

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
Thursday, August 12, 2010 7:00 PM**

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

**STAFF PRESENT:** Robert V. Tate, Township Manager  
Michael J. Savona, Esq., Township Solicitor  
Kurt Schroeder, Engineer, (Gilmore & Associates)

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 7:00 P.M. by Gail Johnson, Chairman.

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

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

**Supervisor's Announcements:**

Several upcoming community events were announced by the Supervisors. Additional information is available on the Warminster website, [www.warminstertownship.org](http://www.warminstertownship.org) or on our local TV channel. Mr. Tate announced that the Library employees affected by the discontinuation of our health insurance have been provided a plan which will be in effect on September 1<sup>st</sup>.

3. **Presentations:**

**Phillip Strunk, Jr.**, an Eagle Scout was given a proclamation for the work and community service he has done. The week of August 16<sup>th</sup>, 2010 is set aside as Phillip Strunk, Jr. Week.

**Pennsylvania Transit Expansion Coalition (PA-TEC) -Jon Frey -SEPTA Rail Service in Bucks County**  
Paul Iverson of PA-TEC spoke of plans to tie Warminster to the Fox Chase-Newtown line because the Warminster line is at capacity. He is asking for a resolution to study and hold SEPTA to a time frame to do a study or get a vendor to do an objective study as to what is viable. Mr. Frey stated that two resolutions were put before the Board. One relates to the actual service, the other supports the feasibility study. The Board will look at the resolutions and will make a decision in two weeks.

**Vertical Screen – Solar Panels**

Dan Bleznak, Owner's Consultant spoke of Vertical Screen's new worldwide headquarters located in Warminster. The building will be a LEED Platinum certified building with a solar array over the extensive parking field which would create the first net zero energy building in Pennsylvania. There are less than 150 Platinum office buildings worldwide and only four Platinum office buildings in Pennsylvania. Construction has started but needs to move quickly. This is a privately funded project at approximately \$4M. CEO Tony D'Orazio stated they planned to move in with 250 employees in January 2011. The net zero energy building (NZEB) planned will generate as much energy as it consumes by using a solar panel (canopy) over the large parking lot as well as on the roof of the

building. Mr. Harris stated the project requires an amended final plan which shows what is built in the field and is asking for an amended final plan and a waiver of final plan approval which means the application will be filed and reviewed by the Township engineer and the staff to make sure that everything is in compliance and then come before the Board for approval in two weeks.

#### 4. Special Item

##### **Discuss Leasing of Township Facilities to Elected Officials**

**Mrs. Jarvis** feels that the logistics of the Township Building make it difficult for visitors to locate specific offices. Mrs. Loftus is located at the front door and usually directs visitors to the receptionist located at the back of the area. Mrs. Jarvis further stated that the building needs renovation and a new layout. She gave options to relocate the tax collector to a more appropriate space.

**Mr. Panzer** said that the agreement Mrs. Loftus has was reached by law before the tax collector was elected.

**Jane Schrader Lynch**, 1052 Gorson Drive, a 47 year resident said her husband and many other senior citizens who do not have mortgages prefer to pay their taxes directly to Mrs. Loftus.

**Katherine Frescatore**, 84 Centennial Road, feels some of the issues Mrs. Jarvis brought up might be worth looking into. One hundred dollars per month rent is a travesty and burden on the taxpayers.

**Mark Schwartz**, 80 Villa Drive, The article Mrs. Jarvis wrote on July 29<sup>th</sup> is inappropriate, reflects Warminster Township politics and the Supervisors, is full of rumors and is unacceptable.

**Larry McKeogh**, 159 Villa Drive, stated Mrs. Loftus, who handles millions of dollars not only for the Township but for the school board, is being made into a thief and prowler.

**Ed Matskin**, 117 Villa Drive, The tax collector not only does her job but offers notary services free. Mrs. Loftus is in her office five days a week, is effective and satisfies the residents.

**Raymond Regan**, 279 Juniper Street, It is the Board's responsibility to investigate issues with discretion. The tax collector's office has been in this building since 1977. These things are decided before the election of officials.

**Mary Ann Schroeder**, 1190 Log College Drive, works and manages a financial institution in Warminster. She calls Mrs. Loftus's office during tax season several times a day for the senior citizen residents who pay their taxes at Mrs. Loftus's office. She is valuable to the people in the township and she should not be moved.

**Betty Hill**, 210 Walnut Lane, This attack is wrong for Warminster. Please step back and take another look.

**Jerry DeRosa**, 1001 Mueller Road: Asked the audience to raise their hands if they want Mrs. Loftus to stay in the building. Most of the people did so.

Mr. Johnson asked Mr. Savona if, as Mr. Panzer stated, this should be looked at prior to the point when people are registering to be tax collector and before the election. To change the terms of her employment now is out of place. Mr. Savona quoted Section 35 of the local tax collection law which deals with compensation of tax collection in boroughs and townships of the second class which would apply to Warminster. The statute requires that in the year in which the municipal election is held, when the tax collector is standing for election, the compensation must be fixed by each of the taxing districts on or before February 15<sup>th</sup> of that municipal election year, which means the Township must adopt its compensation resolution before, in this instance, February 15, 2009. After the election the salary cannot be changed until, in this instance, January 1, 2013. As a part of the compensation, reimbursement is given for certain expenses. We have provided institutionally a space in this building at a fixed rent. This is considered part of the compensation paid to the tax collector. In his opinion, if you do something to adjust the rent, it should be done in that cycle, along with the decision to compensate the tax collector and to pass a resolution in accordance with the local tax collection law.

Changing the terms of the tax collector's tenancy or the rent being paid could be construed as a violation of the local tax collection law.

Mr. Savona stated what space the tax collector is given is probably a decision of the Board. A change cannot be made now to alter what the tax collector pays in rent.

**Mr. Panzer made a motion, 2<sup>nd</sup> by Mr. Quinn to leave the tax collector's office in the present location at the same rate of rent and entire compensation package. Vote to approve, 4-1, Mrs. Jarvis voted no.**

Mr. Savona cited Senate Resolution 250 which would instruct the Budget Committee to study the overall system of Real Estate Tax collection in the Commonwealth which could result in eliminating local tax collectors. He advised the residents to call their senator and ask him to vote against Senate Resolution 250 because you don't want to change the way your property taxes are collected.

**Public Comment:**

**Florence Fox:** Warminster Heights' Back to School fair is Saturday, 12 to 4 PM.

**Claudia Quinn:** Thanked everyone who participated in the Eagles tickets raffle. Dave Young won with 495 tickets sold. The first annual Miles for Kyle scholarship fund will be on Saturday, September 11<sup>th</sup> in Warminster Community Park. Please visit the website for more information [kggscholarship@gmail.com](mailto:kggscholarship@gmail.com).

**Jane Schrader Lynch,** 1050 Gorson Drive, stated that Mrs. Loftus's reputation has been damaged and she apologized on behalf of the residents of the Township.

**Mark Schraeger,** 1319 Foster Road, The Warminster Business and Civic Association serves Warminster community to give residents a voice in the Township, the website is [www.wbca18974.org](http://www.wbca18974.org), or PO Box 191, Warminster, or call 215-672-1996.

**Gayle Jobst,** 1076 Emma Lane: Warminster Free Library is celebrating their 50<sup>th</sup> anniversary in September. The library is a vital aspect of our community. We would like residents to share stories and pictures related to the library over the past 50 years. Please call the library at 215-672-4362 or visit the website at [www.buckslib.org](http://www.buckslib.org).

**Terry Jobst,** 1169 W. Street Road: Expressed his gratitude to the Board and the community for providing health care benefits to the Warminster Township workers. He stated that as we celebrate our 300<sup>th</sup> anniversary and the library celebrates its golden anniversary this fall, he hopes that pictures and stories of people who have helped shape this community can be shared. Mr. Savona read a statement from Ronald Reagan, President to the citizens of Warminster, PA, in which he commended Warminster on its milestone in 1986. Mr. Savona also read a statement from Paul C. Bailey, Township Historian, who wrote *A History of Warminster*.

**5. Consent Agenda Items**

- A. Award Contract #2010-08, Warminster Heights Milling Project to Joseph E. Sucher & Sons in the amount of \$20,155.75**
- B. Approve Payment No. 2 (Final) to Long Fence in the amount of \$22,456.60 for Contract #2008-10, Warminster Community Dog Park Pavillion and Maintenance Building**
- C. Authorization to Advertise Bid #2010-07, Storm Sewer Pipe Rehabilitation/Replacement**

**Mr. Panzer made a motion, 2<sup>nd</sup> by Mr. Feinberg, to approve Consent Agenda Items A, B, and C. Vote to approve 5-0.**

Mr. Panzer requested an explanation on Item C, to which Mr. Schroeder replied that these projects which are too large for Public Works consist of maintenance items on storm pipes at three locations with a budget of less than \$100K. These items are on the Storm Water Spread Sheet and were recommended by Public Works and L&I. These are strictly maintenance items to protect the roadway from collapse and repair the inlet boxes which are deteriorating.

## 6. Old Business

### A. Approval of the Minutes of July 15th, 2010

Mr. Quinn made a motion, 2<sup>nd</sup> by Mr. Panzer to approve the minutes of July 15<sup>th</sup>, 2010 to approve the addendum to the MOU for the redevelopment of the Shenandoah Woods property. Vote to approve 5-0.

### B. Approval of the Minutes of July 22, 2010

Mrs. Jarvis made a motion, 2<sup>nd</sup> by Mr. Johnson to approve the minutes of July 22<sup>nd</sup>, 2010 with one noted correction which is to eliminate the second reference to long and short term leases, and to have the attachment as written by Mrs. Jarvis stricken from the record. Vote to approve, 4-0-1, Mr. Panzer abstained.

**Discussion:** Mr. Quinn asked Mr. Savona about the ability to amend the minutes and eliminate the attachment which Mrs. Jarvis added. Mr. Savona said he could make a resolution to strike the attachment. Mr. Quinn said he would amend the motion. Mrs. Jarvis stated that as the motion maker she does not approve that. Mr. Johnson said that the policy in the past has been when a Board member has requested a statement be included in the minutes we have complied. Mr. Quinn agreed but stated that the attachment in question covers numerous topics which, in his opinion, are the opinion of the Board member who is stating them. Mr. Feinberg asked Mr. Savona about guidelines on what can and cannot be entered into the minutes verbatim. Mr. Savona stated the precise requirements the Sunshine Act gives for the contents of meetings are the date, time, Supervisors present, the matters of business that came before the Board, the votes, the individuals who made public comments with a summary of their comments. Everything else is a matter of Township policy and whatever the Board chooses to incorporate into the record of proceedings. Mrs. Jarvis stated that before she served on the Board Mr. Johnson had asked for a statement to be read and recorded which was allowed. There was an amendment to the law if a Supervisor requests a verbatim statement. Mr. Johnson stated it was in the meeting policy. Mr. Quinn doesn't want the policy changed but stated this is a matter of clarification and will not approve the minutes with this attachment in them. Mr. Jobst interjected that if anything was slanderous or injurious Mr. Savona can insist they be stricken from the minutes. Mr. Panzer stated that, with due respect, Mrs. Jarvis's three page attachment is personal and political propoganda. The health care and other multiple issues need to be resolved. This attachment has nothing to do with the business conducted by the Township. Mr. Johnson stated that it has been our policy to do this before; it is in our minutes; further, he cannot control everything that is said at meetings.

Mr. Panzer requested the following statement be put in the minutes verbatim: *I will not knowingly pay for any medical expense incurred by Mrs. Jarvis for the period 5/1/2010 to 5/26/2010. I don't say that out of malice. I say that because that is the correct statement of the law. There is no question that she was not entitled to have health care coverage during that period of time. It is not even an issue. But, I think some of those or all of those have been paid. And I want it to be known on the*

*record that I do not approve it. I do not approve it. Then there is the whole second piece. I still maintain that any Township Supervisor taking general health care coverage, paying the premium leaves the Township paying in part. And, since there was no official action by the Board of Supervisors ahead of time, meaning in the term before that Supervisor got elected, then the Supervisors are not eligible. That is my position. Now, our lawyer says otherwise. But guess what? We have had three lawyers deal with the health care issue in the past and most recently, in an effort to correct past wrongs, we have been advised, with no malice, that the three of them were wrong. Well, those three lawyers could be wrong, with no disrespect to Mr. Savona. Maybe his opinion isn't bullet proof.*

Mr. Johnson interrupted Mr. Panzer asking that we put an end to this and move on to the motion. Mr. Quinn added that he hopes the Board reread the attachment. There are things said that are not good for the future of Warminster. Mrs. Jarvis offered to remove the attachment voluntarily from the minutes to try to bring unity to this Board. She apologized for her mistakes to whomever they affected, including if it affected Mr. Panzer. Therefore, she will amend the motion that she agrees to have said attachment stricken from the record if that is her privilege and this Board seconds.

### **C. Storm Water Update**

Kurt Schroder covered the projects worked on since the last update which are as follows:

1. 8<sup>th</sup> and Green - Continue to work on construction plans for the Brown Road Basin. Public bid will go out this fall to enlarge the basin. Reviewed Leopard Storm System and came up with new plan to construct a basin downstream on Township owned property.
2. Penrose Project – Continue to work on this daily but don't have answer yet.
3. Sinkler Project – This is going out for public bid to replace inlets.
4. Willow Drive Project – Working on feasibility study
5. Roberts and Ivyland Roads – Included in the advertisement for maintenance projects.
6. 945 Roberts Road – Have surveyed and will video the pipe which is in poor condition.
7. 936 Log College Drive – Included in the advertisement for maintenance projects.
8. Projects that Public Works have completed include repairing inlets, placing pipes within easements, and road type repairs.

Mr. Tate said there is slightly above \$1M in the Storm Water Fund. Senator Greenleaf's office has a Capital Projects Bill due to be voted on this fall in which Warminster projects can be included. We submitted to include \$1.2M which would cover the 8<sup>th</sup> and Green project up to 50 per cent funding.

Mr. Panzer cited the Foster Road project which is on the spread sheet as complete. He said the residents of Foster Road have not been notified by letter that the project is finished and he would like some formal action to let the residents know of the completion of the project through the Township Manager's office.

Mr. Quinn noted that at the last meeting Mr. Tate gave five options for the \$700K shortfall which were discussed in detail by the Board and Mr. Tate. Mr. Feinberg added that the Manager's Report reflected \$360K cuts being put in place and the shortfall is now around \$340K. Mr. Tate added at the next meeting we will have completed the July financials and will be able to see if there is a significant change and what the projected shortfall is. The General Fund balance at the end of July was \$763K compared to July 2009 at \$1,000,050. The numbers are being watched closely.

**7. New Business**

- A. Anmar Electric – Park Avenue – Preliminary Plan –** Mr. Savona asked the Board to consider the application for preliminary plan for review and approval of Tax Mat parcel 49-9-8 and 49-9-8-1 for development of a flex base contractor offices and warehouses in “I” industrial zoning district. The applicant is represented by Mark Breslin and Brian Horn. Mr. Savona referred to a review letter by Gilmore and Associates Dated July 14, 2010 and an engineering response letter to Tom Thern from Protract Engineering signed by Nick Rose dated July 15<sup>th</sup> indicating the applicant’s response to the comments contained in the July 14<sup>th</sup> engineering review letter. Seven waivers were discussed all of which were supported by Gilmore Associates.

**A motion was made by Mr. Panzer, 2<sup>nd</sup> by Mr. Quinn for a waiver of all the items discussed subject to the fees in lieu that are detailed and the Board agreeing to execute a agreement with the developer to accept a fee in lieu of the replacement trees in the amount of \$65,000 subject to the developer working with Gilmore engineers to maximize the replanting of as many trees as feasible on site and having an additional waiver to permit preliminary and final approval at this phase. Vote to approve, 5-0.**

- B. Consideration of Ordinance #697 to Approve an Intergovernmental Cooperative Agreement with Upper Southampton Township for Resurfacing of Davisville Road.**

Mr. Tate stated that to pave Davisville Road jointly with Upper Southampton, at the last meeting the Intergovernmental Cooperative Agreement was signed and countersigned by Upper Southampton. That agreement goes hand in hand with the Ordinance we have to adopt to support the cooperation agreement between the two Townships for the paving.

**A motion was made by Mr. Panzer, 2<sup>nd</sup> by Mrs. Jarvis to approve an Intergovernmental Cooperative Agreement with Upper Southampton Township for Resurfacing of Davisville Road. Vote to approve 5-0.**

- C. Authorize Issuance of Notice of Intent to Award Base and Alternate A Bid for Contract E2010-05B to Miller and Son Paving in the amount of \$319,798.60 – 2010 Road Program- Davisville Road Milling and Paving.**

Mr. Schroeder stated the bids received were for a base bid to handle the milling and an alternate bid to include the paving. We compared the price to what Public Works could do the paving for and the \$319K was a better price. The cost share for Warminster is around \$180K. Warminster is paying approximately 54% and Upper Southampton will pay approximately 46% because Warminster has more right hand turn cutouts. This is a notice of intent to award because this project is over \$100K and the Responsible Contractor Award applies. The Board could waive the entire administrative review period. If the Notice of Intent is issued tonight, Gilmore would have to issue a responsibility certification tomorrow which would start the two week period after which the contract can be signed.

**Motion made by Mr. Panzer, 2<sup>nd</sup> by Mr. Quinn to award a Notice of Intent to Miller and Son, waive the 30 day administrative review and authorize the manager to sign the contract once the public review period is over. Vote to approve 5-0.**

- D. Authorize Issuance of Notice of Intent to Award Base and Alternate A Bid for Contract #2010-05A to Miller and Son Paving in the amount of \$183,580 – 2010 Road Program.**

**Mr. Panzer made a motion, 2<sup>nd</sup> by Mr. Johnson to authorize issuance of Notice of Intent to Award base and Alternate A Bid for Contract #2010-005A to Miller and Son Paving in the amount of \$183,580 – 2010 Road Program, waive the 30 day administrative review and authorize the manager to sign the contract once the public review period is over. Vote to approve, 4-1 (Mrs. Jarvis voted no.)**

**Mr. Panzer requested the following statement be included in the minutes:**

*Mr. Panzer emphasized that the rationale for waiving the administrative review is because it is a known contractor who has already been through the responsible contractor review process.*

Mr. Savona stated he reviewed Miller's certification credentials as part of another bid where we had an issue with another contractor that may or may not have complied. We made a preliminary determination that Miller met the requirements of the Ordinance subject to paper work that they can provide now.

- E. Discuss Draft Ordinance to Define Supervisor Benefits. (Put on next meeting agenda)**
- F. Consider Resolution #2010-14 – Opposition to Forced Local Government Mergers and Consolidations**

**Mr. Johnson made a motion, 2<sup>nd</sup> by Mrs. Jarvis to consider Resolution #2010-14 – Opposition to force local government mergers and consolidations. Vote to approve 5-0.**

Mrs. Jarvis stated that due to serious health issues she has to resign as Township Secretary. Her replacement will be discussed at the next meeting. Mr. Johnson thanked Mrs. Jarvis for her fine service in the past.

## **8. Finance**

### **Approval of Bill List for August 12, 2010.**

Mr. Tate presented the check list for the period ending August 12, 2010 which includes prepays of \$382,636.55 with two payrolls: 1. July 22, 2010 - \$307,848.84, 2. August 5, 2010 - \$318,891.15. The Grand Total is \$1,587,964.82.

**A motion was made by Mr. Johnson, 2<sup>nd</sup> by Mr. Feinberg that the Bill List be paid. Vote to approve 4-1, (Mr. Panzer voted no.)**

Mr. Tate reported the cash position of the Township as of July 31<sup>st</sup>. Total funds (General Funds, Park and Rec, Storm Water, etc.) we are over \$6.477M. July 31<sup>st</sup> of 2009 was \$6.901M. The Township total cash is down by \$424K. (All funds) The General Fund July 31 of 2010 versus July 31 of 2009 decreased \$287K.

## **9. Supervisor Comments:**

**Mr. Panzer:** Asked for the status of McDonald Elementary School or Region Two School for the edification of the public. Mr. Savona replied that a meeting with the school district's representative engineers on July 17<sup>th</sup> to discuss the proposed reorientation of the entrance on Street Road, will facilitate the revised plan. Assuming PennDOT approves the plan, it will be a huge step in putting the revised plan in place. Nothing has been confirmed.

Mr. Panzer asked Mr. Schroeder for an update on The Closed Loop System. Mr. Schroeder replied that they are repairing some of the loop detectors by using a system that counts the traffic. Video cameras and detectors are being set up and will start recording in about three weeks. The object is to get an optimized timing so that we can move as many cars as quickly as possible.

Mr. Quinn stated that in order to help facilitate reducing our budget issue he returned his Township phone. A misquote in the paper said that he took benefits and Claudia Eisenmann was brought into this. For the record, Warminster has a provision for domestic partners. It is important that we recognize and respect the fact that we have members of our staff that have domestic partners that are on our insurance plans. The paper should have stated the fact correctly.

**Agenda for August 26, 2010:**

- Select a new Board Secretary
- Cash Flow, Budgetary Shortfall, etc.
- Schedule of Budget Meetings
- Supervisor Benefits
- Schedule of Fees in Lieu
- Consider Authorizing Resolution To Support The Study of Rail Transportation in Bucks County
- Authorization to Advertise an ordinance #699 Adopting by Reference the Pretreatment Program and the Enforcement Response Plan Adopted by the Upper Moreland and Hatboro Joint Sewer Authority
- Discuss Consideration of the Ordinance for Authorizing Intergovernmental Cooperation Agreement for PA Storm Water Coalition
- Ordinance in support of PSATS
- Waiver of Land Development for Vertical Screen
- Professional Reports

**11: Adjournment: 11 PM**

Respectfully submitted,  
Robert V. Tate, Jr  
*Secretary*