

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 28, 2009**

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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 28, 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 7:05 PM, by Chairman Frank Feinberg.

The **PLEDGE OF ALLEGIANCE** was led by Fred Gold, followed by a moment of silence for our men and women in uniform around the world.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS

Frank Feinberg:

1. Says at the Planning Commission meeting last week there were certain occurrences that prompts him to make the following opening remarks:

We as elected officials on the Board of Supervisors expect (not saying we accept it) that at times we will be verbally assaulted and disparaged, particularly when residents disagree with us. Know that we try to do our best for Warminster residents (all 35,000) and the businesses in the Township. Sometimes that means some will be unhappy with our decisions.

I believe we try to stick to the issues and afford our residents all due respect, unfortunately we are sometimes not shown that same respect.

What is totally unacceptable was the disrespect shown and the false accusations made against our Planning Commission members, the Bucks County Planning Commission representative and members of our Township Staff (Engineers & Solicitor) that were present at the Planning Commission meeting on Wednesday, May 20, 2009. Just as a generalization, there were accusations of incompetence, collusion (I'm not sure with whom), and lack of proper process (not long enough).

I have spoken with several Planning Commission members and they feel they have been totally disrespected during this process. I strongly believe the line has been crossed.

Our committee members such as the Planning Commission, the Water Authority, the Zoning Hearing Board and the other committees give their time and talents in support of our Township. Without these civic minded volunteers we would have a substantially higher tax bill to pay for salaried people to perform these functions.

We want to and encourage resident's participation in all Warminster activities. We want your input on an ongoing basis for the good of all of Warminster. Not when just something happens in your neighborhood that you don't like. We want your input, your suggestions and your criticism. This helps us to obtain a better end result. Positive inputs bring positive results. Let's all show each other the respect we are all due.

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ANNOUNCEMENTS, CORRESPONDENCE, AWARDS (Cont'd)

Leo Quinn:

1. Says we had nice weather and a wonderful turnout for the Memorial Day Parade. The crowd was enthusiastic. There had to be a tie between Cataldo corner & Boyd hill as to who was shouting the most and the loudest as the parade came by. From our little golf carts, Claudia & I threw out 3,000 pieces of candy to the energetic children.
2. Says a video is being made of this event. Look out for it.
3. Says last week he attended the YWCA Awards (fund raiser/awards) attended by 450 to 500 people. Two Warminster people were recognized at this event. Katie Farrell, President of the Warminster Chapter of the Abington Campus, was honored for giving of her time to the Big Brother/Big Sister for the last 17 or 18 years. Her sponsor and the person honored last year was Arlene Gilbert, owner of Al Million. She was honored last year for the two decades of her life given to the Board of Directors of the Warminster Hospital plus her involvement in other charitable events. Both are Rotarians.

Fred Gold:

1. Says Katie Farrell does a lot of hard work serving as Chairman of our Senior Health Advisory Committee.

Ellen Jarvis:

1. Says she had a terrific time and enjoyed the wonderful turn out at the Memorial Day Parade. She got to personally meet, shake hands and put a face to some of the people with whom she had email correspondence.
 - She thanks those who made a special effort to introduce themselves, a special thanks to the kids, and thanks everyone for the support and recognition of our troops for their service to our country.
 - She thanks Ed Calhoun and Paul Elker for all the time they spent video taping the Memorial Day Parade event and editing it down to a playable broadcast. The video of the Memorial Day Service and Parade will be shown on our government access channels (Verizon & Comcast) on June 1st, 2nd, 4th, 5th and 6th at 2:00 PM and 7:00 PM.
2. Says in the last week she had the pleasure to go out and enjoy our Five Ponds Golf Course. Although not a golfer, she rode the course and got to see how well kept the course is now. Players have told her the course is playing well. The fairways are very swift which makes for more difficult and challenging play.
3. Says, the Greater Warminster Chamber of Commerce is sponsoring its Golf Tournament on Thursday, June 4th at the Five Ponds Golf Course.

Florence Fox – Warminster

1. There will be a Father's Day Breakfast, in support of the Senior Center Program, at 75 Downey Drive on Saturday, June 20th from 9:00 AM to 12:00 PM. Cost: Adults \$4.00–Children \$3.00. For more information call 215-957-1979.
2. Craven Hall Historical Society is having their "Colonial Muster Day" on Saturday, June 6th from 10:00 AM to 5:00 PM at Historic Craven Hall – Corner of Street & Newtown Roads. Learn about life in the 18th Century. The 4th Continental Light Dragons will be encamped on the grounds, will conduct military training and will muster in volunteers.
 - Experience quill writing - Activities for young people - Refreshment available for sale - Admission charge – donation of \$5.00/Family - Free house tours – Free parking across the street - For more information call: 215-675-4698

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING

1. To consider adoption of Revised Zoning Ordinance & Map

Michael J. Savona, Esq.

We go on the record. This is the date, time and place that's been advertised for consideration by this Board, in a Public Hearing under the Municipalities Planning Code (MPC), for the adoption of the Revised Warminster Township Zoning Ordinance and Map.

At this time, though we advertised the hearing, the review process as you may know is not completed in the Planning Commission. The Warminster Township Planning Commission did meet and consider the Ordinance on May 20, 2009; however, they have not made any recommendation to this Board. Accordingly, though we have advertised the hearing for this evening, we are not prepared, as required under the MPC, to move forward as we don't have a completed review process.

So, at this juncture, I would recommend that the Board continue this hearing, to a date certain, being the second meeting of the Board of Supervisors, on July 23, 2009, at which time we will reconvene the hearing for purposes of considering public comment and any other information that may come before the Board relative to the question of adopting the Revised Zoning Ordinance and Zoning Map.

<p>Ellen Jarvis so moved the motion to reconvene the Public Hearing to consider adoption of the Revised Zoning Ordinance and Zoning Map to Thursday, July 23, 2009. The motion was 2nd by Fred Gold. The vote carried 5-0-0.</p>

In response to Mr. Quinn, Mr. Savona stated that anyone here this evening that wants to speak on this matter can do so during Public Comment.

In response to Mr. Johnson, Mr. Savona stated that the Planning Commission has scheduled another review session for Wednesday, June 3rd in the Township Building at 7:00 PM.

Michael J. Savona, Esq.: The hearing is continued. We are off the record.

PRESENTATIONS

1. The Learning Experience Daycare – 886 York Road – Preliminary Plan

Michael J. Savona, Esq.:

For the benefit of those at home, this is the time and place set for consideration by the Board of the Land Development Application of the Learning Experience Daycare. Applicant: 886 York Road, LP for purposes of the development of the property located at 886 York Road as a daycare facility a Use 16 under the existing Warminster Township Zoning Ordinance. Applicant's presence this evening is represented by Kurt Shaffer, Esq.

Kurt Shaffer, Esq.:

He tells the Board that with him tonight is Dennis F. Kennan, Engineer and Justin Mihalik, Architect.

The proposed plan is to demolish all the existing structures on this 1.6 acre lot and construct a 10,000 square-foot daycare center. This would be operated by an entity known as The Learning Experience as a child development center.

- They are an international operation.
- They have been around for about thirty years with more than 300 locations nation-wide.
- They would be licensed by the Commonwealth of PA and will obtain all necessary permits and licenses.

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PRESENTATIONS (cont'd)

1. The Learning Experience Daycare – 886 York Road – Preliminary Plan (Cont'd)

Michael J. Savona, Esq. to Kurt Shaffer, Esq.:

- The Applicant is seeking a Preliminary approval only and is willing to concede that they “will comply” with all comments of the engineering review letter dated April 28, 2009 in making the revisions to prepare the final plan with the exception of two waivers.

Kurt Shaffer, Esq. to Michael J. Savona, Esq.:

- There are four items all together with respect to the waiver issues.
- He said in respect to the basin, Section 529.9 of SALDO requires plantings in the buffer area. They are requesting a waiver from that particular requirement since the plan does not call for that.

Michael J. Savona, Esq. exchanged dialogue with Mr. Shaffer, Esq. and the Township Engineer regarding additional waivers.

- Mr. Savona has documentation of Justification of Waivers dated 12/31/08 that shows only two waivers 602.2.A(2) and 602.2.A(3). This was prepared by the Applicants engineer.
- Mr. Kennard has not officially received any additional waiver requests for review. He is not prepared to give his support or opposition tonight but suggests deferring this decision until final approval.
- Mr. Shaffer, at the suggestion of Mr. Savona, agrees that to the extent that it has been identified that there are only two waivers at this juncture. He has no objection to deferring any other waiver requests pending final plan revisions and final approval.

Michael J. Savona, Esq. exchanged dialogue with Mr. Shaffer, Esq. and the Township Engineer with regard to confining the request for Preliminary approval to the two waivers that have been identified by the Applicants engineer, reviewed by the Warminster Planning Commission (recorded in their May 11, 2009 letter) and supported by the Township Engineer. The basis for the Applicants need for the waivers is as follows:

1. Basin Side Slopes (Section 602.2.A(2) – Due to the size of the property, a side slope of ten to one for the proposed infiltration basin would cover an extensive portion of the site. The approximate outer area of the basin has been designed as 160' x 65' with three (3) to one (1) side slopes to meet the Township's Stormwater management runoff and volume requirements. If the average basin side slope of ten to one was proposed, the approximate outer area would have to be 115' x 220' or roughly 33% of the total site. The engineers choose to go with three to one slope because it is still maintainable for landscaping purposes. There is a fence proposed around the perimeter of the basin.

2. Basin Bottom Slopes (Section 602.2.A(3) – because we have designed the basin as a infiltration basin, the flat bottom is preferable to promote infiltration of storm water.

NOTATION:

Although it was defined that a waiver from Section 529.9 of SALDO (requiring plantings) would not be in this request for Preliminary approval the following comments were made as follows:

Michael J. Savona, Esq.:

- ... This issue will have to be worked out with Mr. Kennard. When the final plans appear, we'll have a chance to review if we want additional plantings ... if they have not already provided them...

Frank Feinberg:

- ... I am not going to talk for the Board but I believe in general the Board likes to see plantings and greenery.

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PRESENTATIONS (cont'd)

1. The Learning Experience Daycare – 886 York Road – Preliminary Plan (Cont'd)

NOTATION: Section 529.0 of SALDO (Cont'd)

Kurt Shaffer, Esq.:

- ... We are not saying we don't want to put any plantings into the buffer. The Ordinance requires certain types and we are concerned about the height of them blocking the building.

Leo Quinn:

- ... The model might want to be like the Franklin Development. The Township has been embracing their landscaping as the future look of the town.

Michael J. Savona, Esq.:

- Probably, it would be nice to supplement the final plan with perhaps a landscape plan.

QUESTIONS – ANSWERS - STATEMENTS

Mr. Quinn's inquiries regarding the detention basin prompted the following responses:

Craig D. Kennard, PE:

- They are proposing infiltration which their geotechnical report says the site can support that with a gentler flat bottom slope to promote infiltration ground water recharge. That is a standard waiver you're going to see ...

Dennis F. Kennan, PE:

- We will be planting a variety of species since it is going to be a flat bottom basin. We are expecting water to stand in there for a time period. We'll plant a lot of tall grasses that are going to absorb a lot of the water. If there is any problem it will absorb a lot of water. It will be taller and more attractive.
- The banks will be standard grass but the bottom would be taller grass.

Mr. Savona's inquiry regarding the York Road improvements (as noted in the engineering review letter dated 04/28/09) prompted the following response:

Craig D. Kennard, PE:

- The York Road improvements will be the curbs, sidewalks, turning lanes etc.
- Most of those comments are in the review of the traffic impact study.
- The Applicant tonight has agreed to will comply or we will work those out. I think we can work out those improvements.
- I do not support their request to defer to PennDot. It is my practice to work out the plan issues, provide recommendations to PennDot to see if they support what the Township would like to see instead of standing back and saying we'll defer to PennDot.
- The plan issue is whether or not you want to see sidewalks on this property. There are no other sidewalks in the vicinity. The property is set back. PennDot has taken a right-of-way there.

Mr. Savona's inquiry regarding the C-15 comment (as noted in the engineering review letter dated 4/28/09) that the plans do not show road widening, curbs, sidewalks also notes that the plans do not show drainage facilities, lighting or street trees etc. (as noted in the engineering review letter dated 04/28/09) prompted the following response:

Craig D. Kennard, PE:

- I am assuming based on the comments tonight that the Applicant will comply. Street trees are standard.
- The only planning issue that we have to deal with PennDot and the Applicant is drainage.

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PRESENTATIONS (cont'd)

1. The Learning Experience Daycare – 886 York Road – Preliminary Plan (Cont'd)

QUESTIONS – ANSWERS – STATEMENTS (Cont'd)

Mr. Shaffer's statement that the Planning Commission in granting conditional preliminary approval took the position that it would not object to a note, on the plan, saying that sidewalks be installed as and when directed by the Township prompted the following response:

Michael J. Savona, Esq.:

- We don't usually do that.
- Suggests deferring that issue till final approval. Depending on what can be worked out as far as the landscaping on the frontage, it may later be appropriate to seek a waiver or a fee in lieu of.

Mr. Quinn's inquiry regarding the number of trees to be removed prompted the following responses:

Dennis F. Kennan, PE:

- Approximately five trees are to be removed. They are right around the existing driveway of the building. The trees around the perimeter are all being maintained.

Craig D. Kennard, PE:

- We couldn't preserve any of the trees around the building. The building is being demolished.

Mr. Quinn stated that the total caliper inches will be of those five trees coming down. The total caliper inches of those trees will be captured.

Mr. Kennard stated that he doesn't have any other planning issues. Regarding his summary sheet he says, some of those items have already been worked out and the rest he recommends be deferred.

- This allows the Applicant time to consult with PennDot, work out any remaining issues then come back for final approval.

Michael J. Savona, Esq. to Kurt Shaffer, Esq.:

- If the Board would approve based upon all the conditions that we requested or discussed this evening, I am assuming that your client would agree with the attachment of all of these conditions to any conditional preliminary approval?

Kurt Shaffer, Esq.: That is correct.

IN CLOSING

Michael J. Savona, Esq.:

- If the Board is inclined, a motion would be in order to grant Preliminary Approval of the Land Development Plan of 886 York Road, LP, for project, the Learning Experience Daycare proposed to be located at 886 York Road
- subject to the Applicants compliance to all the terms, conditions and provisions of the April 28, 2009 review letter of the Township Engineer
- subject to the appropriate revision of the plans to reflect all of those engineering review comments
- subject to a waiver from the requirements of Section 602.2.A(2) and Section 602.2.A(3) to permit the maximum basin side slopes to be three (3) horizontal to one (1) vertical and to permit a basin bottom to be flat
- subject also to revision of all landscaping issues within the residential buffer yard and the frontage of York Road

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PRESENTATIONS (cont'd)

1. The Learning Experience Daycare – 886 York Road – Preliminary Plan (Cont'd)

IN CLOSING (Cont'd)

- as well as any other revisions as deemed recommended or necessary by the Township Engineer
- and further subject to the Applicant obtaining all other outside agencies reviews including but not limited to the PA Dept of Transportation, the Warminster Fire Marshal, Bucks County Planning Commission, Bucks County Conservation District, PA Department of Environmental Protection Agency and any other agency having jurisdiction over the plan.

**Gail Johnson so moved the motion for the approval of the Preliminary Land Development Plan of 886 York Road, LP, for project, the Learning Experience Daycare as defined by Michael J. Savona, Esq., Township Solicitor.
The motion was 2nd by Leo Quinn. The vote carried 5-0-0.**

**Michael J. Savona, Esq. to Kurt Shaffer, Esq.:
Would you grant me an extension of the 15 day MPC requirement to issue the approval letter? I usually get them out in 15 days.
Kurt Shaffer, Esq.: You may consider that granted.**

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

- A. Approval of the Minutes of May 14, 2009**
- B. Legal & Engineering Escrow Release – Krumins – Catherine Street
the total amount to be released is \$4,798.48**
- C. County View – County Line and Davisville Roads – Mylar Signing – Signature on Development Agreements (Improvements Agreement and Security Agreement)**
- D. Approval of permit fee waiver for Craven Hall Historical Society, Inc.**

Michael J. Savona, Esq.:

- **On item C – County View etc., I believe we have also received the executed Development Agreements.**

Bob Tate:

- **Yes, we have the Improvements Agreement and Security Agreement for signature.**

Michael J. Savona, Esq.:

- **I would ask that the Board also authorize the signing of the Development Agreements since those have been returned to the Township in a timely way.**

Leo Quinn:

- **On item A - Regarding the minutes, he asks for the opportunity to re-visit the Bond Issue topic that is noted.**

Frank Feinberg: Suggests that the topic be addressed at “OTHER BUSINESS”.

**Fred Gold so moved the motion to approve the Consent Agenda Items A, B, C and D as defined by Frank Feinberg. The motion was 2nd by Ellen Jarvis.
The vote carried 5-0-0.**

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PROFESSIONAL REPORTS

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

Administration & Management

- **Communications:** Warminster Your Township has produced a fourth segment on the Township's public access channel featuring the Tri-Centennial Committee Chairman discussing plans and progress for the Township's Tri-Centennial celebration in 2011. This segment also included a presentation of the history of Craven Hall. The next installment is scheduled to be recorded next week and will focus on the police operations in Warminster Township.

Parks & Recreation

- **Camp registrations** for the summer camp programs at the WREC opened on Saturday, May 16th and are on-going – enrollments are currently at 50% of capacity, down from last year's numbers which were at 70% of capacity. There is still time to enroll in our summer camp program.
- Under the WCP grant project, work on the dog park at WCP is underway with a grand opening expected in September.

Public Works

- **Wants to remind the residents** that the Township has an ordinance that makes it illegal to rake or blow grass and debris into the street. This practice will cause storm drain blockage and possible flooding during the hard spring and summer rains. Citations will be issued to anyone caught in violation of this ordinance.

Police Department

- **Congratulations to the PD** in recognition of National Police Week which was observed last week. This annual recognition occurs each year in May to honor the police men and women for their dedication and service to the public.

License & Inspections/Fire Marshal / Emergency Management

- **The L & I staff** have completed the re-inspections of 130 of the 144 units at the Villas at Five Ponds and have issued U & O Certificates. The remaining 14 inspections are contingent upon the builders schedule and coordination with the homeowners.
- **I received two letters of accommodation** from businesses in appreciation of the work Tom Thern has done for them. My thanks to Tom and the L & I Staff for helping to foster and promote a customer friendly environment. A comment from one of the letters: "Last month I stopped in the office. The Staff was professional, informative and very helpful. You may not realize that not all local Townships act like this to perspective buyers and investors".

Administration

- **The Household Hazardous Waste and Old Computer Recycling Program** continues this Spring – the next scheduled drop-off is June 20th at the Upper Bucks County Vo-Tech School at 3115 Ridge Road, Bedminster. Bring any hazardous waste and up to 3 old computer systems between the hours of 9:00 AM and 3:00 PM, rain or shine. This program is open to all residents of Bucks County. For more information, call 215-345-3400 or visit the website at www.buckscounty.org.
- **A special thanks to the VFW and all Township personnel and Staff** involved in the planning, set-up and coordination of the Township's Memorial Day Parade. The streets were clean and security was thorough as the PD bike patrols were covering the parade route.

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

General Township Projects

- **Warminster Heights Development** - The Township Staff has recently been working with the Authority on coordinating the Authority's proposed improvements and with the paving schedule.

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PROFESSIONAL REPORTS (Cont'd)

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

General Township Projects (Cont'd)

Warminster Heights has history and we want to keep moving toward a resolution as part of the settlement agreement with paving. We need to work with the Authority so we don't newly pave roads that the Authority needs to rip up to install water mains. We are trying to work on a schedule for the resolution of the Warminster Heights paving and the water main installation.

- Warminster Community Park – Construction has started. We are administering construction on that. Survey work is done.

Subdivision and Land Development Projects

- Learning Experience Daycare – received Preliminary Approval tonight. We will continue to work with them with moving forward for Final Approval.
- County View Properties – one of our larger projects. The Bucks County Conservation District had comments and issues regarding the plan and has deferred the pre-construction meeting until they have completed their review of the erosion control measures. Expects meeting within two weeks. Construction should start in about a month.
- William Tennant HS Addition - in the process of setting up a pre-construction meeting. We are working on construction plans and also they are working on the Executed Development Agreements with the attorneys. Construction relating to the Tennis Court will start within the next month or so.
- H & P Investments – We did have a Staff meeting to work out issues from our past review letter and I anticipate shortly receiving new set plans for us to review then we will go before the Planning Commission and the Board for approval.
- CVS Pharmacy – York & County Line Roads - that review was completed this week and they are scheduled for the Planning Commission meeting on 6/3.

Construction Projects

- Christ's Homes – The Norristown Road paving and line striping is now completed. I spoke with Public Works and Mr. Krueger tonight, there is one area we have some problem with that might be due to some settling. We are going to meet and look into that problem.
- McGrath Homes Phase II – Staff meeting was held with Developer to go over completion of the entranceway. In the next couple weeks you will see activity on the landscaping, sign and wall construction.

3. Solicitor's Report – Michael J. Savona, Esq.

Zoning Ordinance

- In terms of the drafting and re-drafting, the Planning Commission has held two public meetings one on April 29th and one on May 20th. At both sessions the Planning Commission reviewed the new Ordinance and reviewed the new Map. The May 20th meeting was lengthy with over four hours spent going over a number of suggested changes and revisions that have been made by various members of the community, attorneys who practice, property owners and citizens just generally. We have a number of additions and changes to be incorporated into the Draft of the Ordinance including a bunch handed to me tonight by Mr. Schroeder (Gilmore). We have an ongoing process to get that document revised.

My hope would be to clean up the current draft and produce a copy that is reflective of the changes that we are making in the final draft. This is what we call a red line version where you can see what has been taken out and what has been added. It gets complicated. I will work with the staff to see if we can get a somewhat legible copy and when the Planning Commission meets on June 3rd have for them a document that reflects all the recommended current revisions. There may be a number of Map changes incorporated and included as part of the final packet that goes to the Warminster Planning Commission.

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PROFESSIONAL REPORTS (Cont'd)

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

Zoning Ordinance (Cont'd)

The drafting process is by no means over. Those of you who are still interested or still have comments or concerns I would encourage you to send an email to Mr. Thern or myself. Come to the Planning Commission meeting and give us your comments.

The Ordinance is being updated and any good suggestions are being considered. We are doing our best to make it responsive to the community concerns. To the extent we can, we are incorporating additions, changes and revisions based upon the considerable amount of community input received.

Centennial School District

- My negotiations with the school district are ongoing with respect to the finalization of a draft for the agreements of both the deal with the WREC Center - underlining property issue and the Development Agreement for William Tennent High School. I hope to have those resolved within the next couple weeks.

Petrucci Transit Oriented Development

- We have had some revisions to the TOD Ordinance. It is my understanding that the developer met with the County Planning Commission. Additional revisions were made. A new version of the Ordinance that incorporated the changes that were requested by the County Planning Commission has been produced. Those regulations are going to be folded into the overall Zoning Ordinance. With some adjustments, to satisfy the Warminster Township Planning Commission, we'll move forward. So, rather than doubling expenses and doubling the amount of effort we are going to keep those provisions in the new zoning draft so we can simplify the process of adopting those various regulations.

AT & T Tower

- The Warminster Township Zoning Hearing Board on May 20th voted to deny the application of AT & T for variances needed to construct the cell tower on the Norristown Road location. There has been no written decision from the Zoning Board yet. I believe they voted at the close of the hearing. Until they issue their decision no time for an appeal would start to toll. Once the Zoning Board renders its written decision AT & T would have to make a decision how they wish to proceed. In the meantime, they have not engaged in any substantial discussions in respect to relocating it. To date, I have not had any feedback from AT & T as to their intentions.

I believe the issue for now has been disposed of by the Zoning Hearing Board and will await any further action by AT & T to have that decision reviewed.

Shenandoah Woods

- This month, Mr. Tate and I have engaged some significant time and have been in discussions with various parties regarding the possibility of "notes of interest" to the Shenandoah Woods property being submitted. I believe, Mr. Tate is planning a presentation at a subsequent Board meeting so we will have some additional information in respect to that issue.

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FINANCE

1. Approval of Bill list for May 28, 2009

BILL LIST FOR THE PERIOD ENDING MAY 28, 2009

Prepays - \$67,634.33	
General Fund	\$ 233,874.18
Park & Recreation Fund	32,869.39
Storm Water Management Fund	5,856.11
Golf Fund	38,057.95
Highway Traffic Cap. Improv. Fund	3,104.25
Highway Aid Fund	32,759.08
Legal & Engineering Escrows Fund	56,371.26
Payroll Date May 14, 2009	<u>313,057.15</u>
Grand Total	<u>\$ 715,949.37</u>

<p>Fred Gold so moved the motion to approve the Bill List for May 28, 2009. The motion was 2nd by Gail Johnson. The vote carried 5-0-0.</p>
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DISCUSSION

Ellen Jarvis:

In the monthly financial update there is a memorandum from our accountant Linda Major, CPA. She writes:

- The golf course is showing a decrease in retained earnings of \$319,413.31 at April 30, 2009.
- They owe the General Fund \$1,418,202.64 for expenditures paid by the General Fund in the current and prior years but not yet reimbursed.
- This continues to increase and is of concern.

If this is of concern to Linda Major, I really want to know why we haven't been doing some type of a very tight audit to try to bring these numbers around. We have been calling for this time and time again. Something is really troubling me here.

Bob Tate:

- We have a number of things in motion. A meeting is scheduled for Monday afternoon (June 1st) with our outside auditors and Linda Major. This is a follow up from the financial audit that just concluded last Friday (May 22nd). We will discuss what they have discovered and what they see as a result of their audit.
 - Part has to do with internal controls and part has to do with just procedures.
 - There are things operationally that we will be looking at.
- It does look bad to be down \$319,413.31 this time of year.
 - We are going to be down as of April 30th because we are funding January, February and March. We are paying expenses without much revenue. The revenue starts rolling in when we get the May, June, July report and by the August report we start closing the gap.
 - These numbers "do" include Debt Service. We are going to have a whole other discussion prior to budget time on how we deal with the Debt Service.
- The Debt Service is budgeted in the Golf Fund.
 - Almost 65%, of the total Bonds are sitting in the Golf Fund. This is a substantial amount. It was set up that way years ago.
 - We show that the Golf Course pays the Debt Service. To pay the Debt Service, they borrow the money from the General Fund. All we are doing is transferring back and forth (from one to the other fund).
 - We need to reposition the debt so that all the debt sits in the Debt Service Fund.
 - We need to reclassify to focus solely on the Golf Course's operations.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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THURSDAY, MAY 28, 2009**

FINANCE (Cont'd)

DISCUSSION (Cont'd)

Ellen Jarvis:

From her perspective, and not being an accountant she needs that the Financial Report be simplistically spelled out. She points out the following:

- She understands that the Golf Course probably makes money, the Restaurant probably doesn't and the Pro Shop may not.
- She knows the Debt Service is one thing all together.
- She noticed that we are three times over-budget on what we pay for unemployment.
 - She thinks this is the result of the way we hired and let go people who are traditionally seasonal. They are collecting unemployment.
 - She thinks those were operational mistakes that we need to admit to.
- She noticed we have another \$8,000.00 worth of golf balls. This is an item she expressed concern about all last year. She wants to know if doing an inventory has ever been a consideration.
- She requests that Mr. Tate look at the entire picture and report back.

Her view of the Golf Course is that it is beautiful and it is valuable in many aspects.

Michael J. Savona, Esq. makes the following statements:

- Operationally, the Golf Course makes money.
- He says the Balance Sheet shows the confusing way the Budget is structured around the Debt Service, where it is allocated and how money gets swapped back and forth. This has created systemically a very complicated structure that makes the Golf Course look like it loses money, when actually it doesn't.

Bob Tate:

- He says the Pro Shop, the Restaurant and the Golf Course all have to work together as not to undermine the whole operation.
- He says this year we are budgeting over 20% for Operating Income. Collectively, Operating Income (revenue minus operating expenses) is at the 12% to 18% range. In better years it was 20% and above
- He says he met with the Golf Course Manager and some of his Staff.
 - He stressed that their expenses cannot go over Budget.
 - He has been reviewing their bills.
- The Golf Course, before you count the Debt Service, makes money.

Michael J. Savona, Esq.:

Tells the Board that what will help to gauge the performance of the Golf Course is to get the Budget in line with what is called for in the Second Class Township Code.

- Under this code there are a lot of subcategories in which you can collect millage and one of them is Debt Service
- The way the code is set up you are suppose to be able to collect enough millage every year to pay the LGUDA- Local Government Unit Debt Service that the Township has. All of it is Township Debt. This has been artificially avoided.
 - You have a Debt Service Fund that collects no mills.
 - All debt payments (Bond Issue/General Obligation Notes) are paid in one form or another out of the General Fund.
 - You have created fiction where the Golf Course is responsible to subsidize the General Fund to pay the Debt Service.
- He suggests that the Township's Budget for 2010 allocate all debt payments to the Debt Service Fund and apportion a piece of the General Fund Millage to that Fund. This is not changing the mills; it is just transferring them to where they belong. The Debt Service becomes self-reliant and it is no longer artificially posted to the Golf Course.

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

DISCUSSION (Cont'd)

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

- He says by allocating the debt correctly it follows that:
 - You can judge the Golf Course on the merits of its operational stability.
 - The Golf Course will show a profit.
 - It will save the Township a substantial amount of money.

Bob Tate:

He said, regarding golf balls, Gary (Deetscreek) provided the following information:

- What has been sold to date in '09 and if he sold all that is now sitting in inventory it still doesn't equal the numbers sold last year and the previous year.
- He has purchases scheduled for August and another in September. If the golf balls at that time are not needed the order will be cancelled.

Frank Feinberg:

- He says he understands what has been said about the debt.
- He says, although not an accountant, when he looks at business aspects of anything he likes to allocate costs to where the costs were generated.
- He says, the Clubhouse has no other function in the Township but to support the Golf Course. He doesn't care how you pay the debt; he wants to see that included against the viability and sustainability of the Golf Course, on the Balance Sheet..

Michael J. Savona, Esq.:

- He says the problem is that out of the Golf Course you are not just paying the Clubhouse Debt Service you also are paying all the Debt Service for the Bonds.
- He thinks what needs to happen is you move those things and put them in the correct category, under the correct millage amounts. A summation can be produced by Bob that shows allocating back the proportionate share of the Bond Debt that is related to the Clubhouse. He puts that back on the Balance Sheet so you can get a net.
- He says the Golf Course is going to show a profit. You pay out the portion that is allocated to the Clubhouse then you can get a sense of what happened that year.

Leo Quinn:

- He says one of the things we have buried in the Debt Service is the Senior Center. In reality that is a negative carrying cost on the Township year after year. We make it seem like it is not even there.
- He says by making the suggested changes we will be able to say in addition to everything else we do for the Senior Center that we are also subsidizing it with substantial amounts of dollars in our Budget.
- He asks, is that the right way to allocate those tax dollars? Is there a way to get some of that money back from the County or such? Right now it is not captured. It is all balled and chained to the Golf Course.

Bob Tate:

- As part of the meeting on Monday,
 - The Auditors were proposing to make changes due to the transfer of monies between the General Fund and the Golf Course that has accumulated over the past three or four years. We have a receivable on one side of the books and payable on the other side of the books that is really artificially trading hands.
 - There will be further discussion pertaining to having someone spend a week reviewing the Golf Course procedures in place, and any process that has potential to lead to problems, weakness, theft or anything like that.
- Says he will present to the Board a monthly update that looks at Revenue, Cost of Sales, Personnel and Operating Expenses. It captures everything month by month.

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

Fred Gold:

- He says he would like to see a breakdown between the Pro Shop, the Golf Course and Restaurant; then we will see a separate P&L on each.

Bob Tate:

- Says that tomorrow he will email the Board members his prepared Collective Report for the Golf Course, Restaurant and Pro Shop.
- Says to prepare a report individually poses the question, how do we slice, dice and allocate?
 - There are going to be a lot of things that are indirect.
 - There are things interrelated.
- Says last year, he started analyzing the Restaurant's Cost of Sales. Food cost and alcohol cost have been slightly dropping. The report he forwards tomorrow shows that the Food Cost of Sales percentage is decreasing. He credits Deborah's efforts made with portion control and pricing.
- Our Gross Margin is going up.

Fred Gold:

Regarding purchasing of Janitorial Supplies:

- He says recently we talked about not bidding for Janitorial Supplies because we were looking into cooperative buying with other Townships and such.
- He says the Bill List shows the same old people are selling supplies at very high prices. When it was put out to bid we blew them out of the water. Now they are selling us again.
- Says we are still not buying through the cooperative (COSTARS).

Bob Tate:

- He says he asked Joe and his Staff to look at the COSTARS.
 - He gave them other vendor names to get numbers and quotes from.
 - They may have gone back to the original names for better prices.

Fred Gold:

- He says he is doubtful. These were vendors that were very high when we put it out to bid. One in particular dropped their prices in half when we put it out to bid and someone still beat their prices. Here they are selling us again.

Michael J. Savona, Esq.:

- Bob, I think we need to review that. I was under the impression that you started buying most of that stuff from the state on the piggyback contract. I am not sure now when the last time it was out for bid or what process Joe (Alvare) is using to purchase.

Bob Tate:

- Just last month we talked about looking into COSTARS.
- I have to follow up with him to see what progress they made in finding COSTARS vendors.

Michael J. Savona, Esq.:

- Mr. Gold, Bob and I will look into that.

2. Approval of Transfer for April

Note: The transfers are the result of items paid for by the General Fund and allocated out to various funds such as payroll, public works allocations, fuel allocation, postage allocation and real estate tax allocations and escrows.

<p>Fred Gold so moved the motion to approve the Transfers for April. The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.</p>
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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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OTHER BUSINESS

Frank Feinberg:

- Meetings in June, July and August will be casual attire.
- There will be a brief executive session after the meeting tonight to discuss a personnel issue.

N O T A T I O N

Regarding the refinancing of the 2004 Bond Issue, at the Warminster Board of Supervisors meeting on May 14, 2009, the Board authorized PFM (Public Financial Management – Scott Shearer) to begin the process. PFM would move forward, getting a Credit Rating for the Township, prepare and post all the necessary documents and invite bidders to participate in the auction. Final approval requires that the bid be in the parameters that were set forth, that PFM approves it in conjunction with the Township Manager and the Township Solicitor. Nothing closes unless the documents are signed by Chairman and Secretary or the Vice Chairman and Assistant Secretary.

Leo Quinn:

This evening he wants the Board to officially put the brakes on and stop the refinancing process of the 2004 Bond Issue. The refinancing of the 2004 Bond Issue was approved at the last meeting. At that time he didn't have a chance to analyze numbers. He finished his analysis today and makes the following points:

- When the Bond Issue was financed in 2004 the Township saved approximately \$500,000.00. We spent about \$100,000.00. The net savings was about \$400,000.00. The documents show that it was somewhat over 5.73% savings to the Township. We paid 7% to refinance the money in 2004.
- What is now proposed will cost about \$127,000.00. The percentage cost would be about 10.33%. The cost would be \$27,000.00 higher. The percentage proposed would be higher.
- The Water Authority refinanced in February and they were able to get a 7% rate, the same as the Township got four years ago. Their present value savings was 8% on what they refinanced, which is phenomenal.
- It looks like we are proposing to spend \$127,000 to save \$72,000.00. This doesn't make good sense. Our present value on this is less than 2% (1.16%). The State of New Jersey wouldn't even allow this for consideration because it has to be 3% or higher to even start the process.
- Aside from refinancing the 2004 Bond issue we are looking to borrow new money (\$580,000.00) which will incur additional costs; when rolled into the Bond, interest is included on that money.

He said based on his analysis he recommends leaving the Bond alone. Suggests, we find another way to finance the money needed for the Collective Bargaining.

Bob Tate:

- Says, the next step in the process is that it comes before the Board before anything would ever go to closing.

Michael J. Savona, Esq.:

- Tells Leo his analysis is absolutely on the right track.
- Says all the numbers for cost are “not to exceed costs” or “estimated cost”.
- Says until you know the Credit Rating of the Township and what it looks like on a profile you don't know the insurance cost.
- He thinks the total estimated cost is \$127,000.00. This amount may come in significantly lower if the insurance costs aren't as high or if you don't need insurance because the bond rating is higher than what the insurance could get you if you bought the policy. That alone could take a \$31,000.00 chunk out of the estimated cost breakdown.
- Says you don't know what the market rate is going to bear until you actually put it out there. If you don't like the numbers you don't sign off.
- Says Middletown Township moved forward with a similar size bond issue that they authorized to go on an estimate to save \$165,000. They realized a net savings of \$275,000.00.

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

Leo Quinn:

- He thinks by going with PFM we would be paying more money. Their cost is higher than what we paid in 2004; then the 7% covered everything. All additional costs were absorbed. Two months ago the Authority was able to get the 7%.
- He thinks there are companies that can do it cheaper.

In an exchange of opinion, Mr. Quinn says the amount of \$72,000.00 is the savings amount of the proposed transaction. Mr. Savona and Mr. Feinberg both were in agreement that the amount of \$72,000.00 is the net cost. Mr. Quinn's response was he would like that to be shown to him because that is not what he sees.

In Closing,

Frank Feinberg:

- Right now he doesn't think we have to do anything. It is not costing us anything until they come back and say we can get you this and we say yes. Then they execute.
- He suggests that they look at what Leo has.

PUBLIC COMMENT

1. Paulisa Silva – Warminster

- She tells the Board that on Thursday, May 21st there was an incident where her daughter was beaten. She received a call that her daughter was in a police car handcuffed. When she arrived at the scene there were a lot of police officers. She does remember a particular policeman, whom she said is called "Officer Jim" because he used her nickname when he spoke to her.
- She found out that her daughter had gotten into an argument with her cousin that resulted in a fight. She said that "Officer Jim" sat in his car, watched her daughter, who is subject to seizures, beaten in the head three times. It was only when her daughter went to defend herself that he got out of his car and arrested her. She says, she has a problem with this.
- She said with her tonight is her neighbor who was witness to the whole thing.
 - "Officer Jim" said to her daughter's cousin that she should have beaten her.
 - It took three punches for her daughter to be on the ground. It was her daughter that was handcuffed. It was only her daughter that was arrested.
- She said she has had concerns about the Warminster Police for quite awhile. Although she herself has never been in trouble in her life she says her kids have had some times with the Police Department. She cites the following:
 - She has been called "out of her name" by different police officers.
 - The policeman here tonight (standing in the back) hit her mother.
 - The policeman here tonight (standing in the back) and she is quite sure he remembers the incident when he called her "out of her name". She did go to the Police Station to make a complaint and was told to quit crying and shut up.
 - She has expressed her feelings about this officer to Sergeant Stacey of the Warminster Police.
- On Monday, (May 25th) she witnessed another incident in which she provides some details. She said when she saw the police handcuff a 13 year old boy, slammed him down onto a car and sprayed him with Mace she had to ask herself, "What could a handcuffed boy do"? She then knew she had enough of the police brutality in Warminster.
- She further states that "Officer Jim" stood with a smirk on his face as the 13 year old was being Maced which she thought was pretty sad.
- She called Warminster Township Administrative Offices and talked with Pat. She told her if Mr. Tate or the Chief of Police didn't call her back she was going to the newspapers and going public with all this information of police brutality.
- She suggests that being a certain color may be the motivation for the incidents.

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

1. Paulisa Silva – Warminster (Cont'd)

- She wants to know why there are no black people on the Warminster Police Force.
 - She said when her friend's daughter (black), a New York Policewoman, tried to apply for a position in Warminster she was told flat out no.
- She mentions that Warminster has a reputation for previously hiring police officers that were drug dealers, child molesters and dope addicts. Who hired them? Did the Township?
- The police are here to help and protect us. When you have people on the force that are not doing that then there is a problem. She further adds, especially with "Officer Jim".

Frank Feinberg:

- We will definitely follow-up with an investigation. The Board and Mr. Tate will talk to the Chief and we will definitely get back to you.

Michael J. Savona, Esq.:

He asked, Ms. Silva if she had submitted anything to the Township Manager or the Chief of Police in writing and he was told that she has not. He makes the following points:

- There are processes in place here, obviously Warminster is a government employer. We have labor contracts with the police department and other employees. There are rules we have to follow.
- You must submit a written complaint that enables us to begin an investigation in a way that will comply with the internal rules that we have to follow. By doing it orally, by word of mouth, or making a phone call you are expressing the concern. It is better if you and anyone else who may have an issue submit a written formal complaint; we can then begin the internal process to review and investigate.

Mr. Savona responds to Gail Johnson's question "Does multiple problems require Ms. Silva to submit more than one written complaint"?

- At this point, if you can identify, in one complaint, multiple incidents and have enough detail, it can be written in one narrative.
- With enough detail, we can begin an investigation. Someone can follow up and interview you if we need more detail. In terms of documenting, note as many dates and as much information that you can give us; that would be incredibly helpful.

Ellen Jarvis:

- Says she is certainly sympathetic and empathetic to the problem and believes that we do need to conduct a complete investigation; however, she thinks we also need to be very careful not to generalize "all" of our police officers.
- She said we have a fine force of men and women and there were comments made that weren't fair to the majority of these officers. She asks Ms. Silva not to indict an entire force for the potential wrong actions of one or another. She thinks we can all agree that there are some good people and some bad people in this world.
- She tells Ms. Silva that she is really proud that she came forward to raise the issues. She asks that her complaints be put in writing so a fair and complete investigation can be done.

Bob Tate:

- Tells Ms. Silva that he did receive her call yesterday afternoon. Before calling back, he wanted to do some investigating on his own.
- He spoke with the Chief and did hear the circumstances regarding the incident that occurred. He has not yet reviewed the written reports.
- He said, subsequent to her phone call, the mother of the 13 year old boy who was mentioned, came in with her complaint. In that regard, there is now an ongoing investigation.

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

1. Paulisa Silva – Warminster (Cont'd)

Bob Tate: (Cont'd)

- He says regarding hiring in the Township and her point “there are no African-American officers”:
 - Last year we had over eighty (80) applicants for two (2) positions. Of the 80, approximately 59 tested (written test, oral test, physical test). It was over a three to four month period. It is a very vigorous and expensive process.
 - There is use of an outside agency to review the qualifications and the results. Only two (2) ended up qualifying. Both were college graduates and skilled personnel that met all the requirements.
 - Qualifications are subject to the Civil Service Commission and to the police department’s own procedures.
 - He assures Ms. Silva that our Chief is a very upstanding man and there is no room for race discrimination in the process of selecting officers.
- He encourages Ms. Silva to submit in writing her complaints so they can be acted upon and send it to the Township Building to his attention as Township Manager.

Notation: The police officer present said that “complaint forms” can be picked up at Police Headquarters. Forms are at the front window. Just ask the clerk there for the form.

2. Theresa Stollsteimer – Mae Drive – Warminster

- She says the new Map shows an area previously zoned environmentally protected as now being zoned Government. Does that mean that Ordinance 570 is now being superseded with the new zoning?

Michael J. Savona, Esq.:

- Ordinance 570 is the Zoning Ordinance Amendment that created the Environmental Protection District.
- Once the new Ordinance is adopted, any Zoning Ordinance that was passed prior will be repealed and replaced with the new Ordinance.

Theresa Stollsteimer – Mae Drive – Warminster

- Says she is here representing all the residents in Meadow Glen who feel that the Zoning Board made the right decision last Wednesday night when they turned down AT&T’s request of the Cell Tower on that small parcel of land owned by the Township.
- Says it is this small parcel of land that the residents in Maple Glen are asking that the Board consider donating it to “open space” since the rest of the property was deemed environmentally sensitive and was deemed as part of the Environmental Protection Zoning District. She asks if this should be brought up at the next Planning Commission meeting.

Michael J. Savona, Esq.:

- The new revised Map shows all property owned by the Township, wherever its location, in the Government Zoning District. This just denotes that all Township owned property is in one consistent zoning district.
- The reason the Environmental Protection District was eliminated is because all that property is owned by the Township. This does not mean that because the property was changed from the Environmental Protection District to the Government Zoning District it is going to change its character.
 - You can carry-over the restrictions and regulations into a new district.
- The Zoning Districts may not change but what happens within a district may change.
 - It may be subject to some adjustments. There may be a need to take away some uses, add some uses or make restrictions.

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

2. Theresa Stollsteimer – Mae Drive – Warminster (Cont'd)

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

- Property is created as open space when there are either restrictive covenants, deed restrictions, conservation easements or some other instrument in the chain of title that restricts how property is developed.
 - Irrespective, open space could be zoned commercial, industrial etc. it doesn't matter. It is a matter of restrictions in the title. It is not going to be developed. It is going to remain open space.
 - You can have a parcel of property in a residential neighborhood that is subject to a conservation easement that will be open space forever. What the Zoning District is does not matter.
 - Properly preserved open space does not rely on zoning. There are usually restrictions in the chain of title, in the actual deed or in some conservation easement.
- The Planning Commission is going to hold another session and will consider making some changes, some revision and some additions to the Ordinance. If you have some comments I would encourage you to put them in writing and submit them. That way I have something concrete to work from.
- At the last Planning Commission meeting, I stood at that podium for over four hours and went through written comments from many, many various residents; about 65% to 70% of that input, after consideration by the Planning Commission, was incorporated into the new Ordinance. This kind of input is important.

Theresa Stollsteimer – Mae Drive – Warminster

- Says, two days ago she received a bright colored flyer on Warminster's Camp. She was impressed with what the camp was offering, however, by this time of year, most of us that put our kids in camp have already decided where they are going for the summer.
- She suggests that a flyer like this, specifically for camps, should be sent to the residents towards the end of winter. The first or second week of spring is when people start thinking about what they are going to do with their kids.
- She told Mr. Tate she did get the Park Directory but it was the flyer that captured her attention.

3. Lydia Isaac – Cooper Drive – Warminster

- She apologizes to the Board for her composure, she is nervous and the subject matter makes her is very emotional.
- She said on Memorial Day, Monday, May 25th at approximately 1:00 PM her 13 year old son was physically assaulted by five police officers in the parking lot of a Laundromat located at Evergreen & Olive.
- She begins by chronologically detailing the scenario of events that led up to the assault on her son.

The Memorial Day Parade was over and so was the time spent at the VFW. Her sister and her whole family were with her. Upon leaving the VFW, they went to their respective cars. Her car was parked on Olive Avenue facing Park Avenue. Her sister's car was facing toward Evergreen. She was just about to put her car in reverse when suddenly a speeding car comes from Park Avenue drives onto Olive toward Evergreen; it just seemed to come out of no where. The car, driven by a man, then swerves onto her side of the road slightly nicking her car. Although he knowingly hit her car, he had not the common courtesy to stop; he speeds off down the road.

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

3. Lydia Isaac – Cooper Drive – Warminster

In the car with her is her daughter, her 13 year old son and two grand-children. As she is driving down Olive toward Evergreen she spots the car that nicked her vehicle. It is outside the Laundromat at Evergreen and Olive. She pulls along side the car and sees a female sitting on the passenger side. Pulling down her window she asks the woman if she realized what just happened down the road. The woman not only acknowledges that her husband hit the car but, offers to go inside the Laundromat to get him. She did go get him.

Although the man had done little damage to her car, she wanted his information to report the way he was driving to the authorities. The man came storming out of Laundromat in a rampage. He is screaming. He is yelling. He approaches her daughter (who's pregnant) threatening her. It is chaos. Her daughter called 911 and shortly after, about five or six squad cars appeared.

She approached Officer #1 to give her statement; he told her to wait. She watched as Officer #1 walks toward the man that caused this incident to get his statement first. She walked toward Officer #2 to give him her statement. When Officer #1 finalized his conversation with the man that caused the incident, he comes back to her. As they talk, she sees her son on the phone talking to his father. He is explaining to his father what happened; he is trying to give him directions so he can come and be with them.

She watches as her son keeps walking back and forth as he speaks with his father. Her son starts walking toward where she and Officer #1 are standing. The Officer #1 tells her son not to move, to stay where he is. Her son tells Officer #1 that he is talking to his father, trying to direct him to the scene. Officer #1 tells him not to move. Her son continues to move forward so he could position himself around the corner thinking by doing that his father would be able to see him.

As her son stepped forward, Officer #1 grabbed him by the arm. Her son pulled his arm away from the officer and told him to let go of him, not to touch him. At that moment, another Officer #3 comes and grabs her son by the neck, arm behind his arm. Then four or five other Officers come and tackle her son to the trunk of her car, they have him restrained. She doesn't understand why they had to assault her son the way they did. They have him restrained and one of the cops beats her son with what appeared to be a large flashlight or maybe a stick. They have him restrained, they are punching him and at the same time, there are five officers on top of him.

As soon as this happened she screams that her son is only 13 years old. She screams that her son has a history of seizures. They continued doing what they were doing punching him; hitting him with the stick or flashlight. They Maced her son while he was restrained. Her son did not resist. Upon every hit her son was jerking; she could see he was in pain. There were other officers just standing around who did nothing as her son was being physically abused

They Maced him, they cuffed him, they put him in the car, in pain, his eyes burning. It took the yells of the people, before an Officer gave something to her son to flush out his burning eyes.

In closing,

- Says she is not out to hurt anyone because police officers are human beings just like everyone else.
- Says police officers should live up to their duties to protect and serve. Some officers do abuse their power. They sometimes cross the line and use excessive force and physical force without justification.
- She doesn't want what happened to her son to happen to anyone else. It was heartbreaking seeing her son beaten by those officers.

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

3. Lydia Isaac – Cooper Drive – Warminster

In closing, (Cont'd)

- She describes her son as a respectful, courteous, and a polite individual who never disrespected his elders. At school, he participates in his favorite sport, acquires good grades and his teachers love him. On his progress report, they write, he is a joy to have in their class. He is courteous and respectful to others. Again, she says this should not have happened to her son.
- She says she has filed a written formal complaint. It was given to Officer Deluca, who explained to her the proper protocol and steps to take.
- She comes before the Board tonight to make the public aware of what has happened to her son. He was just an innocent bystander, on a phone, guiding his father to where they were. This should not have happened. The Officers did not have to abuse and assault him.

Frank Feinberg:

- He expressed concern.
- He tells her this is being investigated; we will find out what has happened.

4. Florence Fox - Warminster

- She thanks the supervisors for remembering her sister in their prayers. Things are beginning to improve.
- She says bottle caps (from soda bottles, milk bottles, etc.) are still being collected. This is to benefit a little girl with MS that has to be on a machine. The bottle caps can be dropped off at her house or at 75 Downey Drive.

5. George Shaya – Zoning Gas Station – Warminster

- He is the business manager at 228 Street Road.
- He begins by expressing his empathy for the entire group of township officials who were disrespected by residents at the May 20th Planning Commission meeting.
- His purpose for coming this evening is to express his zoning concern regarding the C-1 District. He says under the conditional use they will be permitted to operate a gasoline station.
 - Warminster Township fought against that at the Wawa Hearings. If a gasoline station was permitted at the corner of Street & Newtown Roads it could be permitted on any commercial lot, anywhere in the district. The same thing could happen again.
 - C-1 - conditional use. He hopes that the conditional use of operating a gasoline station would be stricken.
- He expressed interest in knowing about the Highway Commercial Districts.

Michael J. Savona, Esq.:

- You can not strike out operating a gasoline station.
- In the new ordinance, we were particularly sensitive to the idea of how to treat gasoline service stations. Its concept of what constitutes a service station:
 - It takes into account what the current standard is for those sorts of facilities, the convenience store, the gasoline pumps at larger retail stores where some of them locate, all of those things are provided for in the new ordinance; they are not in the old ordinance.
 - It also deals with lot area requirements. Not every parcel can qualify to do something like that. You are going to need to have a certain number of square footage and a certain number of acres.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, MAY 28, 2009**

PUBLIC COMMENT (Cont'd)

5. George Shaya – Zoning Gas Station – Warminster

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

- The big fault of the Highway Commercial district was it was so sparse throughout the Township. A district that is comprised of fourteen (14) single lots is hardly a district.
- The new proposed ordinance and the new map arrange the commercial districts into two different districts: The demarcation being the intensity of the use and the size of the property that is required for the use.
 - The C-1 District - lots are smaller and the intensity of the use is typically smaller. You won't need as big a parcel.
 - The C-2 District – larger lots – higher intensity of use.
- The Highway Commercial District was folded into the C-2 District.
- The current version of the Ordinance under consideration is on the Township website.
- I will make a note, in my draft, to have the Planning Commission look at “conditional use” at the next meeting; see if any revisions might be in order.

George Shaya – Zoning Gas Station – Warminster

- He asks, if a conditional use is granted does that mean that the person or people do not have to go in front of the Zoning Board to have that granted?

Michael J. Savona, Esq.:

- Conditional use is a use that is permitted in the district if the applicant proves that the conditions that are set in the Ordinance, in order to have the use, are met. That is decided by the Board of Supervisors.
- Once you are over the use hurdle there is the Land Development Plan. If variances are required for dimensional uses that must be approved by the Zoning Hearing Board.
- Depending on the lot, a variance may not be needed.
- This Board and future Boards will grant conditional use assuming the applicant meets all the conditions set in the Ordinance to have that use.

Gail Johnson:

- Operating a gasoline station is:
 - Permitted by conditional use in C-1
 - Permitted by right in C-2

George Shaya – Zoning Gas Station – Warminster

- He asks are you, or are you not allowed to strike it out of C-1 because it's permitted in C-2.?

Michael J. Savona, Esq.:

- I think it must be permitted somewhere.
- If the Planning Commission determines it is better to take it out of C-1 parcels, we can take it out.

6. John Capozzi – Penrose Lane – Warminster

- There was a recent approval (May 14th Preliminary/Final) for a CVS at Street and Mearns Roads. One of the conditions of the approval was that they put in a right turn lane on Street Road onto Mearns.
- Over the years this has been a problem intersection. The new turn lane would be in front of the 7-Eleven Store that is there.
 - People use that lane as a shoulder, all the time, to make a right turn. Just widening it doesn't necessarily make the travel lane any safer.
 - There have been numerous accidents. (His son was involved in an accident there.)

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

6. John Capozzi – Penrose Lane – Warminster (Cont'd)

- He is proposing that there be a restriction not to let traffic make a left turn out of the parking lot, of the 7-Eleven, onto Street Road.
- He says part of the problem is you get standing traffic going straight (west bound) on Street Road, you have traffic that wants to enter in and out of the 7-Eleven parking lot and then you have the traffic zooming up the right turn lane (shoulder).
- He wants to know if the traffic history (at the intersection) or how to do a right turn lane safely was taken into consideration.
- He understands there is a need to make traffic flow, but as a Traffic Safety Committee member that intersection should be kept as safe as possible.

Michael J. Savona, Esq.:

- There were traffic studies that were related back to the movements of those intersections.
- The entire process is going to be subject to PennDot approval and a HOP. This is a PennDot road.

Craig D. Kennard, PE

- The ultimate decision is PennDot. We made our recommendations at the Township level.
- The Applicant has to go to PennDot. If they can't comply with the PennDot conditions then the need to come back here.
- To touch on the proposed restriction on 7-Eleven:
 - Unless they come forth with land development on that property or any type of addition that would trigger land development, they are grand-fathered.
 - We can't, as a township, restrict, especially since, we don't issue the permit. That would be a PennDot restriction. That is the PennDot jurisdiction not the Township's.

John Capozzi – Penrose Lane – Warminster

- Do you think PennDot would recommend a no left turn once that right turn lane was approved?

Michael J. Savona, Esq.:

- I don't believe there is much chance that PennDot is going back and alter an already issued HOP. The 7-Eleven has a right to continue that movement according to that permit.

The dialogue continued between Mr. Feinberg and Mr. Capozzi. The problems at the intersections of Street and Mearns Roads were reiterated and the safety issues were re-emphasized.

SUPERVISOR'S COMMENTS

Frank Feinberg:

- There will be a brief executive session following this meeting.
- Our signatures are required Mylar's, etc.

MEETING ADJOURNED AT 9:13 PM

INDIVIDUAL ACTION ITEMS:

Bob Tate

- Provide a Financial Report overview - per Ellen Jarvis.
- Investigation follow-up with said mentioned residents.