

*Cheltenham Township, believing that public input is appropriate on any items coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.*



## **AGENDA**

### **COMMISSIONERS' MEETING Wednesday, November 16, 2011 Curtis Hall 7:30 p.m.**

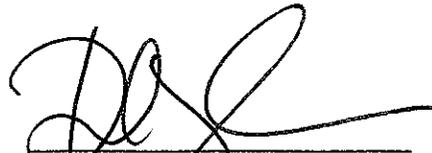
1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated October 19, 2011 and Special Board of Commissioners' Meeting Minutes dated November 2, 2011.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of October, 2011.
5. Acceptance of the Accounts Paid Report for the month of October, 2011.
6. Presentation of a Proclamation honoring Josh Fattal upon the occasion of his release from detention by the Islamic Republic of Iran (tentative).
7. Public Hearing: To receive any and all comments regarding the adoption of an Ordinance creating a Glenside Business Improvement District ("BID") (see attached).
8. Review and acceptance of the Public Works Committee Regular Meeting Minutes dated November 9, 2011.
  - a. Concurrence with a Montgomery County Consortium Contract Award for Rock Salt for the 2011-2012 Winter Season.
  - b. Consider award of a Contract for a Pedestrian Crosswalk on Church Road at the Old York Road Spur.
  - c. Consider award of a Professional Services Contract for streambank stabilization at Ralph Morgan Park.
9. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated November 2, 2011.
10. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated November 2, 2011.
  - a. Adoption of an Ordinance amending Chapter 285, thereof, entitled "Vehicles and Traffic".

AGENDA – BOARD OF COMMISSIONERS’ MEETING

November 16, 2011

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11. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated November 2, 2011.
12. Review and acceptance of the Pension Board Regular Meeting Minutes dated November 4, 2011.
13. Review and acceptance of the Finance Committee Regular Meeting Minutes dated November 9, 2011.
  - a. Adoption of an Ordinance authorizing a budget transfer.
  - b. Adoption of a Resolution authorizing a budget transfer.
  - c. Adoption of an Ordinance reducing the exemption level from the Earned Income Tax.
  - d. Adoption of a Resolution eliminating discounts on refuse, sanitary sewer and excess water fees.
  - e. Adoption of an Ordinance approving collection procedures and adopting penalty, interest and a schedule of attorney fees pertaining to real estate taxes for delinquent accounts.
  - f. Adoption of a Resolution directing the Montgomery County Tax Claim Bureau not to collect delinquent real estate taxes for the Township.
  - g. Adoption of a Resolution approving new alarm permit fees.
14. Old Business.
15. New Business.
  - a. Consider the adoption of Preliminary Operating and Capital Budgets for 2012.
  - b. Consider a Citizens’ Committee appointment(s).
  - c. Announcement that the December meeting of the Board of Commissioners will be held on Thursday, December 22, 2011 due to Chanukah.
16. Citizens’ Forum.
17. Adjournment.



David G. Krzywicki  
Township Manager

**AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY, PENNSYLVANIA (THE "TOWNSHIP") AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CREATING A NEW CHAPTER \_\_\_\_ THEREOF, ENTITLED "THE GLENSIDE BUSINESS IMPROVEMENT DISTRICT," BY ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT IN AN AREA THAT GENERALLY INCLUDES ALL REAL PROPERTIES THAT FRONT ON EASTON ROAD BETWEEN MOUNT CARMEL AND WAVERLY ROAD, ALL REAL PROPERTIES THAT FRONT ON EAST AND WEST GLENSIDE AVENUE BETWEEN CLAYTON ROAD AND KESWICK AVENUE, ALL REAL PROPERTIES THAT FRONT ALONG THE KESWICK AVENUE BETWEEN PARKSIDE LANE AND PAXSON AVENUE, AND ALL REAL PROPERTIES THAT FRONT ALONG WESLEY AVENUE BETWEEN EASTON ROAD AND BICKLEY AVENUE, TO BE KNOWN AS THE "DOWNTOWN GLENSIDE BUSINESS IMPROVEMENT DISTRICT" (THE "DGBID"); DESIGNATING THE DOWNTOWN GLENSIDE BUSINESS IMPROVEMENT DISTRICT, INC., A PENNSYLVANIA NONPROFIT CORPORATION, AS THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION FOR THE DGBID; APPROVING A PLAN FOR THE DGBID, INCLUDING A LIST OF PROPOSED IMPROVEMENTS AND THEIR ESTIMATED COSTS; PROVIDING FOR ASSESSMENT FEES TO BE LEVIED ON PROPERTY OWNERS WITHIN THE DISTRICT; AUTHORIZING THE TAX COLLECTOR, ON BEHALF OF THE TOWNSHIP, TO EXECUTE AN AGREEMENT WITH THE DOWNTOWN GLENSIDE IMPROVEMENT DISTRICT, INC. RELATING TO THE COLLECTION OF FEES FOR THE DISTRICT; AND AUTHORIZING THE DOWNTOWN GLENSIDE IMPROVEMENT DISTRICT, INC., TO ASSESS PROPERTY OWNERS WITHIN THE DISTRICT A SPECIAL PROPERTY ASSESSMENT FEE TO BE USED IN ACCORDANCE WITH THE PLAN APPROVED HEREBY; ALL IN ACCORDANCE WITH THE PROVISIONS OF THE NEIGHBORHOOD IMPROVEMENT DISTRICT ACT, AND UNDER CERTAIN TERMS AND CONDITIONS.**

**WHEREAS**, pursuant to the Pennsylvania Neighborhood Improvement District Act, 73 P.S. §§ 831 *et seq.* (the "Act"), municipal corporations (as defined in the Act) are authorized to designate limited geographic areas within a municipality, other than tax-exempt property, comprised of real property which is used for any for-profit activity involving trade and traffic, or commerce in general, as a business

improvement district for the purpose of promoting the economic and general welfare of the district and the municipality (an "BID"); and

**WHEREAS**, the Board of Commissioners (the "Board") of the Township of Cheltenham, Montgomery County, Pennsylvania (the "Township") may establish within the Township an area designated as an BID; and

**WHEREAS**, the Board of the Township may establish a neighborhood improvement district management association ("NIDMA") to administer the BID and has established the Downtown Glenside Business Improvement District, Inc., for such purposes; and

**WHEREAS**, the Board of the Township may collect special property assessments on behalf of the NIDMA levied on designated properties within the BID and employ any legal methods to ensure collection of the assessments; and

**WHEREAS**, the Act requires the Township to notify all affected property owners within the proposed Downtown Glenside Business Improvement District ("DGBID") and allow them thirty (30) days to review a Preliminary Plan, to comment upon the Preliminary Plan during an advertised public hearing, to revise the Preliminary Plan accordingly if required, to allow them to review the Final plan for an additional thirty (30) days, to comment upon the Final Plan during an advertised public hearing, and to vote upon the Final Plan, and the Township has complied with all timelines required for passage; and

**WHEREAS**, the affected property owners in the DGBID were given an opportunity to file objections in writing with the Secretary of the Board of the Township within forty-five (45) days of presentation of the Final Plan; and

**WHEREAS**, the Secretary of the Board of the Township has received \_\_\_\_\_ written objections to the Final Plan and has determined that such number is less than 40%, in numbers, of the owners of benefited properties within the proposed DGBID; and

**WHEREAS**, the Final Plan has therefore been satisfactorily approved by at least sixty percent (60%) of the affected property owners within the DGBID and is attached hereto; and

**WHEREAS**, the owners of the benefited properties within the boundaries of the DGBID support the establishment of a BID and the listed programs and services as provided by the Final Plan which is attached to this Ordinance; and

**WHEREAS**, in the case of default in the payment of any installment and interest for a period of ninety (90) days after the payment becomes due, the Act allows the Township to assess and enforce penalties as described in Section 2 within this Ordinance; and

**WHEREAS**, the Board of the Township may include a sunset provision of no less than five years in this Ordinance and in the contract with the NIDMA.

**Be it resolved by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania as follows:**

**Section 1.** The Board of the Township hereby establishes the Downtown Glenside Business Improvement District and enacts the DGBID Final Plan (attached hereto as Exhibit "A" and incorporated herein) as shown on the map attached as Exhibit 1 to the DGBID Final Plan. The Board hereby approves the DGBID Final Plan attached hereto as Exhibit "A" and incorporated herein.

**Section 2.** The Board designates the Downtown Glenside Business Improvement District, Inc. as the neighborhood improvement district management association, authorizes the Downtown Glenside Business Improvement District, Inc. to assess property owners within the DGBID a special property assessment fee in accordance with the provisions of this Ordinance and the Act, and also authorizes the Township Manager and the Township Finance Director to enter into an agreement with the Downtown Glenside Business Improvement District, Inc. detailing the respective duties and responsibilities of the Township and the Downtown Glenside Business Improvement District, Inc. (the "Agreement").

**Section 3.** The Agreement to be entered into between the Township Manager and the Township Finance Director and the Downtown Glenside Business Improvement District, Inc. detailing the respective duties of the parties after creation of the DGBID shall include an indemnity provision indicating that if any claim should arise alleging that the Board of the Downtown Glenside Business Improvement District, Inc. acts or has acted as an agent of the Township, the Board of the Downtown Glenside Business Improvement District, Inc. will indemnify, defend and hold the Township harmless from all claims, judgments and costs arising out of actions taken by the Board of the Downtown Glenside Business Improvement District, Inc. in furtherance of the services and improvements described herein.

**Section 4.** Claims to secure the assessments shall be entered in the Prothonotary's Office of Montgomery County by the Township at the same time and in the same manner of form and shall be collected in the same manner as municipal claims are filed and collected, except the following shall apply:

(a) In the case of default in the payment of any installment and interest for a period of ninety (90) days after the same shall become due, then the entire assessment, with accrued interest and penalties, shall become due and become a lien from the due date of the installment. Interest shall be calculated at the repayment rate of interest, not to exceed 10%, from the date of any default in payment on any installment due, plus an additional 10% shall be added to the amount due and payable for the costs incurred by the Township in collection of the entire assessment amount.

(b) Any owner of property, against whom an assessment has been made, may pay the same in full, at any time, with the accrued interest and costs thereon, and such payment shall discharge the lien of such assessment or installments then constituting a lien, and shall also release the claim to any later installments.

**Section 5.** The DGBID shall terminate on \_\_\_\_\_. The DGBID may be continued beyond such date, provided this Ordinance is reenacted following a review by the Board of the Township of the DGBID and the Downtown Glenside Business Improvement District, Inc. programs and services provided within the DGBID.

**Section 6.** The Secretary of the Board of the Township shall keep on file and make available for inspection by the public during regular business hours the DGBID Final Plan attached hereto as Exhibit "A" and all accompany exhibits referenced therein.

**Section 7.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this Ordinance.

**Section 8.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provisions hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not be included herein.

**Section 9.** This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an ORDINANCE this \_\_\_ day of \_\_\_\_\_, 2011.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Harvey Portner, President

**ATTEST:**

By: \_\_\_\_\_  
David G. Kraynik,  
Secretary and Township Manager

(SEAL)

**Exhibit "A"**

**DOWNTOWN GLENSIDE BUSINESS IMPROVEMENT DISTRICT FINAL PLAN**

**1) Map indicating the boundaries, by street, of the Downtown Glenside Business Improvement District (the "DGBID"):** Attached hereto as Exhibit 1.

**2) Detailed Report from the Municipality:**

**i) Name:** The District shall be designated the Downtown Glenside Business Improvement District (the "DGBID").

**ii) Service Area of the DGBID:** The service area of the DGBID are set forth as follows:

All real properties that front on Easton Road between Mount Carmel and Waverly Road;

All real properties that front on East and West Glenside Avenue between Clayton Road and Keswick Avenue;

All real properties that front along the Keswick Avenue between Parkside Lane and Paxson Avenue; and

All real properties that front along Wesley Avenue between Easton Road and Bickley Avenue.

Assessed properties shall include those property that are commercial as defined by the Pennsylvania Neighborhood Improvement District Act, 73 P.S. §§ 831 *et seq.* (the "Act") and residential properties containing five (5) or more residential units. Tax-exempt properties located within the DGBID are permitted and encouraged to provide in-kind services or a financial contribution to the Downtown Glenside Improvement District, Inc. in lieu of a property assessment fee.

**iii) List of Properties to be Assessed:** Attached hereto as Exhibit 2.

**iv) List of Proposed Improvements Within the DGBID and their Estimated Cost:** Within the DGBID, the following improvements, programs and services shall be provided at the estimated cost:

**Year One:**

Administration	\$45,000
Beautification	\$15,000
Marketing/Economic Development	\$30,318

**Year Two**

Administration	\$46,000
Beautification	\$15,000
Marketing/Economic Development	\$40,423

**Years Three – Five**

Administration	\$47,000
Beautification	\$15,000
Marketing/Economic Development	\$50,530

**vi) Proposed Budget for the First Fiscal Year, Including Revenue Sources for Financing All Proposed Improvements:**

**A) Proposed Revenue Sources for Financing All Proposed Improvements, Programs and Services:**

(1) **Annual Assessments.** All benefited properties located within the boundaries of the DGBID shall pay an annual assessment as follows:

Year One: 1.5 mills on each dollar of assessed valuation

Year Two: 2 mills on each dollar of assessed valuation

Year Three – Five: 2.5 mills on each dollar of assessed valuation

Residential properties are hereby exempt from paying the annual DGBID assessment.

The set millage shall generate an annual revenue of the following amounts in each year:

Year One:	\$33,138
Year Two:	\$44,424
Years Three-Five:	\$55,530

(2) **Arcadia Annual Contribution.** Arcadia University has agreed to partner with the Downtown Glenside Business Improvement District, Inc. to improve the business environment within the DGBID. Arcadia University has therefore agreed to contribute an annual amount of \$20,000 to the budget of the DGBID. The contribution shall be paid to the Downtown Glenside Business Improvement District, Inc. no later than March 1<sup>st</sup> of each year.

(3) **Event Sponsorships.** The Downtown Glenside Business Improvement District, Inc. shall garner support from corporations and foundations to assist in sponsoring special events in the DGBID. The Downtown Glenside Business Improvement District, Inc. shall attempt to annually raise \$10,000 in event sponsorships to assist in paying for proposed improvements within the DGBID.

(4) **Advertising Co-ops.** The Downtown Glenside Business Improvement District, Inc. shall structure annual advertising campaigns that provide an opportunity for co-operative advertising campaigns. The Downtown Glenside Business Improvement District, Inc. shall formulate annual campaigns that seek to generate \$ 12,000 annually.

(5) **Township Contribution.** The Township shall annually contribute \$15,000 in either monetary funds or in-kind services to assist the Downtown Glenside Business Improvement District, Inc. in implementing the beautification program.

**B) Uses:** The proposed budget for the first fiscal year is \$90,318 and is attached hereto as Exhibit 3.

**vii) Estimated Time for Implementation and Completion of All Proposed Programs and Services:** The plan anticipates these programs and services shall be provided on an annual basis within the first year of operation through year five.

**viii) The Administrative Body Which Will Govern and Administer the BID:** The Downtown Glenside Business Improvement District, Inc., shall be incorporated as a 501(c)(3) corporation created and designated as the NIDMA for purposes of governing and administering programs and services within the DGBID.

**ix) Powers and Duties of and the Method for Making Decisions by the NIDMA:** The Downtown Glenside Business Improvement District, Inc. will make decisions according to the bylaws created and attached hereto as Exhibit 4 and be incorporated under the articles of incorporation created and attached hereto as Exhibit 5.

The Board of the Downtown Glenside Business Improvement District, Inc. shall consist of nine members that are property or business owners within the DGBID who shall be appointed in a manner consistent with the bylaws of the Downtown Glenside Business Improvement District, Inc. The Board shall include one (1) representative of Arcadia University and one (1) representative of the Township.

**x) Method of Determining the Assessment Fee to be Levied on Property Owners within the DGBID under the Act:** The programs and services shall be financed by an annual assessment of all commercial benefited properties located within the following boundaries:

All real properties that front on Easton Road between Mount Carmel and Waverly Road;

All real properties that front on East and West Glenside Avenue between Clayton Road and Keswick Avenue;

And all real properties that front along the Keswick Avenue between Parkside Lane and Paxson Avenue; and

All real properties that front along Wesley Avenue between Easton Road and Bickley Avenue.

All aforesaid properties shall be assessed at the following rates in each respective year:

Year One: One and one-half (1.5) mill for each dollar of assessed value

Year Two: Two (2) mills for each dollar of assessed value

Year Three: Two and one half (2.5) mills for each dollar of assessed value

Year Four: Two and one half (2.5) mills for each dollar of assessed value

Year Five: Two and one half (2.5) mills for each dollar of assessed value

**xi) Appointment Initial Board Members.** The following persons shall be appointed to serve as initial board members of the Downtown Glenside Business Improvement District, Inc.:

a)

b)

c)

d)

e)

f)

g)

The following person shall be appointed as the Township of Cheltenham Representative:

a)

The following person shall be appointed as the Arcadia University Representative:

a)

**3) Additional Requirements under the Act:**

**i) Specific Duties and Responsibilities of Both the Downtown Glenside Business Improvement District, Inc. and the Township of Cheltenham with respect to the DGBID.**

**1) The Downtown Glenside Business Improvement District shall:**

- (1) Seek grant funding for all physical improvements identified within the Plan.
- (2) Seek additional financial support for the DGBID from area residents and corporations.
- (3) Implement and oversee the programs and services identified within the Plan.
- (4) Send invoices to all owners of property listed in Section 2)iii) above that are located within the DGBID.
- (5) Send notices of both delinquencies and requests for lien removal to the Township.
- (6) Collect revenues pursuant to section 2)vi) above.
- (7) Submit an annual audit of all income and expenditures to the Commonwealth of Pennsylvania, Department of Community and Economic Development and to the Township of Cheltenham. Said audits shall be submitted within one hundred twenty (120) calendar days after the end of the fiscal year.

**2) The Township of Cheltenham shall:**

- (1) File liens:
  - (a) Claims to secure the assessments shall be entered in the Prothonotary's Office of Montgomery County
  - (b) Bills for lien costs shall be sent to the Downtown Glenside Business Improvement District, Inc.
- (2) Work with the Downtown Glenside Business Improvement District, Inc. in securing funding for physical improvements identified within this Plan.
- (3) Work with the Downtown Glenside Business Improvement District, Inc. in planning and implementing physical improvements identified within this Plan.

**ii) Requirement for a Written Agreement be signed by the Township and describing in detail their respective duties and responsibilities:** Within ninety (90) days of the passing of the Ordinance

creating the DGBID, the Downtown Glenside Business Improvement District, Inc. and Township shall enter into a written agreement (the "Agreement") describing in detail the respective duties and responsibilities of the Township and the Downtown Glenside Business Improvement District, Inc.

**iii) Municipal Programs and Services:** For the Agreement referred to in Section 3)ii herein, it is acknowledged that the Agreement shall require the Township to maintain the same level of municipal programs and services provided within the DGBID before DGBID designation as after DGBID designation, to the extent that municipal programs and services directly relate to this Plan. The Township may include in the Agreement a sunset provision of no less than five years for renewal of the Agreement. Under the Agreement, the Township will be responsible for the collection of all property assessment fees levied within the DGBID.

**iv) Sunset Provision:** The DGBID shall automatically terminate on \_\_\_\_\_, unless continued or extended by subsequent action of the Board of the Township of Cheltenham in accordance with the provisions of the Act.

**v) Defeat of Establishment of DGBID.** A negative vote of at least forty percent (40%) of the property owners within the DGBID shall be required to defeat the establishment of the DGBID by filing objections with the Secretary of the Board of the Township within forty-five (45) days of presentation of this Final Plan where the Board of the Township is inclined to establish the DGBID.