

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JUNE 25, 2009**

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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JUNE 25, 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 7:03 PM, by Chairman Frank Feinberg.

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

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS

Gail Johnson

1. Today he and his granddaughters had a lot of fun just looking at the many different flowers that people have. He compares it to the fun one gets looking at the winter holiday lights.

Frank Feinberg:

1. The Board had an executive session prior to this evenings meeting to discuss personnel issues.
2. Hartsville Fire Company is having a Firefighter Camp July 1st, 8th, 15th and 22nd from 7:00 to 8:30 for anyone over the age of 14. This information will be put on our website. For more information contact Ed Pfeiffer 215-672-9242.

Leo Quinn:

1. The Warminster Skate Spot Committee will be holding a car wash Saturday, June 26th at Pep Boys from 9:00 AM to 3:00 PM. Any tickets purchased for last week's cancelled car wash can be used. All donations are accepted to raise money for more skate park equipment.
2. There are still summer camp program openings. Playgrounds, teen camp and swimming lessons begin Monday, June 29th. There are week long camps in arts, music, sports and science. Check out our website for more information.
3. The Warminster Symphony Orchestra kicked off the free Wednesday evening concerts at the WREC. The next concert at the WREC is Wednesday, July 1st at 7:00 PM featuring Melissa Martin and the "Mighty Rhythm Kings".
4. The WREC has discounted amusement tickets on sale from Monday through Friday from 9:00 AM to 4:30 PM.

Ellen Jarvis:

1. Encourages residents to support the local Carnivals in our area. Presently there is a Carnival at St. John Bosco.

Sergeant James Carey Retires

Bob Tate:

The Warminster Township Board of Supervisors, pursuant to an agreement approved by the Township, wishes to announce the retirement of Sergeant James Carey, Badge Number 146 from the Police Department.

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**ANNOUNCEMENTS, CORRESPONDENCE, AWARDS (Cont'd)
Sergeant James Carey Retires (Cont'd)**

Bob Tate: (Cont'd)

Sergeant Carey was hired in May of 1989, as a patrolman. He was later promoted to the rank of Corporal in 2003 and to the rank of Sergeant in 2004. While serving with the Police Department, Sergeant Carey worked in the Patrol Division along with serving as a Motor Cycle Officer, a Community Relations Officer, a DARE Instructor, a School Resource Officer, a Crime Prevention Officer, a Crime Scene Investigator, a Photo Lab Technician, an Accident Investigator and Re-constructionist and a Town Watch Relations Officer.

Sergeant Carey served the Township not only as a police officer but also volunteered as a fire fighter at the Warminster Fire Department and as an Emergency Medical Technician with the Warminster Volunteer Ambulance Corps.

The Township wishes Sergeant Carey well in all his future endeavors.

PRESENTATIONS

1. The Sports Car Club of America - donation to the Parks & Recreation Department

Karen Whitney, Director, Parks and Recreation

- Introduces Jeff Jacobs, Executive Director for the Philadelphia Regional Sports Car Club of America.
- Says the Sports Car Club of America has nine (9) events each year at Warminster Community Park and uses our runway for schools and rallies during the year. As a result of their Holbert Event, they are here to present a check to the Parks & Recreation Department.

Jeff Jacobs:

- Says the Holbert Memorial Event is held every year in honor of a former and long time member. It is tradition to use the proceeds from that event, in addition to some other extra fund raising special events held during that weekend, in support of various charitable organizations.
- Says he is pleased to present the park with a check for \$750.00 in support of their great programs.

Karen Whitney, Director Parks and Recreation

- Extends her thanks for the donation and appreciates being a part of their sponsorship program.
- She said this is the third donation that has been received from the Sports Car Club of America. Their first donation was all the little sports cars on the playground at Warminster Community Park. Their money donations are used for repairs of the runway etc.
- The Sports Car Club of America will be having a school this Saturday, June 27th at Warminster Community Park. She welcomes anyone interested in seeing what goes on with the rallies and the school to come.

PUBLIC COMMENT

Jack Diamond – Warminster

- Requests elaboration on Consent Agenda Item C (Increase in Capitalization Threshold).

Bob Tate:

- Presently, the practice for the expenditure for equipment on fixed asset type items of \$1,000.00 or more is treated as Capitol (capitalized and put on the balance sheet as a fixed asset).

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PUBLIC COMMENT (Cont'd)

Bob Tate: (Cont'd)

- It has been recommended by GFOA (Government Finance Officers Association) and GASB (Government Accounting Standards Board) that the threshold be raised to \$5,000.00 to more accurately reflect those items that should be capitalized and appreciated over time versus smaller ticketed items that should be expensed in the period incurred.

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

- A. Approval of the Minutes of May 28, 2009**
- B. Rejection of Bid #2009-04 – Air Conditioning for the WREC Gym**
- C. Recommendation to Approve Increase in Capitalization Threshold for Capital Assets – to be made retroactive to January 1, 2009**
- D. Re-Adoption of Resolution #2009-04 to reflect the correct Grant Application amount of \$10,725.00 for the Wind Turbine Grant for Warminster Community Park**

- F. Approval of Signing Record Plans for William Tennent High School**
- G. Approval of Additional Extension of Preliminary Land Development Approval for 130 East Street Road, Tax Parcel #49-24-002, until August 28, 2011**
- H. Legal & Engineering Escrow Releases:**
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 - 2. Sabia Elderly Housing, 222 Norristown Road - \$1,721.86**
 - 3. Michael Wielehowski – Pignatelli Tract, Newtown Road - \$515.18**
- I. Approval of Payment #1 to Bass II Enterprises for Warminster Community Dog Park Pavilion and Maintenance Building, Contract #2008-09 in the amount of \$12,600.00**

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

Leo Quinn: Asked that E of the Consent Agenda be removed for clarification.

- E. Approval of the Development Agreement with Centennial School District for the William Tennent High School Renovation**

Michael J. Savona, Esq.:

- Anytime a Developer receives a Land Development Approval for the construction of a project that has been approved by the Board, under the Municipalities Planning Code, we require the Developer to sign agreements with the Township to guarantee that the public improvements and the improvements called for in the project will be completed in accordance with the Township's rules, regulations, ordinances and in accordance with the approved plan. In most projects, in addition, we also have the Developer execute a Security Agreement that calls for an Escrow, of a certain amount of money, as determined by the Township Engineer that covers the estimated cost for the installation of the public improvements. That guarantees if the Developer goes bankrupt or fails to properly install the public improvements then the Township has access to resources to pay contractors to install those improvements so as not to cause any disruption to the public.
- The agreement you have before you is an Improvement Agreement that has been negotiated between counsel for the School District and myself that calls for the authorization of the School District to proceed to obtain permits and to construct improvements that, on the Land Development Plan for William Tennent High School, were approved by the Board of Supervisors earlier this year. The agreement, as drafted, does not call for an escrow for public improvements because this is a public project. The funds that will be made available to construct these items are from the proceeds of public financing from a bond issue. The School District is under an obligation to use those funds to construct a school.

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CONSENT AGENDA ITEMS (Cont'd)

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

- **The School District is posting a sufficient amount of escrow with our L & I Department to cover Legal Engineering and the Township's expenses for inspecting the project and monitoring their progress as any other Developer would. To the extent that we are not requiring an escrow for the actual installation costs for those improvements is the only change from any other Development Agreement you would see before the Board.**
- **The only other instance where we made a modification from your normal Development Agreement would be that the construction schedule in this instance progresses over a three year period. We knew upfront that the School District would take approximately three years to complete the project so we have drawn up the agreement to account for that. Normally, it is required to be done in a year subject to extensions.**

Leo Quinn asks, do we have the Developer insuring the Township against two million?

Michael J. Savona, Esq.: Yes, It is required that we be listed as an additional insured for the two million dollars that normally is required by any Developer.

<p>Fred Gold so moved the motion to approve Consent Agenda Item E, as defined by Michael J. Savona, Esq., Township Solicitor. The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.</p>

Michael J. Savona, Esq.:

- **Asks that the Board sign the Development Agreement tonight. It was already approved by the Centennial School District at their meeting this past week.**

Thomas Thern, Zoning Officer:

- **Signature is also needed tonight on the Mylars.**

OLD BUSINESS

1. Ben Wilson Senior Center - \$5,000.00 Assistance

Frank Feinberg:

- **Subsequent to the last Board meeting in which the financial needs of the Ben Wilson Senior Center was discussed, there was a detailed article that outlined the financial difficulties and problems now facing the senior center.**
- **He recommends and asks for a motion to provide \$5,000.00 assistance to the senior center based on what the Township has provided in the past.**

Leo Quinn asks, where are we finding the \$5,000.00?

Bob Tate:

- **In section 468 of the General Fund there are two line items of \$5,000.00 each to set aside money for Repairs and Maintenance to the Grounds and Repairs and Maintenance to the Facilities. The \$5,000.00 would be charged to either of those two line items.**
- **This 10,000.00 was budgeted for 2009.**

Ellen Jarvis:

- **Suggests in the future that the Senior Center should make application under our CDBG (Community Development Block Grant) program.**
- **Suggests that the present amount of the CDBG line item be increased so any assistance monies would fall under that line item.**
- **She calls upon Karen Whitney to provide some information about the community grants we give.**

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OLD BUSINESS (Cont'd)

1. Ben Wilson Senior Center - \$5,000.00 Assistance (Cont'd)

Karen Whitney, Director Parks and Recreation

- There are two grant programs:
 1. The CDBG grants are done through our office for the Board of Supervisors. The funding is available from the County.
 2. The Park Board does Community Assistance Grants. There is only \$5,000.00 in that account every year. This year the money was spread out among several organization such as the Warminster Symphony, Craven Hall, Willow Dale Home & School etc. If the Board wants that amount increased the 2010 budget process will be starting shortly.
- The Ben Wilson Senior Center is welcome to apply for community assistance grants.

Leo Quinn says that not even 50% of the members at the Ben Wilson Senior Center are Warminster residents. He asks, what are the other communities doing? Have they been asked for assistance?

Harry Scullion, President - Ben Wilson Senior Center

- Says the Senior Center has 800 members and at least 50% are Warminster residents. It is the largest senior center in Bucks County.
- Says the Senior Center has asked for assistance from Southampton, Warwick, Hatboro, Warrington, Willow Grove and Northampton. So far there has been no response. They will reach out to them again.
- Says the Senior Center's big source of income is Rentals. This year it is budgeted for \$40,000.00.
Note: With expected monies coming in, the Senior Center has a Union Council that will be fixing the two bathrooms.
- Says that a Preliminary Energy Audit of the Senior Center shows there could be a possible savings of \$15,000.00 a year. At a cost, the Senior Center will be having a full Energy Audit done.
- Says that contributions are needed and appreciated. Last Wednesday a Bingo player gave the Senior Center \$500.00. The Warminster Rotary will be giving them \$500.00.
- Says although the Senior Center now has need for assistance, it is anticipated that the efforts being made to cut costs will assure their operating on a balanced budget next year.

Jack Diamond – Warminster

- Says when the Senior Center went to non-smoking their Revenues were cut in half.
- Suggests giving smokers a place to smoke.

Fred Gold so moved the motion to approve the \$5,000.00 assistance to the Ben Wilson Senior Center. The motion was 2nd by Gail Johnson. The vote carried 5-0-0.

2. Approval of Agreement of Sale with Centennial School District for Purchase of the District's Remaining Interest in the WREC

Michael J. Savona, Esq. brought forth the following information:

- The WREC Center (66,000 sq. ft. building) is on approximately 15.87 acres of property.
- For twenty plus years the WREC Center, which was conveyed to the Township, has been used for Township purposes.
- The Conveyance had a restriction in the Deed that provided that the property could revert back to ownership in the School District in the event the District determined it was necessary for education purposes. It would seem unlikely that would happen.
- The reversionary interest has caused the Township to have some angst about investing money in the WREC Center and doing some much needed repairs understanding there was a possibility that the Township could lose controlling interest in that building.

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OLD BUSINESS (Cont'd)

2. Approval of Agreement of Sale with Centennial School District for Purchase of the District's Remaining Interest in the WREC (Cont'd)

Michael J. Savona, Esq. brought forth the following information: (Cont'd)

- Earlier in the year, the Board directed that we try to negotiate with the Centennial School District to accomplish a purchase of the District's remaining interest in the WREC Center. To that extent, we began discussions with the School District and through some negotiation were able to secure the Agreement of Sale that is in front of the Board for approval this evening. This agreement was approved by the School Board at their meeting on June 23rd.
- The approval of this Agreement of Sale:
 1. The Township will acquire the remaining interest the Centennial School District has on the WREC Center.
 2. It gives the Township a free and clear Fee Simple Title to the WREC Center for the consideration of one million dollars (\$1,000,000.00).
 - a) \$1,000,000.00 was the price set by the School District
 - b) An appraisal was obtained that supports that number and the remaining interest is worth not less than that amount.
 3. The Township would pay that consideration to the District from two sources.
 - 1) Utilizing the Bucks County Open Space Program Funds that have been allocated to the Township. That sum will cover the \$727,858.00 of the acquisition cost.
 - a) The WREC Center contains 15 plus acres, several acres of which are eligible for inclusion under a conservation easement that will permanently protect those as open space and as such we are eligible and have confirmed with the County that they would consider the WREC property as appropriate for use of the County Bond Issue.
 - 2) The Board granted the School District, in their Land Development Application, a waiver of certain fees and expenses that would be associated with the building permits, the tree replacements, etc. The waiver was subject to the discretion of the Solicitor and the Engineer to determine what amounts were appropriate to waive. That sum will cover the \$272,142.00 which makes up the balance of the acquisition cost.
 4. Once the appropriate paperwork is processed by the County and the Grant money is released from the County's Open Space Bond Issue, we will be able to move forward and close and acquire the remaining interest of the WREC Center at no cost from the Townships coffers and without spending any taxpayer money. This is quite an achievement.
 5. The deal is contingent on the County approving it. In the event that the County doesn't approve the use of the open space funds, we are not obliged to move forward. There will be no cost or impact to the Township.
- He recommends that the Board approves signature of the Agreement of Sale this evening.

Gail Johnson:

- Following Mr. Savona's statements he expressed interest in knowing just how the way was cleared to allow this transaction to happen.

Michael J. Savona, Esq.:

- It was really a convergence of wills. The School District, as the owner of the reversionary interest, had to be willing to give it up.
- There is language in the Public School Code that would appear to require that kind of reservation; however, in our meetings with the School District and with the District's attorneys, their solicitor and their prior solicitor rendered a legal opinion that this language could, in fact, be removed from the Deed by the District. They were not bound by the Public School Code to keep that reversionary interest. With that hurdle cleared, there was no reason we couldn't move forward in acquiring their interest provided we reached terms that were agreeable.

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OLD BUSINESS (Cont'd)

2. Approval of Agreement of Sale with Centennial School District for Purchase of the District's Remaining Interest in the WREC (Cont'd)

EXCHANGE OF DIALOGUE

Jack Diamond – Warminster

- He reads the following from the Deed of the WREC Center:
 - “The building will revert to the Centennial School District if and when the land and building is no longer being used for Municipal purposes”.
- He contends that since the Township wants to continue to use the building and with the School District closing schools there is no way in the world they will ever want that building back.
- He says it is ridiculous piddling away money, whether it is coming out of taxpayer's money or not, when the Deed says the building is ours free and clear.

Michael J. Savona, Esq.:

- The Township does not have free and clear interest in that property. The District has reversionary interest in the property and does have the discretion to take the building back. The District could just as easily abandon their present plan and adopt one that calls for construction of a new school on the WREC Center site. It's a large piece of property with existing facilities they may find attractive. They could take the property back. You are betting on what you think is probable while in the law we try to deal in certainties.
- This Township has historically been reluctant to agree with your view. They have allowed the Township to forgo some maintenance items because they felt we didn't own 100% interest in the property.
- This agreement will resolve that problem once and for all.

Frank Feinberg:

- We pay taxes to the School District and hopefully this money could lessen our taxes down the road.

Gail Johnson:

- There will be restrictions on this land. It is never going to be developed. It will be open space.

Jack Diamond – Warminster

- It is his understanding that the Board has taken the position that government properties should get first shot at cell phone towers to come.
- On behalf of the residents near the WREC Center, he wants confirmation that no cell towers will be placed on that property.

Gail Johnson: The restrictions that we are putting on the open space would preclude cell towers.

Michael J. Savona, Esq.:

- The cash that is going to go to the School District is being made available to us by the County's Open Space Bond Issue. That money comes with certain rules and restrictions. We go through appraisals and a whole application process.
- If we are approved to use the money for the property, the County will take a conservation easement over the open space areas on the property (including all areas not developed currently). It would be a violation to undertake any activity in those open space areas and the County would have the right to take us to Court to stop such activity.
- The WREC Center has a very large building on it and has parking areas. Those would not be eligible to be included in the conservation easement.

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OLD BUSINESS (Cont'd)

2. Approval of Agreement of Sale with Centennial School District for Purchase of the District's Remaining Interest in the WREC (Cont'd)

EXCHANGE OF DIALOGUE (Cont'd)

Jack Diamond – Warminster

- You're saying the building is not included so they can put a cell tower on the building property.

Michael J. Savona, Esq.:

- You are making a lot of assumptions that are not necessarily true. Since neither one of us is a communications engineer, I think it is a little unfair for you to stand there and start speculating.

Jack Diamond – Warminster

- Wants to be assured that the Township will not put a cell tower on any part of the WREC Center property.

Michael J. Savona, Esq.:

- I think you are making assumptions for applications that don't exist. There has never been any suggestion to place a cell tower on any part of the WREC Center property. I think it's a little misleading.
- The proper location of a cell tower is not determined by the Board exclusively.
- Under the Federal Tele Communications Act we have to provide some place for the cell towers to go. If you try to zone them out of the Township completely, by leaving them out of the Ordinance, the Federal Statute says they can go anywhere they want.
 - The Township is on the prongs of a dilemma. You can't exclude them or otherwise they can go anywhere but, wherever we try to put them we run into resistance.
- What we try to do is to craft regulations that are responsible and responds to the majority of concerns that you think can be raised by the residents. You try to put them in locations where they are least likely to generate a lot of public upset.
- The cell phone companies come in and they are going to do a mapping of the community based on coverage areas and a lot of engineering to determine the range within which they can place a tower.
- Under the Township Zoning Ordinance, before a cell tower can be placed, even if it is zoned government property, the cell phone companies have to appear in front of this Board at a hearing.
 - They have to demonstrate that they meet all the criteria that is in the Ordinance etc.
- Under the Conditional Use Process, used everywhere in this state, if residents of the community appear before the Board and can produce evidence that this particular use would be a harm to the community, there is an opportunity for the Board to turn it down. This is call due process.
- You can't act exclusionary and expect that your regulations are going to survive scrutiny by the courts. You can't act exclusionary in this instance or else the federal law is going to tell you, we are going to ignore you and the cell tower company can put cell towers wherever.

Frank Feinberg: The final word on that is we have never had anybody come to us with any interest in putting a cell tower anywhere near the WREC Center property.

<p>Leo Quinn made the motion for Approval of the Agreement of Sale with the Centennial School District for the Purchase of the District's Remaining Interest in the WREC Center. The motion was 2nd by Fred Gold. The vote carried 5-0-0.</p>

NEW BUSINESS

Gail Johnson: Recently, the Environmental Advisory Council has been talking about an Energy Audit. He expects more will be heard regarding this matter.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PROFESSIONAL REPORTS

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

Administration & Management

- **Goals & Objectives – Draft document completed, distributed and reviewed with departments heads. Comments/feedback will be discussed and evaluated at the department head meeting on Tuesday morning, June 30th.**
- **Information Technology - The new accounting software is in place. We are currently running parallel and will go live August 1st. Our GIS program is in development.**
- **Ordinance Codification & Update – update is in progress**
- **We are evaluating our Health Insurance Broker and our Pension Advisors.**
HEALTH INSURANCE BROKER: Per the Board's authorization, the Township posted and advertised a Request for Quote last month for brokerage services to manage the Township's health insurance program. The deadline was June 1st and as of that date we received nine (9) responses. The proposals were reviewed in my department and by Tim Noel, Risk Manager. Copies of the prepared summary of the proposed costs and services from each proposal will be distributed to the Board members for their review. He asks to have this on the agenda for July 9th.
PENSION ADVISORS: We expect to have a Public Workshop at our next meeting.
- **Communications - Warminster Your Township produced another segment this past month. A segment on Emergency Management Services is scheduled to be recorded next week.**

TOWNSHIP MANAGER'S NOTE OF THANKS

Saturday, June 13, 2009 the Township had significant rainfall (5.7 inches within two hours). A **SPECIAL THANKS** to all the Staff, Police, Public Works, Emergency Management and all those who were involved in responding, rescuing and helping with clean-up.

Public Works

- **In the weeks following the flooding rain, Public Works had more than 50 calls. Crews helped clear inlets, repair culverts, replace storm grates and general clean-up throughout the Township including sweeping the William Tennent parking lot in preparation for graduation.**

Administration

- **Following the flooding rains our offices had a number of calls - residents asking for assistance.**

Emergency Management/ License & Inspections/Fire Marshal

- **The EMS staff has been working with Bucks County in reaching out to homeowners affected by recent flooding in the Township to assess damages and determine if their damages would qualify for emergency management funds through the federal government.**
- **Re-inspection of the homes of the Villas at Five Ponds for repair work to the roof trusses is complete. U & O certificates have been issued.**
- **My thanks to the fire department, our fire marshal Jim Krueger for their assistance with the fire on Valley Road (Sunday, June 7th) and their support and cooperation with Warrington Township.**

Parks & Recreation

- **Camp registrations are now up to 300 children. Staff orientations began Tuesday, June 23rd and continues through Friday, June 26th.**
- **Camp scholarships have been awarded to 25 children to attend camp this summer. This is funded by the annual October P & R Golf Outing that totaled in excess of \$6,000.00.**

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PROFESSIONAL REPORTS (Cont'd)

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

Police Department

- Met with the Manager and Police Chief from Warrington and representative for DCED (Department of Community and Economic Development) regarding the progress in the feasibility study for regionalization of police services. To date, the following steps have been taken:
 1. March 12th – The Board authorized a Letter of Intent with DCED to engage in a feasibility study.
 2. May 28th – Township completed and submitted the Law Enforcement Questionnaire and submitted that to DCED.
 3. Yesterday's meeting (June 24th) – A peer consultant was assigned to assist in the feasibility study.
- The next step in this process will be for the Board to select one supervisor to be part of a committee along with Chief Murphy and myself to participate in meetings over the next six months and help guide the process and represent the Township and the Board in addressing issues and concerns that may arise.

Five Ponds Golf Course & Clubhouse

- Attached to this report is a Financial Statement for Five Ponds that compares the current month and year to date activities to last years current month and year to date. Net income for May, 2009 was \$64,261.00 compared to \$5,469.00 for May, 2008.

Leo Quinn:

- Regarding the advertisement for brokerage services to manage the Township's health insurance program, he asks that a copy of the Ad presented in the newspaper be provided to the Board.
- He would like the Health Insurance Broker issue put on the next agenda as a new item for discussion.

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

General Township Projects

- Warminster Heights Development – We are going to be working with the Warminster Municipal Authority, Township Staff and Public Works to provide recommendations on the negotiations of how the repairs are going to be when they install the water mains. I spoke with Jim Krueger this week. There will be a meeting with Public Works, one of my engineers, Mr. Krueger, the Authority representative and Mr. Tate on finalizing material costs, restoration, what the Township is going to be responsible for and what the Authority is going to be responsible for. That should be wrapped up in July.
- 2009 Road Paving Program – has recently started. Kehoe, the contractor, will be working on curb ramps and milling in the Twin Streams neighborhood. The Board approved Public Works to complete that paving to save the Township some money this year. They will begin paving the streets within the Twin Streams neighborhood after Kehoe is done with all the construction.
- Zoning Ordinance Revisions – Subdivision Land Development Ordinance Revisions - Gilmore has completed the Zoning Map and we are making minor changes to the Subdivision Land Development Ordinance as a result of the June 16th Planning Commission meeting.
- Warminster Community Park – DCNR Grant Implementation – Gilmore is working with Karen Whitney, P & R and Buddie Mullen, Public Works on completion of the Dog Park Pavilion which has been installed and the Maintenance Building that is scheduled to be installed this summer. We recently started the electrical work for those buildings.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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THURSDAY, JUNE 25, 2009**

PROFESSIONAL REPORTS (Cont'd)

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

Subdivision and Land Development Projects
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NOTE: There are not many reviews that are coming through right now as far as Planning Commission and Board. Early spring we had about eight projects under review. Some needed revisions to come before the Board on zoning relief.

- Marquis Realty – Learning Experience Daycare – the BOS approved plans. We are waiting on revised plans to address our review.
- William Tennent HS Addition – Developers Agreement approved tonight. That project is getting ready for construction. They will begin with relocating the Tennis Courts. The rest of the project will start in the summer.
- CVS Pharmacy – 455 W. Street Road – We are working with the engineer to resolve our review comments. The BOS granted them final approval back in May. Today we received an email. The engineer would like to wrap up a lot of issues and move toward construction.
- Nativity of Our Lord - I received an update this evening from one of their representatives. The project was put on hold looking at funding. I anticipate that coming back this summer.
- CVS Pharmacy – York & County Line Roads – We are working with their engineers. Those plans were reviewed. The Planning Commission did approve their preliminary plans on June 17th. They will revise the plans, address our issues, get a clean letter and then come before the BOS to expedite that review.

Construction Projects

- Christ's Homes – All the building construction is on-going. Re-surfacing of Norristown Road is complete. We did have some problem areas that were done. We do have one issue. The recent rain caused severe erosion near Norristown & Street Roads near one of the outlet pipes along the creek. We have been pushing the contractor to get back and make repairs.
- McGrath Homes Phase II – Unfortunately we have not gotten any action from their contractor/developer in our efforts (emailing several times a week) to get the entrance improvements done. We do have other meetings going on with that project. It is my intention to discuss that with Mr. Savona. We need to put pressure again through their attorney. I thought it was a productive meeting a few months ago but there is no action on their end. Our latest email sent yesterday was to get an update for tonight but we receive no response from their representative.
- County View Properties – mix use development approved by the BOS. A pre-construction meeting was held with the County and the Staff. Everything is ready to go. There may be some financing issues so everything can be recorded. They are working that out. It is a big project. They have PennDot Escrow, they have the Township Escrow and obviously the funding has to be there before they can even put a shovel in the ground.

Leo Quinn:

- Regarding CVS Pharmacy – York & County Line Roads, he asks if they will be adding some green into that corner.

Craig D. Kennard, PE:

- There is not any open space there. There will be green space between the parking areas and each roadway.

Tom Thern:

- Says, the rendering that CVS showed us of the building is the generic CVS that they build all over the areas.
- Says he told CVS we don't accept generics. They are now looking at different renderings.

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PROFESSIONAL REPORTS (Cont'd)

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

Gail Johnson:

- It is his understanding that the Shepherd's Crossing sign on the southwest corner of Norristown & Street Roads is blocking sight distance. He asks, is this sign going to be moved?

Jim Krueger:

- Says the sign is not going to be moved. We surveyed this site using the sight distances recommended under PennDot Pamphlet 73. He provided a descriptive understanding of the process which showed that it does meet PennDot specifications.
- Says it is a matter of stop bar placement. Somebody stopped at the stop bar would not be able to see to make a right hand turn. If they were to move up to the PennDot sight triangle Pamphlet 73 (10 feet back) where the driver would be sitting, looking to the west, there would be plenty of sight distance (further than 643 feet) for them to make a determination to do a right turn on red safely.

Gail Johnson:

- Says that soon solar panels will be installed in the Township. Location to be determined.

Ellen Jarvis:

- Regarding the new CVS Pharmacy – Corner of York & County Line Roads – she says her main concern is traffic issues and to her knowledge they have done nothing to address serious traffic issues. She points out that:
 1. She has seen many cars get clobbered at that corner.
 2. The Preliminary Plan shows a lot of traffic going back onto Evergreen. Evergreen will dump all that traffic into the Speedway Section.
 3. Per her conversation with the Chief of Police, the Speedway Section is having speeding and traffic issues and in that regard is considered a current "Hot Spot".
 4. In terms of traffic flowing onto Evergreen, she thinks the neighbors in the speedway have put up with a lot.

Craig D. Kennard, PE:

- He says CVS did not submit a complete traffic study. Traffic improvement is a big issue. They asked for Preliminary/Final approval but they did not address all the traffic issues. At Staff level, there was indication that they did get feed back from PennDot. We are still not happy. We need to get a complete traffic study to analyze. That is why the Planning Commission only did Preliminary approval.
- He says a complete traffic study will also allow them to analyze the other big issue as to where the entrances will go. PennDot did not want access out to County Line Road. There is no entrance on County Line Road. CVS proposed two entrances on Evergreen and we have recommended only one.

Ellen Jarvis:

- Regarding McGrath Homes,
 1. She says at the Villas at Five Ponds, Phase II, there is a cistern that is supposed to be filled in and a quad built on top. She asks, how are they going to fill that cistern?
 2. Two of those quad buyers were told that re-bars or some type of metal will be used to stabilize that soil. She asks, is that a possibility?
 3. These same quad buyers were recently told they would make settlement in September. She asks, is that likely?

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PROFESSIONAL REPORTS (Cont'd)

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

Response to Ellen Jarvis - Regarding McGrath Homes (Cont'd)

Jim Krueger:

- Says the temporary retention basin (cistern) is a quad site. The soil that was originally taken from that site will be put back into the temporary retention basin. It is a lift process where they put so much dirt in, grade it and sheet roll or tamp it. They take a geothermal device that measures the compaction of it and if it doesn't meet the compaction it is re-compacted and the soils are tested. They have to remove the soils that are not suitable for compaction. It is his understanding that someone is on site from time to time to make sure that lifts and testing is done as that is filled in.
- Says we receive reports and they will be forwarded to Gilmore.

Craig D. Kennard, PE:

- Says it does not make sense to use re-bars or any type of metal to stabilize the soil. They would just do compactions, do lifts.
- Says that the Staff he has reviewing and inspecting this project is probably the best around. For something that large you need to be right on because if you don't meet the compaction requirements you're going to have problems with the house.
- Says he doesn't get involved as to when settlements are scheduled, but it does not seem likely for September.

Jim Krueger:

- A large number of promised settlement dates were never achieved.

Ellen Jarvis:

- She says that in the current minutes of the Villas at Five Ponds it reads that they are going to be sending letters to the Township Supervisors relative to some engineering issues.

Michael J. Savona, Esq.:

- Says he attended a meeting on Monday, June 22nd with Mr. McGrath, his counsel, a number of representatives from the Villas Board and Mr. Thern.
- The Villas Board related a number of outstanding issues that didn't have anything to do with us, but there was one adjustment that they might want to make to the Plan. Apparently, this came before the Board in May of 2008 where a motion was made to allow them to remove a large section of fence around a detention basin that was called for on the plan. We told them that unfortunately, under the MPC, that doesn't achieve an Amendment to the Plan. We told them how to go about doing a Plan Amendment in a proper form so they could take the fence off and put it where they want it to be. They engaged in discussions with McGrath about doing that. They may come before the Board again.
- The remainder of outstanding issues did not relate to our Engineering or other Township matters.

Jim Krueger:

- Regarding the Villas at Five Ponds, Phase I, the last inspection of the 244 units was completed last week and all of the U & O's have been issued.

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

Zoning Ordinance & Subdivision Land Development Ordinance

- We had a special meeting with the Township's Planning Commission on June 15th to consider the final revisions to the Zoning Ordinance that have been made, incorporated and reviewed subsequent to their May 20th meeting.
 - The Township Planning Commission was not able to make a recommendation one way or the other.
 - The motion made to approve failed on a 2-1-1 vote (one recused & one against).

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PROFESSIONAL REPORTS (Cont'd)

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

Zoning Ordinance & Subdivision Land Development Ordinance (Cont'd)

- **The Township Planning Commission is only an advisory body, so, the Zoning Ordinance will move forward without a recommendation from the Local Planning Commission.**
- **The Township Planning Commission did recommend the adoption of Subdivision Land Development Ordinance that will accompany the Zoning Ordinance.**
- **After the Local Planning Commission meeting, both documents were referred to the County's Planning Commission along with the new proposed Zoning Map. That review is underway.**
- **At present, we are still on target to hold the Board's Public Hearing on July 23rd to hear community comments, questions or for the Board's consideration of adoption of the Zoning Ordinance.**

The Street Road Industrial Center

- **I will be turning my attention to this long outstanding item that requires resolution to get the street opened and to work out the issues that remain with Mr. Hankin. In my conversation with Mr. Feinberg this morning, I understand there has been a lot of interest in the community and we are going to talk to Mr. Thern and start pulling some of the old files and try to move forward with resolving the issues that remain outstanding with storm water and street dedication.**

AT & T Tower

- **The Zoning Hearing Board denied relief to construct a tower on June 25th. I received a email today from AT & T's attorney indicating that they have made no decisions yet about whether to appeal or not appeal. They are awaiting the written decision from the ZHB. Once they get that they will have 30 days to review and decide what their chances are to file an appeal.**

Shenandoah Woods

- **This will be discussed in greater detail later this evening at the workshop session regarding Shenandoah Woods. Mr. Tate and I have spent a good deal of time this month discussing, reviewing, researching and negotiating with various parties regarding the Township's possible participation in Notice of Interest for the Shenandoah Woods Site. We have made significant progress.**

Leo Quinn:

- **Regarding the Street Road Industrial Center, I haven't had a chance to speak to this resident/business owner in that development. I read his email, he was mad. Wherever his property is located they are turning around in his driveway, they have hit his trucks, his building and hit an employee. Somehow we need to turn this around.**

Michael J. Savona, Esq.

- **This problematic situation goes back years. There are a lot of issues involved. There is money the Township is holding to try to remediate some storm water issues. There was discussion that had been undertaken over the last several years to use some of that money toward fixing the streets to a condition that we can accept them for dedication. This is not a public street and Mr. Hankin has chosen to barricade it off and that's what's causing the need for the turnaround. It's a mess and a situation that needs attention. I am committing to the Board that I will turn my attention, Mr. Kennard, Mr. Thern to the extent that it is necessary to find a solution.**

Leo Quinn:

- **Regarding Friends of the Park on your report. I believe that is done.**

Michael J. Savona, Esq. said another attorney in his office worked on it. He will list it as completed.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PROFESSIONAL REPORTS (Cont'd)

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

Leo Quinn to Bob Tate:

- Regarding the 2009 Bond Issue, at the last meeting he presented his initial numbers and based on the way he looked at it, he contends we should not even be considering discussing this anymore. He asks Mr. Tate if he had the opportunity to review hiring that firm (Public Financial Management).

Bob Tate:

- I have contacted two others to get quotes. One quoted and one recommended not at this time to move forward. This has not been presented to the Board yet because everything is now in a holding pattern.
- We are waiting for Public Financial Management to come forward ready to proceed. At that time we can move forward with their proposal, the other proposal on hand and balance that against the third recommendation not to do it.

Michael J. Savona, Esq. to Leo Quinn:

- My firm also represents the Municipal Authority. We have access to all of the information on the Authorities Bond Issue. I had the Attorney, in my office, that worked on that compare the numbers so we could get some perspective on whether the deal the Authority got was better or worst than what the Township was projected to get under this deal.
- The Authorities Bond Refinance was done based on a refinance of Bonds that were taken out in 1992 and 1998. The Authority had been paying interest at those fixed rates which were higher the entire time without any refinancing.
- The Bond we are talking about refinancing was originally taken by the Township in 1998, was refinanced again in 2004 which means we took advantage of lower rates in 2004 which the Authority had not done and as you correctly indicated was that the Township saved about \$500,000.00 with the refinancing in 2004.
- The Authority contrarily did not refinance and have been paying a higher interest rate from either from 1992 to 1998 with no reduction and no \$500,000.00 in 2004. The amount of refinance that the Authority undertook in February of this year was around the same amount that the Township is talking about refinancing, which includes additional financing for police etc. is about 7.1 million dollars. The authorities projected savings in refinancing that Bond, when they authorized the refinance, was about 4% or about \$280,000.00. Meaning on money that had been out and financed and they have been paying interest either since 1992 or 1998 because the two series were being merged in the refinance. They were projecting a total savings through their refinancing of \$280,000.00.
- Our projections when we talked about the refinance for our Bond Issue would have been an additional \$72,000.00 in addition to the \$500,000.00 that we already saved which means the Township was projecting to net out something approaching \$600,000.00 in savings on the interest where the Authority only netted a total of \$288,000.00. We were doing twice as well in the savings that we would have achieved on the refinancing.
- In terms of the cost that were involved, the Authorities costs are in for their refinance, their Bond Issue was something like \$160,000.00 or \$167,000.00 which included a lump sum payment to the company that handled their transaction of about \$70,000.00. That was higher than what the cost were projected for our refinance which was \$127,000.00 or \$130,000.00 which included a \$13,500.00 payment to the financial management firm that would have handled the Bond Issue.
- If you look at the numbers I think we are doing significantly better because the Township's been willing to consider re-looking at refinancing more frequently than the Authority. We are on track to potentially save twice as much in interest than the Authority did because they didn't consider the refinance in 2004. They didn't do anything. Their projections for the refinance were projected now to net them \$288,000.00. If we did it again we would be closer to \$600,000.00.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PROFESSIONAL REPORTS (Cont'd)

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

Leo Quinn to Michael J. Savona, Esq.:

- **Going back to 2004 and incorporating that into our logic here really doesn't have any bearing. We have already refinanced our Bond in 2004 and saved \$500,000.00. We are looking to refinance that Bond again and we are going to save \$72,000.00 in this refinance and spend \$127,000.00.**

Michael J. Savona, Esq. to Leo Quinn:

- **You are going to save in this refinance. If your cost is projected at \$127,000.00 you're actually going to save \$199,000.00. It would be absolute lunacy to advise the Board to refinance at a cost of \$127,000.00 if you are only going to save \$72,000.00. I would hope you would think that Bob & I weren't so stupid to bring a recommendation to do that if it would end up costing \$50,000.00.**

Leo Quinn to Michael J. Savona, Esq.: So far I don't see that.

Michael J. Savona, Esq. to Leo Quinn:

- **If you would look at the schedule with the numbers they brought to you, the way they account for the savings is annualized in the first year. In the first year of savings 100% of the interest deduction is done in the first year that is how all bond refinancing is done. The net amount the Township would pay this year is reduced, under projections they showed you when they recommended it, is reduced by \$72,000.00. That is after the bonds are refinanced, after the closing, after the refinance, after all the costs are paid, after all the old bonds are retired and the net amount you are going to pay will be \$72,000.00 lower in this budget year.**

Leo Quinn to Michael J. Savona, Esq.:

- **You feel very confident in that and I appreciate that. I want to do it myself and I will make a presentation to the Board. I will do the analysis including 2004 to this plan. Based on everything I have seen so far, I am not getting to where you are telling me we are. I think we are spending \$127,000.00 to save \$72,000.00. When I look at the 2004 report it tells me a different story. I hope I am wrong. I want to make sure.**

Michael J. Savona, Esq.

- **In any event, it is not moving forward at this point. The market conditions have changed and Bob is looking at other proposals to see what the prevailing wisdom is among the professionals as to what to do about the Bond Issue. In the event that the markets adjust themselves to where it is advisable and Bob satisfies himself that the professionals are still recommending it, it will come back to the Board.**
- **At this time the authorization that you passed has expired. The 15 day window is closed. There is not going to be any movement.**

Leo Quinn:

- **That is a secondary point. The fact that we ended up agreeing to hire this company to act as a middle man, I think we are spending money that we don't have to spend. We can get it directly from the Pat Poprick Company the people that did it before. Their fees are far less.**

Michael J. Savona, Esq. to Leo Quinn:

- **Since this was done five years ago I would venture a guess it was done on a negotiated sale basis where you are selling directly to one individual bank or one individual financial institution. That is different from what either the Authority did this year or what is recommended to be done this year under current conditions.**

Leo Quinn:

- **We paid in 2004 what the Authority just paid in February. Both are less than what this company wants to charge to represent us. I am suggesting that we back away from that company completely when we open it up.**

Frank Feinberg: Let everybody present. The best numbers is what you go with.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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FINANCE

1. Approval of Bill List for June 11, 2009

BILL LIST FOR THE PERIOD ENDING JUNE 11, 2009

Prepays - \$142,079.22	
General Fund	\$ 236,946.95
Park & Recreation Fund	17,561.38
Storm Water Management Fund	7,259.50
Sanitation Fund	306,667.33
Golf Fund	60,998.81
Highway Traffic Cap. Improvement Fund	1,305.00
Highway Aid Fund	8,275.42
Legal & Engineering Escrows Fund	34,298.94
Payroll Dated May 28, 2009	<u>289,420.19</u>
Grand Total	<u><u>\$ 962,733.52</u></u>

2. Approval of Bill List for June 25, 2009

BILL LIST FOR THE PERIOD ENDING JUNE 25, 2009

Prepays - \$65,690.46	
General Fund	\$ 154,082.01
Park & Recreation Fund	31,066.84
Storm Water Management Fund	3,422.45
Sanitation Fund	1,297.00
Golf Fund	85,282.35
Highway Traffic Cap. Improvement Fund	630.00
Highway Aid Fund	3,009.39
Legal & Engineering Escrows Fund	40,944.33
Payroll Dated June 11, 2009	<u>280,153.61</u>
Grand Total	<u><u>\$ 599,887.98</u></u>

<p>Fred Gold so moved the motion to approve the Bill List for June 11, 2009 and the Bill List for June 25, 2009. The motion was 2nd by Leo Quinn. The vote carried 5-0-0.</p>
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3. Approval of Transfer for May, 2009

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>Gail Johnson moved to approve the Transfers for May 2009. The motion was 2nd by Fred Gold. The vote carried 5-0-0.</p>
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PUBLIC COMMENT

Jack Diamond – Warminster – Regarding the Bond Issue

- He wanted to know if a proposal was received from the company who did the bond refinancing before (Pat Poprick – First American).

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

Jack Diamond – Warminster - Regarding the Bond Issue (Cont'd)

Bob Tate

- Says he spoke with First American, in New York. The investment broker there did a review of what we were trying to do. It was recommended that we “not” do a bond refinance at this time. They did not quote on a Bond refinance because of that recommendation.

Jack Diamond – Warminster - Regarding the new Zoning Ordinance

- He says the new Zoning Ordinance changes school zoning from institutional to residential. He contends this change means that the School District is going to close schools, will want money, are going to sell schools and the Township will not have a say.
- He says it was suggested if the school zoning remained institutional a prison could be put on school properties. He thinks rather than change zoning that new wording should be considered for institutional and office.
- He says although the Board is having a Hearing on the Zoning Ordinance, he doesn't know if the Board has a fixed opinion or is still open-minded on this issue. He thinks that Mr. Savona is trying to give this a jet express but he would hope the zoning situation will be given more consideration.

Frank Feinberg

- Regardless of zoning, the Township would never have say in the selling of property owned by the School District. It is their property not the Townships.

Michael J. Savona, Esq.

- Jack, just let me go on record now as saying I resent that remark and I resent the implication that anyone is trying to hustle anybody.
- As I told you many, many times nobody in this room can say that Warminster Township has hustled to revise this Zoning Ordinance. It hasn't been touched since 1967 in substance except to have slap dash amendments put on it.
- This process, in point of fact, was started back in 2003. The contract with the consultant that we are using to write the ordinance was signed in 2006.
- In most communities in the world, it doesn't take over three years to do an ordinance that should follow a plan that was already done and drafted. It had been drafted and finished two or three years before the contract to hire the consultant to write the ordinance was signed. This has not been a hustle.
- I can't help it that we'll all not still sitting around making buggy whips. This is the 21st century and you have got to move to get anything done. I can't help it if we're moving coincidentally this year but I don't think it's fair that you portray it that anyone is trying to hustle, speed through or jet express anything.

Jack Diamond – Warminster - Regarding Consolidating Police Departments

- He contends that the Warminster Police Department is getting by in their building and the Warrington Police Department in their nicer building but neither building would accommodate a consolidation.
- He says although Mr. Tate suggests there might be some savings, He thinks we might be talking a shiny new building somewhere. This should be factored in when talking about consolidating the police departments.

Bob Tate

- A possible new building is factored in the analysis. It is first and foremost. It was discussed at length yesterday with representative from DCED (Department of Community and Economic Development). These gentlemen have been doing this across the state for many, many years. Retired Police Chief's are heavily involved in the process. I met with them.
- The study to consolidate the Warminster and Warrington Police Departments will be an extensive and involved process. The state does all the work for us at no cost to the Township.

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PUBLIC COMMENT (Cont'd)

Jack Diamond – Warminster - Regarding Consolidating Police Departments (Cont'd)

Bob Tate (Cont'd)

- In this type of consolidation the savings are averaging about 24%. An investment in a new building would impact that percentage. We could be realizing significant savings if it was feasible to make modifications to the Warrington site and the Administrative Staff relocated. This is something they are considering.

Jack Diamond – Warminster – Regarding Street Patching

- Wants to know if the Township is still patching cracks in the streets.

Bob Tate: Yes, it is part of Public Works project plan.

Jack Diamond – Warminster - Regarding putting legal notices on website

- He asks the Board to consider putting the Townships advertised legal notices on the website.

Frank Feinberg: We will double check on that.

Note: Mr. Savona and a couple Board members thought the advertised legal notices were on the website while the others thought not. All seem to think this should be put on the website.

Michael J. Savona, Esq. mentioned that the State Senate has just now agreed to consider a bill to make it available for Townships and Municipalities to do their Public Notice for Ordinances, Meeting etc. by publishing on the internet as opposed to the traditional publishing in the newspaper. That cost us a small fortune every year

Joe Senneff – 852 Ivyland Road – Warminster – Public Safety Problem

- Says a car cannot safely exit his home driveway because of his neighbor's high grown flowers and shrubs. Anyone exiting his driveway takes their life in their hands and to back out of this driveway is suicide. The driver's line of sight is blocked to the point that he has to pull out onto the road to see down the road. The traffic traveling on Ivyland Road towards his house cannot see the car that is exiting his driveway. He has seen drivers swerve into the oncoming lane because they became startled when the unexpected car does come into their clear sight.
- Says he invites anybody who thinks this might be frivolous to pull up in his driveway and try to back out. He thinks, last year this was treated like it was frivolous. This is the 2nd or 3rd year that he has been pursuing a solution and hasn't had any success yet. He thought he was following the avenues he should without making a deal out of it. This year his neighbor planted more shrubs. In the next couple weeks he will have no sight at all. He was asked to be patient and wait for the new revised Zoning Ordinance but upon viewing the draft on the website he didn't see changes for driveways coming onto roadways.
- Says he has filed complaints. Although hearsay, apparently citations were issued, supposedly the people got a notice and he was told these people went to the Township and said you cannot force us to do this. They would go to court to defend their flowers. The Township at that time backed down and said they are not willing to go to court over flowers. He construed this to mean the Township was unwilling to go to court to defend his family's safety.

Michael J. Savona, Esq. to Joe Senneff

- I am not going to comment on this. I have only heard a snapshot of a situation that is obviously more complicated.
- I can assure you, the Township is not going to set on its hands and ignore a safety problem.

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

Joe Senneff – 852 Ivyland Road – Warminster – Public Safety Problem (Cont'd)

Michael J. Savona, Esq. to Joe Senneff (Cont'd)

- I will ask Mr. Krueger and Mr. Thern to forward to me whatever information we have. We'll review it against the ordinance and see if it is possible to do anything to help you. It either "will be" or "it won't be" under current ordinances.
- That doesn't preclude your rights as a private citizen to ask relief against your neighbor privately for a nuisance or creating a hazard on your own.
- You don't necessarily have to have the Township do that for you. I would encourage you to consult with a lawyer on your own. It is a safety matter, and it is your family. That should be more important to you than anything, just as it is to us.
- If the Township is not able to do it through some public action that is not to say that you may not have a private action against your neighbor. That doesn't depend on any Township Ordinance. That is something you can pursue on your own and I would encourage you to consider doing that.

NOTATION

- An exchange of dialogue pursued between Mr. Krueger and Joe Senneff. They talk about sight distance and clear sight triangle.
- Craig D. Kennard, PE, Township Engineer, at another juncture, points out that sight distance and clear sight triangle are two different things.
 - Sight Distance - PennDot regulations are followed for sight distance.
 - Clear Sight Triangle is outside the right-of-way on private property. The Township cannot go in and clear that. If it is in the legal right-of-way the Township would have the authority to do that.
- Mr. Kennard says he was told by Staff that Mr. Senneff is not in the legal right-of way.
- Joe Senneff says he is in the legal right-of way.

Michael J. Savona, Esq. to Joe Senneff

- Mr. Kennard and I don't have enough information to give you a definitive answer.
- Mr. Thern and Mr. Krueger will be requested to give Mr. Kennard and myself any information they may have.
- The Township is willing to have Mr. Kennard send one of his people out to determine if you're in the legal right-of-way or not.
- We can't go by what you say versus what they say. There is a finite way to determine that and we can do that if the Board is willing to have someone sent out by Mr. Kennard.

Frank Feinberg: Acknowledges his approval.

Leo Quinn: Says, he is going to drive by Mr. Senneff house.

Nancy McElroy – 1005 Hilltop Road – Warminster – Flooding Problems

NOTE: As a result of the heavy rains, a couple weeks ago, flooding problems on Hilltop Road prompted Nancy McElroy to send an email of concern to Frank Feinberg, Chairman. He has invited her here this evening to further express and outline her concerns.

- Says she moved into her home on Hilltop Road three years ago. During that time she has seen torrential rain waters rising up people's driveways. This recent storm, the rain waters rose into the driveway, garage and family room of one neighbor, the sunroom of another and without exaggeration, the water was lapping at her back door had it rained another half hour water would have come into her family room and laundry room. On Roberts Road there was a car submerged in water and ruined.

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PUBLIC COMMENT (Cont'd)

Nancy McElroy – 1005 Hilltop Road – Warminster – Flooding Problems (Cont'd)

- Says she has been told by other neighbors that the flooding problems have occurred off and on for many years. It was said that there was a creek that was dredged some years ago that helped the problem and the construction on York Road (Kingdom Hall) contributed to the problem.
- Says where she previously lived, the city periodically cleaned out the culverts. She is surprised the Township didn't take steps to do that.
- Says it was a big investment for her to move to Hilltop Road and she wants to get many years out of this home. She wants to know what steps will be taken to alleviate the flooding issues.

Frank Feinberg:

- Says the Township addresses many storm water issues and wants to know where the problems are. Her report provided valuable information.
- He says her concerns are taken seriously. We have talked to Bob Tate and are undertaking a review of storm water issues with Mr. Thern, Mr. Krueger and our Township Engineer, Mr. Kennard. A study will be done.

Bob Tate:

- Says in the past seven years the Public Works crews have done much work on storm water problems and our Engineers have helped design some solutions. We are still looking into several different areas in the Township that have significant flood problems. To alleviate them, we need to know the extent of the problem and determined what needs to be done.
- Says since 2004, prior to Gilmore Associates, our Township spent close to \$900,000.00 on various Storm Water Projects.
- Says this year a significant amount of money (\$300,000.00 or \$400,000.00) was budgeted for a joint Storm Water Project with another Township. The project will probably start next year because of the other Township's funding.
- Says in Warminster's ten (10) square miles, our crews are busy with road repairs, pot holes, cleaning of inlets and a million other things.
- Says in his reports he reminds residents don't blow cut grass in the street or dump it in a stream. This contributes to the problem.
- Says there is a lot of planning and a lot of reviewing. He tells Ms. McElroy that her particular area is on the radar and the Township will engage the engineers to look at the problem to determine a feasible solution.

Craig D. Kennard, PE:

- Says a Township this size has a lot of drainage issues that are mostly in older developments. Each year we look at those projects and evaluate which ones can be done.
- Says her email states she is surrounded by a creek (water) and upon viewing the pictures provided it appears that she probably lives in a low lying area.
- Says it looks like there needs to be increased capacity in the pipes, maybe additional inlets, a need to figure out where to take the water and easements might need to be acquired through properties, to get the water to a creek.
- Says the following is the process followed when a complaint comes in:
 - It is investigated.
 - The Staff looks at it (to do the studies) and he gets involved as needed.
 - If they want to go through with a design, they need authorization from the Board:
 - To spend the money on design plans and whether or not to put it out for bid.
 - Smaller projects, Public Works then schedules that for a storm sewer project.

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PUBLIC COMMENT (Cont'd)

Nancy McElroy – 1005 Hilltop Road – Warminster – Flooding Problems (Cont'd)

Craig D. Kennard, PE: (Cont'd)

- It is not a budgeted item. There are provisions for certain projects but that may be something that needs to be. If design is approved, that would be for 2010.
- A maintenance issue, clogged pipe, inlet etc. are addressed.
- Says, in the year and a half he has been with the Township, this is the first time this matter has come to his attention. He thinks the Staff has gotten direction through the Board that they would like this to be investigated more, but he won't have a recommendation tonight.

Leo Quinn:

- Says the Township undertook 22 different projects with the money that was spent from 2004 to this year and is now in the process of putting together the next long range plan so we can budget these types of projects.
- Says the recent storm exceeded the 100 year storm levels. A lot of people did take on water that never did before. He mentioned his sister and brother-in-law's carpets were ruined.
- Says we have 103 linear miles of roads in Warminster. When this storm came, the police and work crews were deployed to the worst spots in the Township. He suggests that in situations like that residents assist. For example: If a culvert is blocked a resident should go out and unblock it so the water is flowing.
- Says in his development he never saw water until now. A small dip in the road got so deep that two drivers not realizing its depth simultaneously got their cars stuck and had to be towed out. Those cars are stranded. His home didn't get water, but the hydro static pressure underneath the ground pushed the liner of his in-ground pool away from the steel wall underneath the ground. The pool cannot be used.
- Says from the construction site on Bristol mud traveled through the woods of Steve Harris's Farm onto the road, traveled across Kemper Drive through the yard and into the stream.

Craig D. Kennard, PE:

To Clarify

- Says the newer developments and any new projects going through the Land Development process now, does meet the 100 year design criteria now. Back 15 or 16 years, he recalls it was a 50 year design storm.
- Says PennDot still will only use 10 year or 25 year. They use their own funding and can't afford the larger pipes. The private developer will put in larger pipes.
- Says although all the new developments are designed for 100 year, there is a dilemma as soon as you get out on PennDot road. They use 10 year or 25 year.
- Says in every municipality he represents the developments new roads are fine but as soon as it gets to the intersection we have all the flooding because at some point there is a bottle neck somewhere in the pipe line going to the creek because usually you are crossing a PennDot road.

Grant Opportunities

- Another issue that we've been looking at is grant opportunities. We do it for all our clients. Probably once or twice a year we update the manager on opportunities for fixing storm sewers and mainly looking at the retention facilities that the Township owns where you store the water. We did one in June. We summarize, we evaluate.
- The problem with that is you have to budget. It's matching grant funding. We find opportunity, it doesn't happen right away. It does sound like a long process. You do your research for the funding, identify your areas and then apply that to the following year and budget that for those projects. I know some of the projects mentioned before were funded through state and federal money.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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SUPERVISOR'S COMMENTS

Leo Quinn:

- Regarding Carlton Pools Land Development, he recalled that they were to do landscaping along the road and wants to know if that landscaping was done.

Tom Thern:

- Says, he'll look into the matter. The Land Development is not finished. A building is supposed to be built there.

Leo Quinn:

- Regarding Warminster Plaza Shopping Center – under the present zoning a Shopping Center can't put in a gas station. Take Giant as an example. Several years ago Giant wanted to put in a gas station and based on the present zoning we said no. When the new zoning is adopted, would a gas station be allowed in that Shopping Center?

Michael J. Savona, Esq.:

- I would have to take a look at the Ordinance to see how you would treat it, where you are asking could you put a gas station in an existing Shopping Center.

Fred Gold: Previously you could only put a gas station on Highway Commercial. Does that designation change?

Frank Feinberg: Yes, that is gone.

Michael J. Savona, Esq.:

Highway Commercial has been merged into a C-1 and C-2 District. The whole commercial orientation is recommended to be changed where the uses are split.

- C-1 is smaller scale commercial uses where there are smaller properties and smaller lots.
- C-2 is for larger scale commercial uses where the properties are larger and they are oriented on the commercial corridor of the commercial highway corridors.

What they did with gasoline stations in the new draft is:

- In the smaller commercial C-1 zoning districts they are going to require that after the Planning Commission Review is completed, those will be able to be located in a C-1 District but it is only by "Conditional Use" which requires:
 - A hearing in front of this Board.
 - A larger parcel of ground. The Planning Commission recommended five (5) acres, before you could consider putting a gasoline service station into C-1 Zoned District. For instance, in a Shopping Center, if it is an existing use as a Shopping Center, you would have to somehow remove or subdivide off a parcel of ground from the existing Shopping Center in order to locate a gasoline service station.
- C-2 is permitted.
- In terms of a large Retail Store some are adding as an accessory an island of pumps. Provisions were created in the Ordinance to allow that. This is not a full blown gasoline station because it doesn't have the store, the retail like the Wawa with the coffee and sales inside. This would be simply gas pumps.
- The minute you take it to a larger scale where there is any sort of retail sales, that is no longer considered an accessory to a Large Retail Store or to a Shopping Center.

Fred Gold:

- I think it is something we have to look into. If it is a gas station, it is a gas station and we don't want any gas stations.

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SUPERVISOR'S COMMENTS (Cont'd)

Fred Gold:

- I just want to congratulate my grandson Adam Jaffee who just graduated from Council Rock South and will be starting at Penn State University next week.

Ellen Jarvis:

- Hopes our residents enjoy Independence Day, July 4th. She reminds them that there are no legal fireworks in backyards. Please be safe.
- Welcomes her daughter and her husband who will be moving into Warminster next week.

AGENDA FOR THURSDAY, JULY 9, 2009

- Public Workshop for our Pension Advisors Presentation – starts at 5:30 PM - this will be advertised.
- Presentation – An Accommodation from Chief Murphy.
- Consideration of Lease Purchase - for the replacement of our Sweeper Truck.
- Discussion of Proposals from Brokers for our Health Insurance Program.

OTHER BUSINESS - Shenandoah Woods - Discussion

I N F O R M A T I O N A L

The Willow Grove Base will be vacated by the Navy in 2011. The Bucks County properties owned by the Navy considered surplus, now in the BRAC (Base Realignment and Closure) process are as follows:

- 1) Shenandoah Woods – Warminster, PA – 199 Units (Townhouses) – 51 acres
(26 acres is open space/wooded areas)
- 2) Jacksonville Road – Ivyland, PA – 6 Single Family Homes – 2.5 acres

The BRAC Law requires:

- McKinney Act – reuse to benefit homeless individuals and families.
 - Legitimate homeless providers can seek title (a free conveyance) to the property if they meet the requirements.
- LRA (Local Redevelopment Authority) - the Horsham LRA is charged with finding potential uses for Shenandoah Woods (includes Jacksonville Road property) and preparing a comprehensive and financially feasible reuse plan.
 - The HLRA is now engaged in soliciting Letters of Interest for the potential reuse of the properties. The Notice of interest (NOI) must be received no later than July 15, 2009.
 - The HLRA reports to the Navy their determined recommendation for the property. It is up to the government to accept or reject.
- HUD (Housing and Urban Development) must review reuse plan. Under the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, they are responsible for ensuring that the reuse plans address the needs of the homeless.

I N F O R M A T I O N A L - O T H E R

- The Horsham, LRA, located in Montgomery County, was recognized as the Local Redevelopment Authority (LRA) by the Navy a number of years ago when a previous BRAC process was related primarily to closings located in Horsham. The HLRA is organized and managed by Horsham Township. There is a Warminster Subcommittee.
- The Shenandoah Woods properties are located in Warminster Township (Bucks County).

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OTHER BUSINESS - Shenandoah Woods - Discussion (Cont'd)

INFORMATIONAL OTHER: (Cont'd)

- The Township of Warminster, as a public entity, is entitled to submit a Notice of Interest (NOI) to seek a Public Benefit Conveyance (PBC). A Park and Recreation Conveyance is a category use that is a permitted public benefit even though it is not homeless related or McKinney Act related.

NOTATION

Under law, the preferred reuse plan for Shenandoah Woods and Jacksonville Road properties is onsite homeless services. This preferred reuse does not reflect the Townships long-term best interest. To find an alternate plan that best benefits the Township, Robert Tate, Township Manager and Michael J. Savona, Esq., Solicitor have engaged numerous hours in following the avenues that could bring forth that end result.

INFORMATIONAL DETAILS PRESENTED

Bob Tate:

- The Shenandoah Woods property is adjacent to Warminster Community Park. We have the opportunity to submit a NOI to request a Public Benefit Conveyance (PBC) for 26 acres of that land for Parks and Recreation—open space. We currently designate 15 acres to wild life conservation and 11 acres to open space—wooded areas surrounding the parcel. Although there are other conveyances available the PBC seems the best fit for the Township.
PLAN “B”
- It is the desire and intent of the Board (general consensus) to convey to the LRA what is believed to be the best and highest use for the Shenandoah Woods properties for Warminster Township.
 - Economic Redevelopment (all houses).
 - Public Benefit Conveyance (PBC) for Parks & Recreation – open space.

NOTE: If this submission plan “were approved” it would result in the following:

- Economic Redevelopment – Navy Controls – Houses go up for auction – Any Developer can bid - Navy benefits
*** The Township controls the Land Development process.
- Public Benefit Conveyance – Township receives free conveyance of park land.

Michael J. Savona, Esq.:

- While looking at establishing a NOI for Public Benefit Conveyance, there were two particular parties, interested in the Shenandoah parcels that came to the NOI process presentations by LRA. Both have expertise as homeless providers in Bucks County. We thought they were not a group you want to ignore in this process. They were:
 - The Reinvestment Fund, Inc. (TRF) – They are specifically chartered to address housing needs of lower or moderate income people. They develop strategies to redevelop housing in areas that are blighted. They develop blighted housing and refit it into housing that can then be resold to individuals as single family homes or row houses.
 - The Bucks County Housing Group (BCHG) – Chartered in 1979 - They are the largest homeless provider in Bucks County. They provide social service, transitional housing and first time home buyer programs for homeless individuals.

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**OTHER BUSINESS - Shenandoah Woods - Discussion (Cont'd)
INFORMATIONAL DETAILS PRESENTED (Cont'd)**

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

- **There is a Memorandum of Understanding (MOU) that was signed between TRF and BCHG. It focused on submitting Note of Interest (NOI) to use the Shenandoah Woods Site for onsite homeless services. Which means:**
 - **We now have a large and interested non-profit, who specializes in doing this kind of housing partnering, with the largest homeless service group in our county.**
 - **Both with the goal of providing homeless services on that site.**
 - **The way the hierarchy works with these submissions if there is a viable homeless service plan that can be approved by HUD then that plan, under the McKinney Act, is an acceptable and preferred use of this property.**
- **We needed to talk with them to see if we could work together to avoid seeing a 199 unit complex of homeless services on a site close to a residential neighborhood, adjacent to our park and has no public transportation.**
- **We began dialogue with TRF/BCHG. We attended a number of meetings. They came, met with one or two members of the Board and the process has evolved to the point where a Memorandum of Understanding (MOU), that we have been asked to execute with the Reinvestment Fund, Inc. (TRF) and the Bucks County Housing Group (BCHG), is in front of each Board member tonight for review and consideration.**
- **This MOU allows Warminster Township to partner with both TRF and BCHG to jointly submit a NOI to the HLRA; by signing the Memorandum of Understanding, both TRF and BCHG have agreed to forgo submitting a plan for onsite homeless services. Instead, the Township, TRF and BCHG mutually agree to create an "Alternate Plan" that is in the best interest of Warminster Township and the Bucks and Montgomery Counties homeless communities.**

PLAN "A"

- **The Alternative Plan would provide the following three elements:**
 - (A) **Creation of a sustainable Bucks and Montgomery Homelessness Fund (BMHF). A fund to meet the needs of the homeless population residing in Bucks and Montgomery Counties; this fund would meet the intent of the Act, and**
 - (B) **Promotion of the Redevelopment of the Shenandoah Woods property as a taxable residential community, by providing for the acquisition, redevelopment and sale of the existing housing at Shenandoah Woods to working families at a price below market rate in order to capitalize the BMHF.**
 - (C) **Provision of public park and recreation spaces by providing for conveyance of certain park and open space areas at the Shenandoah Woods site to Warminster Township as a public benefit to the community and citizens of Warminster Township.**

NOTE: If the Alternative Plan – a homeless submission “were approved” it would result in the following:

- 1) **Creation of the BMHF – the Township would have a permanent seat. The profits from the sale of the units would be placed in this fund. The fund would give out grants and provide monies to sustain homeless services in off-site locations in Bucks and Montgomery Counties.**
- 2) **Creation of the Economic Redevelopment – free conveyance of all units – TRF would act as the Developer – The housing would be rehabbed, renovated and brought up to code. Storm water issues would be addressed to current standards.**
- 3) **Public Benefit Conveyance – Township receives free conveyance of park land.**

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**OTHER BUSINESS - Shenandoah Woods - Discussion (Cont'd)
INFORMATIONAL DETAILS PRESENTED (Cont'd)
Michael J. Savona, Esq.: (Cont'd)**

THE CATCH

All three parties acknowledge that under current interpretations of HUD (Housing and Urban Development) policy and DOD (Department of Defense) policy that kind of a plan is not generally accepted.

All three parties agree that the Alternative Plan affords the maximum benefit to the community and is in keeping with the spirit of the Act to create benefits for the homeless population and they will commit their efforts to lobbying congress, to lobbying the appropriate HUD officials or federal officials to change that policy to permit this type of plan to be used at Shenandoah Woods because it makes the most sense. It would fit this property and benefit the Township, TRF and BCHG.

MOU INFORMATION

Under the MOU, the Township would submit a joint NOI, with the Alterative Plan that TRF is advancing and the Township would also submit its own NOI (Economic Redevelopment & Public Benefit Conveyance).

- If there is no viable homeless plan, the LRA has to consider either the Alternative Plan we are submitting with TRF & BCHG or the NOI that the Township is advancing.
- The Township's preferred result for Shenandoah Woods is the Alternative Plan.

Under the MOU (Exclusivity),

- It locks in TRF and BCHG not to do a homeless plan on this site and it would lock them into not submitting a NOI for homeless services on site at Shenandoah Woods. They cannot partner with another group and have that group submit a NOI for homeless conveyance.

This MOU will cover only the NOI process.

- If the LRA approves The Alternate Plan being suggested from that point forward we have to enter into a formal Joint Venture Agreement. It will take the place of this MOU and it will spell out very specifically rights, obligations and entitlements of all the parties including the kind of housing we want to see, specific use of the parks etc.
- We are not committing to anything other than we are going to agree to sign the MOU. It is a good idea and we like the idea that they are not going to submit an all homeless plan.

SOLICITOR'S RESPONSE TO QUESTIONS ASKED BY BOARD MEMBERS (names noted)

- TRF is going for all or nothing in their support of the Alternate Plan. This will keep the biggest players from submitting a plan that would involve on-site homeless services. That reason alone justifies signing off on it. (Mr. Quinn)
- The language on the MOU represents my revision of the TRF proposed MOU. It represents the best case scenario for us. Gives us latitude either way to achieve the goals we wanted to achieve. In my conversation with the President of TRF, development partners this afternoon, he indicated they would sign. (Mr. Quinn)
- The Exclusivity paragraph is designed to tie together. BCHG partnered with TRF in a signed MOU. BCHG is the recognized homeless provider that can submit a NOI to take title to the property for homeless services, but they needed to partner with TRF (not a homeless provider) to show financial sustainability free of federal dollars. They couldn't do it on their own. (Mr. Gold)
- One of the requirements for HUD approval is that the plan must demonstrate it would be able to survive financially and be independent of any federal money into perpetuity. That is tough for any non-profit social service provider to meet. It looks that there will not be others also submitting a plan. (Mr. Gold)

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**OTHER BUSINESS - Shenandoah Woods - Discussion (Cont'd)
SOLICITOR'S RESPONSE TO QUESTIONS ASKED BY BOARD MEMBERS (Cont'd)**

- It is in our best interest partnering up with the ones most likely to use the property for a way we don't want it used and getting them to do what really makes sense. We need to do what we can to make it happen even if that takes site specific relief or some sort of congressional action and lobbying for it. (Mr. Quinn)
- We are talking policy decision by the Board with other public agencies and it was my recommendation that we have this discussion in public. The public needs to know that the Board in making prudent choices for the Township. You are making a policy decision directed toward staying off risk. That is something you want everybody to know. (Mr. Johnson)
- The Township will retain full land use and zoning control. When the LRA reuse plan goes to the Navy, we will have to submit a certification that it meets our local zoning controls. Whoever takes title of the property would have to go through our full Land Development process. (Mr. Quinn)
- If the Alternate Plan is approved the target will be what they call work force housing priced around \$200,000.00 per unit. (Mr. Johnson)

Michael J. Savona, Esq.:

- Mr. Tate and I would recommend that the Board authorize acceptance of the Memorandum of Understanding (MOU) and allow the Township to sign off on it subject to approval by the other two parties. I want both BCHG and TRF signature on it before we commit to it.
- Assuming that all three parties sign, I would ask that the Board authorize execution of the Memorandum of Understanding and direct that the Township Staff and Professionals proceed to prepare the NOI (Notice of Intent) for Public Benefit Conveyance and to take the other steps as called for in the Memorandum.

<p>Ellen Jarvis so moved the motion to authorize acceptance of the Memorandum of Understanding (MOU), as defined by Michael J. Savona, Esq., Township Solicitor. The motion was 2nd by Fred Gold. The vote carried 5-0-0.</p>
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Bob Tate:

- Says that Karen Whitney is already working on certain section of the NOI relative to the park conveyance. She is expert having already done a couple hundred acres.
- Says Craig Kennard is providing input to address storm water issues.
- Says he expects in the next week or so to pull the details together.

MEETING ADJOURNED AT 10:27 PM

INDIVIDUAL ACTION ITEMS:

Bob Tate:

- Arrange to have advertised legal notices put on the website.
- Provide a copy to the BOS of the "Request for Quote" Advertisement for Brokerage Services.

Tom Thern:

- Check status of landscaping at Carlton Pools Land Development site.