

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING**

**Friday, February 26, 2010**

**MEMBERS PRESENT:** Gail E. Johnson, Chairman  
Frank Feinberg, Vice Chairman  
Ellen S. Jarvis, Secretary  
Thomas E. Panzer

**STAFF PRESENT:** Robert V. Tate, Township Manager  
Michael J. Savona, Esq., Township Solicitor  
Craig D. Kennard, PE, Township Engineer (Gilmore & Assoc)  
Jim Krueger, Municipal Services Director  
Thomas Thern, Zoning Officer

1. **Call to Order:** The Public Meeting of the Warminster Township Board of Supervisors, duly advertised in public notices, was held at the Township Building, 401 Gibson Avenue, Warminster, PA. The meeting was called to order at 6:59 P.M. by Chairman Gail E. Johnson.

**Pledge of Allegiance:** Led by Frank Feinberg, followed by a moment of silence for our men and women in uniform around the world.

**2. Announcements, Correspondence, Awards:**

- A. **Proclamation Honoring Long-Time Warminster Resident James B. Messina Jr:** The Board of Supervisors recognized “the immeasurable contributions to the Warminster community” of Jim Messina, who passed away on February 10, 2010. Jim served Warminster on its CARE Committee, the Americans with Disabilities Act Committee, and its Traffic Safety Committee; he was also a vice president of the Giuseppe Giaimo Memorial Scholarship Fund, was a founding member of the Ben Wilson Senior Center Board; on the Executive Board of the Warminster Rotary; served the county on its Bucks County Area Agency on Aging. The Supervisors proclaimed March 9, 2010 “James B. Messina Jr. Day,” in recognition, and with sincere appreciation, of Jim’s many years of service and Jim’s unselfish dedication to his community; and, to honor Jim on what would have been his 76<sup>th</sup> birthday.
- B. **Giuseppe Giaimo Memorial Scholarship Event:** Mr. Feinberg announced the Giuseppe Giaimo Memorial Scholarship fund event on Saturday, February 27<sup>th</sup> at 7 PM at the Ben Wilson Senior Center. During that event, Jim Messina will also be honored. The tickets are \$45 per person, including food and entertainment. The proceeds go to scholarships for Warminster students.
- C. **New businesses in Warminster:** Mrs. Jarvis welcomed the following new businesses moving into the Township: H. L. Samit Associates, 134 York Road; Finishing Associates, Inc., 340 Constance Drive, Suites 2 & 3; ABC Multiservice, II, 210 W. Street Road; Horizon HVAC, Inc., 1099 Mearns Road; Season’s Hearth & Patio, 680 Eagle Boulevard; Transcontinental Printing USA, 375 Jacksonville Road and 65 Steamboat Drive; Dynamic Stone Creations, LP, 315 E.

Street Road; Travis, Inc., 388 Nina Way; Take Us 4 Granite, 1017 W. County Line Road; and the Sculley Protection Team, 1407 W. Street Road.

- D. **Ben Wilson Senior Center Events:** Mrs. Jarvis announced a Pancake Breakfast at the Benjamin Wilson Senior Center, held Saturday, March 27<sup>th</sup> from 8 AM to 12 noon. Cost \$6 per adult, \$4 for children ten and under.

A Spring Craft Show and Flea Market will be held May 7<sup>th</sup> and 8<sup>th</sup> at the Ben Wilson Senior Center. They are currently renting tables and taking reservations. If you are selling anything you think buyers might want, you can register at the Senior Center.

- E. **Appreciation for Public Works Department:** Mrs. Jarvis acknowledged the terrific work of our Public Works Department. Warminster has been under several snow emergencies with the cost of the last two snowstorms pushing \$100K for clean up of our public roads. We have no official word on Federal or State assistance. Governor Rendell stated today that liquid fuels payments to municipalities will be mailed out a month early. The effort was a strain on many municipalities in addition to the strain on Warminster Township's man/woman power. The other Supervisors join me in thanking the men and women of the Public Works Department for their round-the-clock work in keeping our streets clear and safe.

- F. **Shenandoah Woods:** Mr. Panzer announced that the Shenandoah Woods Subcommittee met with representatives of the Township and the Reinvestment Fund which is an entity interested in redeveloping Shenandoah Woods. Mr. Feinberg is the appointee from the Board of Supervisors. The Reinvestment Fund has revised their proposed plan and that plan will be heard at the next Subcommittee meeting March 8<sup>th</sup> at 7 PM in the William Tennent Cafeteria. The Subcommittee is close to making a recommendation to the Horsham Land and Use Authority about proposed use of Shenandoah Woods. PDFs of sketch plans and financial proformas have been posted on the Township website.

- G. **Supervisor Quinn's Absence:** Mr. Johnson read a statement from Mr. Quinn stating he would not be able to attend the meeting rescheduled tonight due to a prior commitment that required him to be out of town.

- H. **Tax Collector's Announcement:** Barbara Loftus, Tax Collector announced that the 2010 township and county real estate tax bills have been mailed. Her office has extended hours and will be open for payments on April 24<sup>th</sup> from 9 AM to 12 PM and on April 29<sup>th</sup> and 30<sup>th</sup> from 9 AM until 7:30 PM.

### 3. Presentations:

- A. **Swearing in of Police Officer:** Melissa Herman was sworn in as Warminster Police Department's newest member of its Patrol team. She took the oath of office as presented by Supervisors' Chairman Gail E. Johnson and WPD's Lieutenant Donnelly. **Action: Officer Herman was congratulated and welcomed to the Police Department by the Supervisors.**
- B. **Presentation of Emergency Management Certification:** On behalf of the Bucks County Commissioners and John Dougherty, the county's Emergency Services Director, Harry Crohe,

the Operations and Training Officer of Bucks County Emergency Management Agency, awarded Township employee **Dan Laurich** with professional certification in emergency management. **Action: Dan Laurich was congratulated by the Supervisors.**

**C. Beneficial Bank, 555 W. Street Road – Preliminary/Final Plan:**

Mr. Jonathan M. Grosser of Stradley Ronon, attorney for Beneficial Bank, Mr. Joel DelliCarpini, R.L.A. of Bohler Engineering, Jerry W. Childers, AIA, Mr. Joseph F. Coyle, Senior Vice President of Beneficial Bank were present.

Mr. Savona stated there were two matters to be presented to the Board. The first is a request for a subdivision for the property which is proposed to be developed by Beneficial Bank. Mr. Savona listed several waivers regarding property improvements. Mr. Panzer asked how the subdivision would divide the piece of property at Mearns and Street Road. Mr. Joel DelliCarpini explained where the bank and the proposed CVS building would be located.

The land development plan has been reviewed and a summary in response to the comments of the engineering review letter has been provided by Mr. DelliCarpini, dated February 3, 2010. There is also a written request last revised on February 3, 2010 of seven waivers pertinent to the subdivision ordinance and five waivers pertinent to the storm water management ordinance regulations.

Mr. Grosser believes the design of the bank would be a major asset to the community and a substantial improvement over the current condition of the property.

The subdivision waivers were read by Mr. Savona followed by the storm water waivers. Mr. Kennard had no issues with either the subdivision or the storm water waivers.

Mr. DelliCarpini discussed pervious pavement. The site is 85 percent impervious. The new ordinance provides for a maximum of 50 percent impervious coverage on the lot. In the plans, Beneficial has provided two areas of pervious pavement on the property, a total 4000 square feet. The ordinance provided a 10 per cent credit for the pervious pavement. We are seeking a waiver to be allowed a 50 percent credit. Mr. Kennard added that a maintenance agreement for the pervious pavement should be part of the storm water agreement.

Architect Childers explained the “green” energy and environmental savings the proposed building would have including an efficient flushing system; instantaneous hot water located near its point of use, on demand; newest energy-saving high performance lighting; metal roof with recyclable material; frame of steel and wood, both recyclable, to name just some of the energy efficient efforts the bank would incorporate into the building.

**Motion by Mrs. Jarvis, 2<sup>nd</sup> by Mr. Panzer, to approve the subdivision application for the property at 555 W. Street Road as depicted on the plan as to Lots A and B subject to a waiver from the requirements of section 505, 513, 515, 521, and 523 in order to permit the deferral of road widening curbs, sidewalks, storm sewers, street lights, etc., along the property frontages until further development of Lot A, subject also to a note on the plan subject to that effect. **Vote to approve 4-0.****

**Motion by Mrs. Jarvis, 2<sup>nd</sup> by Mr. Panzer to grant approval of the Beneficial Savings Bank preliminary final plan request for the property at 555 W. Street Road, now identified as Lot B, subject to the applicant's compliance to all of the terms, provisions, and conditions set forth in the Township's engineer's review letter dated January 13, 2010, as memorialized by the comments of the applicant's engineering firm, Bohler Engineering Firm, by letter dated February 3, 2010, and signed by Joel DelliCarpini, of Bohler Engineering, subject also to the waivers which would be granted by the Board for this project, as specified by Solicitor Savona in writing to the applicant. **Vote to approve, 4-0****

**5. Consent Agenda Items -- (One motion to approve all items)**

At Mr. Panzer's request, Items A, B and C were considered separately. At the request of Mr. Kennard, Item F was considered separately.

**A. Approval of the Minutes of January 28, 2010**

**B. Approval of the Revised Minutes of January 14, 2010**

Discussion: Mr. Panzer requested the minutes be amended as discussed.

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Panzer to approve Minutes of January 14, 2010 as amended. Vote to approve, 4-0**

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Johnson to approve Minutes of January 28, 2010 as amended. Vote to approve, 4-0**

**C. Authorization to Advertise Police Uniform Bid #2010-02**

Discussion: Mr. Tate explained the need to replace various articles of clothing for the police officers throughout the year. The uniforms have a life of about two years. They are worn every day. The chief has sought out a more durable type of clothing but has not found a vendor for the type of garment he is seeking. Mr. Savona asked that the bid advertisement be reviewed by his office, to prevent any impropriety or suggestion of collusion.

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Panzer to approve this authorization to advertise on the condition that the bid specifications be reviewed and approved by our Solicitor prior to advertising. **Vote to approve, 4-0****

**F. Construction Escrow Release – Final - Timber Woods – Dominic LaRosa Builders, Inc. in the amount of \$25,662.85.**

Discussion: Mr. Kennard: Everything stands in recommendation to release the above amount, however, the bank that holds the letter of credit indicated that there is still a letter of credit in

the amount of \$21,136.20 that was not officially released. Mr. Savona stated that they tendered a title policy, a deed, and a letter of credit for a maintenance bond that has not been required by us. Mr. Kennard asked that the Board approve the release of the maintenance letter of credit for \$21,136.20 which would close out the project completely.

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Johnson, to release construction escrow for Timber Woods, as well as the maintenance letter of credit of \$21,136.20, as recommended. Vote to approve, 4-0**

The following items remain on the Consent Agenda, and are considered together:

- D. Reject Incomplete Bid from #2010-01 Sediment Removal from Pond 4 – Five Ponds Golf Course**
  
- E. Reauthorize Advertisement for Bid #2010-01 Sediment Removal from Pond 4 – Five Ponds Golf Course**
  
- G. Legal & Engineering Escrow Releases:**
  - 1. Anthony Tokarchyk, 273 E. County Line Road in the amount of \$1,272.00**
  - 2. Pohle Enterprises, Lot 16 STRIP in the amount of \$8,358.01**
  - 3. Repete Associates, 545 W. Street Road in the amount of \$2,000.00**
  - 4. Brandow Automotive, 555 W. Street Road in the amount of \$3,695.30**

**MOTION by Mr. Panzer, 2<sup>nd</sup> Mrs. Jarvis to approve Items D, E, and G of the Consent Agenda. Vote to approve, 4-0**

**6. Old Business**

- A. Smith, Spognardi, Mermelstein – 415 Lemon Street Subdivision – Approval of Waiver Request and Mylar Signing**

Discussion: Mr. Savona referred to a letter from Mr. Kennard dated February 5, 2010 regarding the final mylar approval, also noted a letter from the project’s attorney regarding a request for a buffer. The Board had already granted preliminary and final approval for this subdivision of a single lot divided into two lots. As a result of some issues, in order for the lot that was created by the subdivision to be a usable lot, a waiver is required for the buffer requirement under Section 523.5 of the subdivision land development ordinance. Mr. Kennard supports the waiver because it is a minor subdivision.

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Johnson, Smith, Spognardi, Mermelstein – 415 Lemon Street Subdivision – Approval of Waiver Request and Mylar Signing. Vote to approve, 4-0**

- B. Approve Agreements for Cell Tower - Tower One and Grace Lutheran Church**

The agreements that are before the Board are the lease agreements with the Township and Grace Evangelical Lutheran Church which have been negotiated through Mr. Savona and the

Church's attorney. The intent of the two leases which are under consideration will be that the township will lease a section of the church's property on an easement basis for the purpose of construction of a cell tower, (Tower One) with whom the Township will lease a 50x50 square foot compound for location of the tower.

Under the agreement with Tower One that the Township approved last September, any cellular tower erected on Township property or property controlled by the Township are subject to a revenue share of 60 percent to Tower One, 40 percent to the Township. The Township bears no cost in the construction or maintenance of the tower.

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Feinberg, to approve agreements for Cell Tower - Tower One and Grace Lutheran Church. Vote to approve, 4-0**

**C. Adoption of Resolution #10-06 to Establish Mileage Reimbursement Rate**

Discussion: Mr. Panzer requested that Resolution #10-06 be amended to state that employees will be reimbursed when using personal vehicles

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Panzer, to approve adoption of Resolution #10-06 to Establish Mileage Reimbursement Rate** subject to an amendment to indicate that this resolution deals with the reimbursement for mileage rates for employees using personal vehicles. **Vote to approve, 4-0**

**D. Discussion of 2009 Income and Expenditures and 2010 Budget**

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Panzer, to table Discussion of 2009 Income and Expenditures, and 2010 Budget until Mr. Quinn can be present. Vote to approve, 4-0**

**E. Appointment of Independent Auditor**

**MOTION by Mrs. Jarvis, 2<sup>nd</sup> Mr. Johnson to appoint Larsen Allen as our independent auditor for 2010, fee not to exceed \$28,495. Vote to approve, 3-1-0, Mr. Panzer.**

**7. New Business - None**

**8. Finance**

**A. Approval of Bill List for February 11, 2010**

Discussion: Mr. Panzer noted that 50 per cent consisted of health care costs, with two or three entities identified. At Mr. Panzer's request, Mr. Tate explained the various health care companies and their bills.

Mr. Panzer asked about the CODY Computer Services payment of \$10,000. Lieutenant Donnelly, in the audience, explained that CODY is an in-house record management system used by the

Police Department. Any incident that an officer responds to goes into CODY. Mr. Panzer suggested that, using the CODY contract/license as an example, if the Township is low on cash, we could pay this and other contracts annually or in installments at a time when we have a good cash flow.

**MOTION by Mrs. Jarvis 2<sup>nd</sup> Mr. Johnson, for approval of Bill List for February 11, 2010. Vote to approve 3-0-1,** Mr. Panzer abstained, as there is an invoice for his law firm for services he rendered as Solicitor for the Zoning Hearing Board in December 2009.

#### **B. Approval of Bill List for February 25, 2010**

Discussion: Mr. Panzer asked about the Township's use of credit cards. He suggested that the Township use prepay methods to avoid late fees; Mr. Tate said the township would also inquire about the use of electronic bill paying to facilitate prompt payment transfer. He also assured the Supervisors that all credit card receipts and bills are reviewed and approved by not only by the Department Heads but also him, and are available for inspection at any time by the Supervisors.

Mr. Panzer also inquired about a \$2,000 bill paid to the Delaware Valley Insurance Trust. Mr. Tate explained that this is to cover a deductible on an insurance (worker's comp) claim paid.

**MOTION by Mrs. Jarvis 2<sup>nd</sup> Mr. Johnson, for approval of Bill List for February 25, 2010. Vote to approve 4-0**

#### **C. Statements and Transfers for January, 2010**

**MOTION by Mrs. Jarvis 2<sup>nd</sup> Mr. Johnson, for approval of Statements and Transfers for January 2010. Vote to Approve 4-0**

### **9. Professional Reports:**

#### **A. Manager's Report:**

- (1) **Kudos to Public Works:** Mr. Tate gave kudos to the Public Works Department for all the work they've done snow plowing and clearing streets. The Water Authority also sent a letter of thanks for the Public Works Department's help in clearing some sewer lines.
- (2) **Grant Applications:** Thanks go to Mr. Krueger and Chief Murphy for the grant applications for various projects they submitted to Congressman Murphy's office. Also, thank you to six residents for their letters of support. Mrs. Jarvis suggested putting a link on the Township's website with the grant applications, to solicit letters in support of grant applications.
- (3) **Communications Professional:** Mr. Tate asked the Board to consider hiring a part time communications professional. There are many areas in the Township that could use this

- (4) **Five Ponds Golf Course:** Mr. Feinberg noted that the FPGC restaurant has been closed for February and March. Mr. Tate said they can open with 24 hours notice on a day by day basis. It was done to cut labor costs while there's little activity.

**B. Engineer's Report (Craig Kennard):**

Gilmore and Associates has been busy working with township staff at every level. Notably:

- (1) **Land Development** is starting to pick up and once the snow melts we'll have preconstruction meetings, ground breakings, and see a few commercial projects get started in the next few months.
- (2) **Costco** is coming to the planning commission on March 3 on a preliminary review for a store being considered for the northeast corner of Street and Jacksonville Roads. Mr. Kennard said Costco asked for an expedited zoning review to identify variances.
- (3) **Street Road Closed Loop System:** In response to a request for an update on the Street Road Closed Loop System, Mr. Kennard said that with the system in place, they would be working with the Township staff, extract a lot of information and do some projections based on the traffic pattern information. In that way the project will move forward more quickly than dealing with PennDOT.

**C. Solicitor's Report (Mike Savona):**

- (1) **Erickson/Ann's Choice:** Despite Erickson's pending bankruptcy, our PILOT agreement with Erickson's Warminster Campus LLP – which provides approximately \$280,000 annually to the Township – is unaffected. Erickson is going to reaffirm that agreement as part of the bankruptcy filing, so the amounts we receive for the balance of the agreement will continue through the life of the agreement.
- (2) **Street Road Industrial Center:** Work continues to have the effect of completing the repairs, finishing the streets and allow the Township to take dedication of the roads and clean up the vegetation. It will provide for long-term maintenance of the storm water basin. The access easement for the school district to access their bus garage over property owned by Mr. Hankin can be rolled into this agreement which would save the school district from relocating the bus garage and save taxpayers money. Also, Tim Hagey is working with Mr. Hankin to facilitate the acceptance of the water and sewer lines. Mr. Savona should be able to present everything to the Board for final approval shortly.
- (3) **Villas at Five Ponds:** The consolidation agreement for the Villas at Five Ponds has been forwarded to McGrath's Attorney Hecker for approval and execution by McGrath which will close it out, consistent with the Board's final escrow release.

- (4) **Shenandoah Woods:** As Mr. Panzer said earlier in the meeting, we spent substantial time working on and meeting with TRF concerning the modifications to their original plan for the use of Shenandoah Woods. We have focused on a plan that would bring the number of units (if approved) from 199 to 113 single family and twins. We are working out the financial proformas and it appears that the numbers will work and we will be very close to a plan that the LRA will approve.

Mr. Panzer said that Mr. Feinberg, as the Board representative on the Shenandoah Woods subcommittee, has been very helpful during the work session. The Township will get substantial storm water improvements which will benefit the people living nearby. The plan will be unveiled at the March 8<sup>th</sup> meeting of the HLRA, and the sketch plans will be available on LRA's website as well as on Warminster Township's website. The plan is similar to what was proposed last year. The numbers have changed, density has changed, TRF is still the developer, and the homeless fund is still established. We're getting close to a place where people can all live with the solution.

- (5) **CVS Properties:** Work will begin shortly to construct the new CVS at Street and Mearns Roads. Also, the new CVS at County Line and York is close to settling on that property.
- (6) **Trash Hauling Litigation:** When we approved the 2010 trash hauling contract last year it was challenged by Public Waste. Judge Fritsch denied that challenge. Public Waste has since filed post trial motions with Judge Fritsch and an appeal to Commonwealth Court at the same time. Both are docketed and Judge Fritsch is set to issue an argument date for March 26<sup>th</sup>. The judge will probably uphold his decision and we are likely at no risk to suspend our current contract with Mascaro.
- (7) **Abington Hospital:** The Township has commenced negotiation for a PILOT agreement for the portion of the Abington Health – Warminster Campus that was recently granted tax exemption status. The tax amount that was paid annually was just under \$13,000.

**10. Public Comment - None**

**11. Supervisors' Comments:**

**Mrs. Jarvis:** Asks residents to clear sidewalks of snow, to assist pedestrians, especially in the commercial districts. Also, the Warminster Fire Department is having their 83rd annual awards banquet on Saturday, March 20<sup>th</sup>, dinner beginning at 7 PM.

**Mr. Feinberg:** The Board will recall the e-mail sent with photographs that look like a pond or stream but was really Phillips Road during the last heavy storm. I've been contacted by people promising to give photographs of several similar things. I saw one gentleman's house that had to be completely redone because he had many inches of water inside his house. Mr. Kennard suggested the overall storm water presentation can be held at our next meeting and the storm water workshop a month later.

**Mr. Panzer:** Regarding an email after the last big snow about failure to shovel sidewalks on Centennial Road, namely the walking path for William Tennent School. After walking students cross Street Road, the path behind houses is not shoveled. School district personnel covered their section of the path. After this situation was brought to his attention, Mr. Krueger said he learned that this walkway is Township

property. It was accepted as dedicated when that development (Centennial Woods) was built. Buddy Mullen (Public Works Director) and Vic Lasher (Centennial School District administration/facilities director) are going to work together to ensure that the path remains clear and safe during snow storms.

**Agenda for March 11, 2010:**

1. Acknowledge Log College Middle School Volley Ball Team
  2. Presentation of Sketch Plan by Costco Wholesale
  3. 2010 Park, Recreation & Open Space Plan
  4. Sergeant McMahon Retirement Recognition
  5. Storm Water Presentation
  6. Consent Agenda Items
  7. Old Business:
    - a. Marquis Realty Management – The Learning Experience (deferred from this meeting)
    - b. Discussion of 2009 Income and Expenditures, and 2010 Budget (tabled from this meeting)
  8. New Business:
    - a. Park, Recreation and Conservation Board Recommendations for Community Assistance Grants
    - b. Discussion of Resume for Communications Officer
- 12. Adjournment:** Mr. Panzer moved to adjourn, Mrs. Jarvis 2<sup>nd</sup> at 9:47 PM

**AS AMENDED AND APPROVED BY THE BOARD OF SUPERVISORS, MARCH 11, 2010.**



**Ellen S. Jarvis, Township Secretary**