value of insurance is worth it. So, that is exactly what it does. It is a one time premium to basically buy down the rate more or less.
- The two largest costs are bid-out. We have some estimates not to exceed for all the other professionals: Bond Counsel, Solicitor, Financial Advisor, lots of printing for the documents, one of the very large documents we need to do is called the Preliminary Official Statement, the final official statement that has a lot of economic data and geographic data of the area, Credit Rating Paying Agent, Redemption Agent and the Auction Administrator. These are all the cost that would be part of this transaction.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 14, 2009**

NEW BUSINESS (Cont'd)

1. Adoption of Ordinance #688 (Cont'd)

Questions – Comments (Cont'd)

Scott Shearer: (Cont'd)

- Yield of the issue - that would be the yield we need to report to the IRS for various purposes and right now that is estimated at 3.59%.

Fred Gold: How do you derive your fee?

Scott Shearer:

- Our fee is under Financial Advisor. It is estimated at \$13,500.00.

Gail Johnson:

- I looked at what happened back in 2004 the full transaction cost was about \$150,000.00. This transaction is about the same.

Scott Shearer:

- We will need some assistance from your Solicitor and your Manager to prepare some of the documents.
- If the market would totally go away, then we would just put it on the shelf and just wait.
- If it is still very close and we are only a day or two away, we would then need to re-advertise and adopt a new Ordinance. Because we are trying to do this on a competitive basis this Ordinance is only good for two weeks.
- I just want to caveat with that, you just have to take advantage of the market when it's hot and this is a fairly rate sensitive refunding so if interest rates go up just a tiny bit, a few basis points, the savings could be diminished substantially.

Bob Tate: For the proceeds, we are allowed to go back sixty days for capital reimbursement.

Scott Shearer:

- That is right. So, any expenditures that you make basically between settlement of this transaction and sixty days prior to that, you can use money from that estimated \$553,000.00 to reimburse your General Fund or whatever fund that money came from.

NOTATION: There was an exchange of dialogue between the supervisors that resulted with the understanding that Ordinance #688 was advertised.

Leo Quinn: How did Scott end up here tonight?

Michael J. Savona, Esq.:

- If you recall Leo, the Board had talked about this with Bob in terms of looking at a refinance of the Bond Issue about two months ago when the police contracts were settled and we discussed doing a lump sum buyout of the comp time. I believe it was Fred who suggested we look at rolling that into the Bond and trying to buy it all out instead of biting it off in half. As a result of that, Bob and I discussed it and I recommended that he talk to Scott Shearer.
- Scott has done three Bond Issues since I was Solicitor in Middletown. I know that PFM does a lot of Bond Issues. They are the Management Firm that the county has used and uses and they do this professionally. I recommended that Bob discuss it with them, get some numbers put together and take a look at whether it made sense to move forward with refinancing the Bond and how it would impact trying to take out the new money.
- The nature of the Bond Market right now fluctuates. I know from first hand experience. Middletown Township was trying to refinance their 2004 Bonds. The rates have changed so much. We started that process with them back in January. It got hot and we started to move forward toward doing it and then the market chilled very quickly and it went on the back burner until just last month when the rates came back in and the time and climate was just right.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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THURSDAY, MAY 14, 2009**

NEW BUSINESS (Cont'd)

1. Adoption of Ordinance #688 (Cont'd)

Questions – Comments (Cont'd)

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

- This is the same year, the same series and the same basic infrastructure for the Bonds so, you are basically in the same position. So, knowing that the market was right now, I suggested to Bob that maybe he needed to bring it before the Board because you may be missing an opportunity to net savings that depending on the fluctuation of the market you may not get back.
- Again, these are estimates that are done based upon market conditions and your potential credit rating. I can tell you in the Middletown Bond Issue they have estimated \$165,000.00 in savings over the re-issuance, when the Bonds actually went to sale the net savings the township actually realized was \$275,000.00. That Bond Issue was a similar size to this within a couple hundred thousand dollars.
- This is a very fluctuate market. Taking all that into consideration, Bob and I would agree it was more important to get that in front of you if you were going to make a move to do it sooner than later and not take a chance of missing the opportunity to net that kind of savings on the only substantial debt you really have.
- Scott is here at Bob's invitation basically to make a proposal. If you don't approve moving forward with the issuance then everybody goes home and nobody is hired to do anything and obviously there is no cost incurred by the Township.

Leo Quinn: We pay this company if the Bond Issue happens?

Scott Shearer:

- Say you go through with the Ordinance this evening and we work and get everything done and the market just completely goes away and the transaction never happens. We are not going to charge you for the time we put in up to that point. We don't get paid unless the transaction successfully closes.

Michael J. Savona, Esq.:

- The cost that is structured in the fee schedule all comes out of the proceeds of the Bond; so, if there are no Bond proceeds there is no cost.

Gail Johnson:

- There is nothing in this Ordinance that actually says if we save \$75,000.00 we'll do it or if we don't save \$75,000.00 we won't. There isn't anything like that. I assume the supervisors will know about it before it's actually done.

Scott Shearer:

- Yes, the way it will work is that we constantly gauge the market and when we feel that based on estimates we are getting that we can hit a level that is recommended in our eyes that seems to make financial sense we will then go ahead with the transaction and put out the bid that day. It cannot get approved unless it is in the parameters that are set forth and unless we approve of it in conjunction with your Manager and Solicitor. Ultimately nothing will close unless the Chairman and Secretary sign or Vice Chairman, Assistant Secretary sign the documents. We will actually go through a couple of steps process for final approval.

Gail Johnson: It looks to me like a decent way to save some money.

**Gail Johnson made the motion for the adoption of Ordinance #688 authorizing the refinancing of the 2004 Bond Issue and authorizing the Township to incur non-electoral debt.
The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.
All supervisors voted affirmatively.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 14, 2009**

NEW BUSINESS (Cont'd)

2. Appointment of Fox Rothschild, LLP as Bond Counsel

Leo Quinn: Who are they?

Michael J. Savona, Esq.:

- **This is my recommendation. The Bond Counsel is something that is required in a Bond Transaction. Bond Counsel plays a role that is different from mine in a Bond Issue.**
- **Scott handles the actual mechanics of taking the Bonds to market as the Financial Advisor. The Bond Counsel has the responsibility to write the regulations, write the materials that actually become the Bonds, certify the IRS compliance with the Bonds, to issue the opinion letters that accompany those Bonds as they go to the Securities Market and to monitor the compliance with those issues.**
- **Bond Counsels are typically professionals that you don't see in anything but large scale financial services firm. My firm with 22 lawyers doesn't have Bond Counsel. We don't do bond work. It is a highly specialized high risk aspect of the practice of law because of the amounts of money you are dealing with.**
- **There are a couple of firms in Philadelphia that I have dealt with in the process of being a Solicitor. Fox Rothschild is a big firm, a national firm. They are competent, they are qualified. Because I worked with them and know their performance is good, I recommended to Bob that we consider using them for this Bond Transaction.**
- **It is not something that opens itself to public bidding; the fees are regimented. The fee schedule attached to this Bond Issue is identical to the one just used in Middletown which is identical to the one that they used the last time which is similar to the one you did five years ago; they don't really change.**
- **I don't know that competitive bidding is going to result in much of a difference in cost. I recommend them because I know they are competent and we can get the Bond Issue turned around quickly.**

Frank Feinberg: They are number one in the country and they are number one in the state.

<p>Ellen Jarvis made the motion for the appointment of Fox Rothschild, LLP as Bond Counsel The motion was 2nd by Gail Johnson. The vote carried 5-0-0.</p>
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3. Proposed Resolution for Traffic Safety Committee

Frank Feinberg: I have sent you a copy of the proposed Resolution with respect to revising the Traffic Safety Committee's Charter. The old one didn't have a mission statement, didn't have goals or objectives and didn't have limitations. All I am asking tonight is to have approval for Mr. Savona to draft a Resolution for the Traffic Safety Committee.

<p>Ellen Jarvis so moved the motion for Mr. Savona to Draft a Resolution for the Traffic Safety Committee. The motion was 2nd by Gail Johnson. The vote carried 5-0-0.</p>
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OTHER BUSINESS

1. Villas at Five Ponds Phase II

Michael J. Savona, Esq.:

Tells the Board, he attended a meeting today to seek answers to questions asked at previous Board meetings. In attendance was Mr. McGrath, his attorney, construction manager, the engineers, Mr. Thern and Mr. Krueger. The meeting focused on when the construction of the monument sign, the wall and the clean up was going to start at the entrance to the Villas at Five Ponds Phase II.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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THURSDAY, MAY 14, 2009**

OTHER BUSINESS (Cont'd)

1. Villas at Five Ponds Phase II (Cont'd)

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

He was pleased to say that the clean up work will begin in the next couple weeks and the sign installations within 30 to 60 days. There are electrical power issues that need to be addressed.

NOTE: Discussion followed Mr. Savona's statement. In an exchange of dialogue, with Jim Krueger, Fred Gold, Ellen Jarvis, Leo Quinn, Bob Tate, Frank Feinberg and Craig Kennard, information regarding the Villas at Five Ponds Phase II was mentioned as follows:

- There will be two (2) stone walls with signs.
 - One is at Street Road on the entrance northeast side. This wall's sign verbiage and characteristics must be decided by the Board. For example, it might read Five Ponds Golf Course or Five Ponds Gold Club. Once the verbiage/characteristics for the sign are decided, it then becomes the responsibility of McGrath Homes to submit to the Board, for final approval, the color, background and characteristics. Sign will be lit by ground spots from dusk to dawn.
 - The other will be located at the entrance to the Villas at Five Ponds II where the 36 units are now under construction. This wall's sign verbiage will have on it the development name. The builder will decide the actual wording. Sign will be lit by ground spots from dusk to dawn.
- The LED sign will be going up soon. The installation cost was paid for as part of its acquisition price. This sign will be 50 to 60 feet further down Street Road eastbound from the golf course sign.
- The Board does need to decide the verbiage that is to be put on the golf course sign. The rendering that was proposed this evening did not meet the Boards approval. The consensus was that they needed to see some different variations of renderings. It was suggested that the Board decide on the verbiage, give the wording to McGrath Homes and ask them to come up with different variations and color options.

2. Zoning Ordinance

Zoning Hearing Board

Gail Johnson:

He mentions that the Zoning Hearing Board was never formally asked for their input in regard to the revised Zoning Ordinance. Why?

Michael J. Savona, Esq.:

- That is not permitted. As an adjudicate body they don't get to write the ordinance that they are charged to interpret.
- In the MPC process the players that are involved are the County Planning Commission, Local Planning Commission, the Board of Supervisors and the public.
- The Zoning Hearing Board is not suppose to be involved in pronouncements about the Zoning Ordinance or give opinions about the Zoning Ordinance. Under the law they are considered a quasi judicial body.
 - They are not supposed to comment on the Ordinance or what is in the Ordinance because at some point they may be asked to rule on the validity of the Ordinance.
 - If they go on the record speaking about their opinions of the Ordinance or make comments about the Ordinance, in advance, it prejudices their judgment later. They are in a different realm as far as the legislative process.

Planning Commission Meeting

Michael J. Savona, Esq.: Says, he will attend another meeting of the Planning Commission scheduled for Wednesday, May 20th to review comments on the Zoning Ordinance.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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THURSDAY, MAY 14, 2009**

OTHER BUSINESS (Cont'd)

2. Zoning Ordinance (Cont'd)

Planning Commission Meeting (Cont'd)

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

- The comments he has received from attorneys that practice a lot in Warminster has been very constructive. A lot have indicated changes we may want to consider. The feedback has been very positive.
- He hopes that the Planning Commission can review those comments and make some suggestive changes at the meeting on May 20th.
- If the Planning Commission recommends that we move forward and recommends adopting the Ordinance, his intent is to produce a clean copy and get ready to move it forward to the County Planning Commission for their review.
- He says the hearing on May 28, 2009 before this Board to consider the Zoning Ordinance has been advertised.

Comments on Zoning Ordinance

Gail Johnson: If we have comments should they be submitted at this point?

Michael J. Savona, Esq.:

- He has been encouraging everybody to give their suggestions as early as possible. If it would be possible to get it to us by May 20th that would be fantastic if not as soon thereafter as possible and we can try to work through all the kinks and get as many tweaks done to it before it goes up for the county review.
 - Once sent to the County we are required to give them a 30 day window to comment.
 - If there are any changes after they commented, we have to send it back to them for another 30 day comment period. That can become a trap if it is constantly sent for review.
- He asks that the email changes be sent to him or to Tom Thern or Jim Krueger. When sent to him he forwards it to L&I. They distribute it to the Planning Commission.

3. Homeowner issues with McGrath Homes

Fred Gold:

Says he has had a number of calls from people living in the Villas at Five Ponds concerned about items on their check list not done (e.g. House issues, bushes that have died, etc.). They are having a tough time getting McGrath to do them.

He asks if the money that is held in contingency in escrow would pertain to the homeowner's issues.

Ellen Jarvis:

Says a lot of personal homeowner issues with the builder are relative to the homeowner's one year punch list. It is not necessarily the Township escrow type of punch listing.

On behalf of those people, she thinks some responsiveness would be helpful. She asks if there is anything the township can do to encourage the builder to get back and finish the one-year punch items on the individual homeowner list.

Jim Krueger:

- We are down to less than 30 of the building issues to be inspected. There was one issued in error. I will have to call the lady back tomorrow. But she is expected to be scheduled on Thursday.
- If the homeowner's forward us a memo on the shrubbery issue we will try to follow up.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 14, 2009**

OTHER BUSINESS (Cont'd)

3. Homeowner issues with McGrath Homes (Cont'd)

Michael J. Savona, Esq.:

- Says, generally speaking the money that the Township takes in escrow is to insure the installation of public improvements. Homeowner punch list items most certainly are not public improvements.
- Says typically you are not going to be able to hold a builders escrow because you have individual homeowners that may have issues with whether he delivered what he promised to deliver in their agreement of sale. That is a private issue with those residents and the person they bought the house from.
- Says the township does have ongoing issues with McGrath Builders (Use & Occupancy Certificates) that they're working to get resolved.
- Says he is not averse to reviewing the homeowner's lists and suggests that the residents affected forward their list to the township or just make the township aware of their names.
- Says he has no problem working with L & I and even though it may not be in the scope of the escrow account he certainly has no problem trying to get those things resolved.

4. Street Cleaning County Line Road

Leo Quinn:

He had a resident call and asked for street sweeping on County Line Road. Although the state is suppose do it, it has been neglected. In the section from Norristown Road down toward Valley Road, Horsham Township does their side. The Warminster resident's see that side looking nice and clean and their side is not.

He says for the Memorial Day Parade York Road and Street Road will be cleaned up. He asks if County Line Road could be added to the list.

He also mentions that the intersection at York Road and Street Road can use cleaning in all directions.

Jim Krueger:

- Says tomorrow he will ask Buddy Mullen to contact PennDot to see we could do a joint effort and come up with some type of solution to get it done.

Bob Tate:

- York Road & Street Road will be addressed next week prior to the parade. They are going to do the entire parade route which includes Street Road and York Road so, he'll make sure they cover all four corners.
- He will ask Buddy to follow up with PennDot about County Line Road and see if we can get some cooperation there.

5. Ben Wilson Senior Center/Financial Difficulties

Fred Gold:

Says his wife, Warminster Liaison to the senior center, brought to his attention that the center is in dire straights and almost on the verge of closing. Their budget is out of whack. They don't have enough money to do what they have to do.

Says last year we gave them a stipend. No money was given this year. He wants to know if there is a way to amend the Budget or find money to give to the seniors. They need cash to keep the doors open.

Says it's the economy. An anticipated donation of \$1.00 to \$2.00 for lunch is not being realized. People are not paying. Bingo is down. Utilities are up.

Says the senior center just started writing letters requesting donations, from our neighboring communities.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
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OTHER BUSINESS (Cont'd)

5. Ben Wilson Senior Center/Financial Difficulties (Cont'd)

Bob Tate:

- Says that those things that are landlord responsibilities we do have to address based on the agreement. There have been several requests from the senior center.
- So there are no surprises for next year, he says he would like to get an idea of what is in their budget and what is planned.
- Says when our next budget cycle begins he would work closer with them to understand what they need next year. Some are small items but when they come up repeatedly it seems a nuisance so we don't want to ignore it, we want to address it.

Leo Quinn:

- Says the senior center finances, until recently, seemed to be fine. He would like to take more of a top level approach and find out what really is happening. How did they go from solvency to having such financial problems?
- Says although the senior center is located in Warminster, it is a separate entity that welcomes anyone from our surrounding communities.

Frank Feinberg:

- Says he agrees with Leo. It sounds like we have a systemic issue. Last year their account was about six figures. I think we should find out what is going on.

Ellen Jarvis:

- Say she agrees with Frank. It seems last year the township gave the senior center a \$5,000.00 cash contribution. Their bottom line was well over \$100,000.00, after all their expenses.
- She understands that things have changed, but, she stills thinks it is only fair that we ask them to show us what the problem really is.
 - The meals are reimbursed through the area office of Age on Aging. If it is a county issue than they should be asking the county for additional subsidy.
- Says she will be meeting with Commissioner Marseglia (Diane M. Ellis-Marseglia) in two weeks and would be happy to raise the issue at that time to see if there is additional county funding.
 - Possibly through the Community Development Block Grants (CDBG) and that sort of thing.
- Says, Warminster Township gives our own CDBG money out to organizations like the Warminster Symphony etc. and perhaps we should be asking the Senior Center to be making application to that process.
- Says, we need to know what their needs really are.
- Says, we need to see who else can address them other than our constituents, our taxpayers.
- Says, we must keep the doors open for our senior center. It is a valuable service to our seniors.

6. Ordinance # 578 – permission for review/change

Jim Krueger

Tells the Board there are a couple major projects coming up that will require street excavation.

In an effort to strengthen Ordinance #578, he asks the Board for permission to have the Township Engineer review section F and other sections in that ordinance that deals with street openings and then for it to be presented to the Solicitor for proper wording and for adoption some time in the near future. The general consensus of the Board was yes.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 14, 2009**

SUPERVISOR'S COMMENTS

Leo Quinn:

- He looks forward to seeing everybody at the Memorial Day Parade. At the Township Building, prior to the parade, there is a nice solemn event that is conducted by the VFW. It definitely serves the day the way it was intended.

Gail Johnson:

- The Rubber Ducky Regatta is Sunday, May 17th.
- Election Day is Tuesday, May 19th.

Fred Gold:

- He congratulates his grandson Scott Jaffe who graduates from Penn State this Sunday. Scott will be going to Rutgers School of Law.

Ellen Jarvis:

- Hope to see everyone again on Memorial Day.
- In honor of Memorial Day, she thanks our veterans for whom Memorial Day is celebrated.
- One of our distinguished veterans, Congressman Patrick Murphy, will be joining us at our celebration and our parade on Memorial Day. She invites everybody to come.
- On a personal note, for tomorrow she wishes her husband John "Happy Birthday"!

AGENDA FOR THURSDAY May 28, 2009

- Public Hearing to consider adoption of revised Zoning Ordinance and Map
- Approval of Resolution for the Traffic Safety Committee

MEETING ADJOURNED AT 8:45 PM

INDIVIDUAL ACTION ITEMS

Bob Tate

- At the request of Mr. Quinn put on the Character Generator the information pertaining to the Ben Wilson Senior Center's:
 - Annual Craft Flea Market
 - Benefit for the members of the Della Bernini family
- Regarding the Villas at Five Ponds – Builder Issues - Mr. Savona requested an item listing from those residents affected and/or their names. Resource is Fred Gold/ Ellen Jarvis.
- Street Sweeping – All four corners of York Road & Street Road.
- Street Sweeping - County Line Road – Ask Buddy Mullen to follow up with Penn/Dot.

Craig D. Kennard, PE

- Ordinance #587- opening of streets – review sections - per Mr. Krueger.

Leo Quinn

- Provide Dick Ludwig with a listing of your preferred music choices.