

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF THE PUBLIC MEETING  
Thursday, August 26, 2010 7:00 PM**

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

**STAFF PRESENT:** Robert V. Tate, Township Manager, Treasurer, Secretary  
Michael J. Savona, Esq., Township Solicitor  
Jim Krueger, Municipal Services Director  
Craig D. Kennard, PE, Township 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. Feinberg, 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. The next Board of Supervisors Meeting will be held on September 16<sup>th</sup>.

- 3. Presentations:**

An official commendation was awarded to Warminster Resident Mike Monaco who was present at the time of an employee accident in the Township Building.

Officer John Crowley was recognized by Chief Murphy on his retirement from the Police Department after six years of service with the Patrol Division.

Chris Harper of the Wheeled Scotsman Foundation thanked the Board for their continued support of the foundation and announced the opening of a temporary office with hopes of moving to a larger space in the future. A sports facility in Warminster or nearby is planned in the future.

**Public Comment:**

Mark McKee, 517 Revere Terrace: Sales Coordinator for Safety Town Project. There are 40 participants to date. A link at [www.warminsterpa.org](http://www.warminsterpa.org) under Safety Town with a downloadable brochure is available.

- 5. Consent Agenda Items**

**A. Consider Authorizing Advertisement of an Ordinance Adopting by Reference the Pretreatment Program and the Enforcement Response Plan Adopted by the Upper Moreland and Hatboro Joint Sewer Authority**

**B. Consider Authorizing Resolution #2010-15 -- Disposal of Records, Parks & Recreation**

**C. Consider Authorizing Resolution 32010-16 to Support a Feasibility Study for Rail Transportation in Bucks County**

- D. Legal and Engineering Escrow Release, Mearns Park, Acorn Development Corp. Release the amount of \$6,343.25. The developer is withdrawing the development plan.
- E. Approve Escrow Release #7 for Villas at Five Ponds, Phase II, Miller Tract in the amount of \$17,226.

Motion made by Mrs. Jarvis, 2<sup>nd</sup> by Mr. Panzer (for discussion) to approve Consent Agenda Items A, B, D, and E. Vote to approve 5-0.

Discussion Item C: A representative of the Pennsylvania Transit Expansion Coalition explained the study which would take the existing SEPTA service in the Bucks and Montgomery County areas and analyze where the deficiencies lie in capacity and service and analyze what the impact of the Newtown/Fox Chase line would have on the capacity of Warminster, and would be paid for by the counties, the Delaware Valley Regional Planning Commission, the state of Pennsylvania and SEPTA. The study will also look at ways to improve the existing service of the Warminster line.

Mr. Panzer contacted the Bucks County Planning Commission and found that there are serious design and safety issues with the existing regional rail right of ways for the Newtown line north of Fox Chase. Mr. Feinberg feels there is not a problem for the Township in putting this forward because it is no cost and is a study which is warranted.

Motion made by Mr. Johnson, 2<sup>nd</sup> by Mr. Feinberg to support Resolution 2010-16 supporting a new review by the PA Department of Transportation, Bucks County Planning Commission, Montgomery County Planning Commission, Delaware Valley Regional Planning Commission and Southeastern PA Transportation Authority. Vote to approve, 4-1 (Mr. Panzer voted no).

## 6. Old Business

### A. Approval of the Minutes of August 12th, 2010:

Mr. Feinberg suggested tabling the minutes for further review. He feels personal comments should be limited. Mr. Panzer, Mr. Quinn, and Mrs. Jarvis supported the suggestion. Mr. Johnson said with a majority of three votes the minutes would be redrafted and reviewed again at the next meeting.

### B. Discuss Draft Ordinance to Define Supervisor Benefits:

Mr. Savona presented a draft ordinance to define Supervisor benefits which is open to discussion and alterations as the Board sees fit. The intent of the ordinance is to create a set of rules that would govern prospectively the eligibility of any Supervisor who elects to take benefits consistent with Section 65606 of the Township Code. That participation would have to be subsidized wholly by the Supervisor who seeks to enroll. The Township Manager would be responsible to see that the amount is collected.

Mr. Johnson approved of the draft but does not favor Supervisors taking benefits. Mr. Panzer had some technical issues with the language and shares Mr. Johnson's opinion. Mr. Feinberg stated he does not want to deny someone who needs benefits on a temporary basis which is the length of the term. Mrs. Jarvis stated that Supervisors in the past have taken benefits such as life insurance, dental, and vision. She further stated that this ordinance is trying to clear up mistakes in the past and feels an ordinance or resolution would help with issues as they come up in the future. Mr. Quinn approves if the Supervisor is willing to pay premiums in the way it has been set up by the state. He would like to see Mr. Panzer's wording incorporated. The Supervisors commented on the sections of the

ordinance and agreed that some of the wording should be changed or added to. Mr. Savona plans to incorporate the comments and then circulate the amended draft via email to the Supervisors and then it could be voted on at the next meeting.

**C. Update on 2010 Financial Condition:**

Mr. Tate provided the Board with a memo of the financial condition update and stated that with the operational cost cuts that were proposed at a previous meeting of approximately \$350,000, we will still have a cash deficit of approximately \$400,000 by the end of the year. General Fund revenues YTD are \$7,326,672 and expenses total \$6,578,107. The options outlined at a previous meeting are still available if the Board sees fit to take action. We will continue to monitor our finances closely and report again next month.

**Discussion:** Mr. Feinberg stated that of the four options the short-term cash borrowing makes the most sense. Mr. Panzer would like to see Mr. Tate look closely at the departments again and cut expenses further. He does not favor borrowing until Mr. Tate is sure that no further expenses can be cut. Mrs. Jarvis wants the Work Furlough, Salary Deferrals and Lay-offs taken off the option list to give assurance to the Township employees that they are valued. Mr. Quinn is concerned about borrowing \$400,000 and pushing it into next year. He would like to ask the workers to work a four and one half day week and try to make our number in that way. That would be less than a 5 per cent reduction to their income.

Mr. Savona plans to have a draft resolution ready by the next meeting for the Supervisors to vote on regarding borrowing from the Storm Water and Parks and Recreation funds with repayment, interest and any other terms the Board would like included.

**D. Consider Authorizing Advertisement for Public Hearing to Approve 2011 CDBG Grant Application:**

A memo from Kathie McDonough of Parks and Recreation was given the Board which contained information on the application for the 2011 Community Development Block Grant (CDBG). The funds would be used for paving and handicapped ramps installed on Rambler, Azalea, Orchid, Independence, Deerfield, Dick and Woodland Roads. Also included is the finishing of the Senior Citizen Center parking lot paving.

**Motion made by Mr. Quinn, 2<sup>nd</sup> by Mrs. Jarvis to authorize advertisement for public hearing to approve 2011 CDBG grant application. Vote to approve, 5-0.**

The Public Hearing for project suggestions and approval of the projects and to adopt the resolutions will be held before the next Board Meeting on September 16<sup>th</sup>.

**7. New Business**

**A. Consider Authorizing Advertisement of an Ordinance for an Intergovernmental Cooperative Agreement for PA Storm Water Coalition**

A memo written by Mr. Savona to Municipal Managers was provided to the Supervisors. Mr. Savona recommends that the Supervisors approve the proposed Intergovernmental Agreement and participate fully in the work of the PA Storm Water Coalition. One of the benefits of participation is that the collective force of the Coalition has a profound effect upon the DEP and its approach to this subject. The Coalition has 650,000 citizens as members from counties including Montgomery, Delaware, Chester, Lancaster, Berks and Bucks. Withdrawal is an option with 30 days notice with no

penalty and only a proportionate share of costs incurred by the Coalition would be required to be paid. The Coalition has a sound understanding of the issues and has proven an effective voice on behalf of local governments before the DEP.

**A motion was made by Mr. Panzer, 2<sup>nd</sup> by Mr. Johnson to authorize advertisement of an ordinance for an Intergovernmental Cooperative Agreement for PA Storm Water Coalition. Vote to approve 5-0.**

#### **B. Appointment of Secretary**

**A motion was made by Mr. Panzer, 2<sup>nd</sup> by Mr. Johnson to appoint Mr. Bob Tate, Township Manager as Township Secretary. Vote to approve, 5-0.**

#### **C. Review Schedule of Fees in Lieu Received 2008-2010**

A schedule was presented to the Supervisors to show how the Fees in Lieu were distributed. Mr. Quinn stated that revenue from developers for trees was to go to the Park and Recreation Fund for the purchase and maintenance of trees. It is also to maintain and beautify our parks and is not to go into the General Fund. Mr. Savona added that a separate agreement was signed with Christ Home as to how that money was to be allocated with the first payment to Parks and Recreation and the second two payments to the General Fund. Mr. Feinberg suggested putting together a fee and allocation schedule to distribute the monies to the funds when they come in. the Supervisors are in control and must follow through. Mr. Panzer suggested that the Supervisors have a discussion on allocation of fees in lieu of each time they come in.

#### **D. Tentative Budget Meetings Schedule**

Mr. Tate proposed that the Public Workshops for the 2011 Budget be scheduled on Thursday evenings, at 7:00 PM on alternate weeks of the Board of Supervisors meetings. The preliminary budget will have to be adopted at the Board meeting on October 28<sup>th</sup> or November 8<sup>th</sup> with final budget approval at the December 16<sup>th</sup> meeting. Mr. Johnson approved the schedule with no additional considerations or comments by the Supervisors.

#### **E. Consider Authorizing Advertisement of an Ordinance to Revise the Solid Waste Chapter of the Warminster Township Code.**

Mr. Savona explained that he received word from the Municipal Recycling Grant consultant that for the Township to continue to qualify for funds from DEP for recycling money (approximately \$101,000 for 2010) we need to make revisions to our Solid Waste chapter in the Township Code. Once it is finalized Mr. Savona proposes to advertise, and he will forward a copy for the Supervisors' review via email before the next meeting. These regulations must be updated or we will not qualify for the grant.

**A motion was made by Mrs. Jarvis, 2<sup>nd</sup> by Mr. Panzer to authorize the advertisement of an Ordinance to revise the Solid Waste chapter of the Warminster Township Code.**

Mr. Savona offered to circulate a draft of the ordinance to the Supervisors with the scope of the changes which can be amended at the next meeting if needed.

#### **8. Finance**

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

Mr. Tate supplied a copy of the Bill List for the period ending August 26, 2010 for approval. The Prepays totaled \$41,206.38, the payroll dated August 19, 2010 is at \$307,874.15, with a Grand Total of \$845,834.03.

A motion was made by Mr. Quinn, 2<sup>nd</sup> by Mr. Johnson to approve the Bill List for August 12, 2010. Vote to approve 5-0.

**Transfers and Statements for July, 2010:**

A motion was made by Mr. Johnson, 2<sup>nd</sup> by Mr. Panzer to approve the Transfers and Statements for July, 2010. Vote to approve 5-0.

**9. Professional Reports:**

**Manager's Report:**

The Park and Recreation directory was mailed out this week; Staff is working on park trees; the Golf Committee has created specials to fill tee times; Public Works plans to do a lot of paving in the next six weeks; The Police Department wants to make residents aware of school zones, crossings, and bus stops during school reopening during the next few weeks; The Police Department is participating in the National Take Back Initiative on September 25<sup>th</sup>, 10 AM to 2 PM, at Police Headquarters which allows citizens to turn in unwanted or unused prescription drugs for safe disposal; in the L&I Fire Marshall Department, Jason Hauser is retiring after service since 2007; Thanks to Tom Thern and Dan Large for their help in keeping Face Off Circle open under new owners; The Township Map project has three advertising spaces left to sell with a release date of November or December; Thanks to Kim DiFrancesco for her excellent job skills which were recognized by a gentleman who sent an email saying "I worked in customer service for 23 years and the level of service you provided was exceptional. You can come to work for Amtrak anytime." Kim is a valued employee in the Township.

**Engineer's Report:**

Capital Improvements were discussed last month; Storm Water projects were updated by Mr. Schroeder; As much updating as possible to date has been done on the Street Road Closed Loop; 2010 Road Paving projects using CDBG funds were awarded to Kehoe Construction and Mallozzi Concrete; the 2011 CDBG application is progressing with applications due on September 24<sup>th</sup>; Transit Oriented Development, Station at Bucks County has submitted preliminary plans and technical issues are being addressed; Approval has been granted the Sunoco Station, construction will begin when the revised plan submission is approved; 216 Maple Street plans have been resubmitted to create four lots for single family homes; A PennDOT meeting is scheduled for next Friday on the Costco traffic impacts; McDonald Elementary sketch plan was sent to the Township showing right in/right out access from Street Road, A meeting with PennDOT and the School Board to discuss traffic improvements was held; A zoning compliance review for Wawa is under review by Gilmore; Giant has requested gas pumps along Street Road at the existing Hollywood Video site; Sketch Plan review for Warminster Plaza is underway to construct building addition and pad sites facing York Road; County View amended final plan is under review for residential subdivision.

**Solicitor's Report:**

Indications are that the School Board is going to proceed based on the revised plan given PennDOT's acceptance of putting in a driveway on Street Road and would move forward with the

drafting of a preliminary plan set; we will not be operating on the tight deadline of November as previously discussed; Codification process is ongoing with finalization of the draft distributed to the Township departments so that they can make revisions by the end of September with a draft back to the Supervisors for their review by late October/early November; When AT&T has a final building permit for hanging the cell array on the tower, their appeal on the Norristown Road site will be discontinued. Liberty Towers has failed to file a brief in support of their appeal; the Commonwealth court appeal on the challenge to the trash contract extension is set for argument before the court in Harrisburg on September 13<sup>th</sup>, 2010; a brief has not been filed in support of the land use appeal regarding the Quality Gas Station on York Road.

Mr. Panzer asked about Item 37 on the Solicitor's Report regarding pension issues for the Warminster Library employees and feels more research should be done on behalf of the employees of the library. Mr. Savona agreed and wants to more thoroughly investigate all of the records before a public discussion takes place.

**Agenda for September 16, 2010:**

- Public hearing to consider approving 2011 CDBG grant application
- Presentation by the Water Authority to provide the Board with an update on the Warminster Heights Phase II project
- Approval of minutes of August 12<sup>th</sup> and 26<sup>th</sup>
- Consideration of an Ordinance for Intergovernmental Cooperative Agreement for the PA Storm Water Coalition
- Consideration of an Ordinance to revise the Solid Waste chapter of the Warminster Township Code
- Consider authorizing the advertisement of an ordinance defining Supervisor benefits
- Consider authorizing resolution for borrowing from Storm Water and Park and Recreation Funds to the General Funds
- Update on Storm Water projects
- Land Development Review
- Approve the 2011 MMO
- Discuss ESCO Act 77 Proposals

**11: Adjournment:** Meeting was adjourned at 10 PM.

Respectfully submitted,  
Robert V. Tate, Jr.  
*Township Manager*