

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, October 17, 2012

Curtis Hall

7:30 p.m.

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated September 19, 2012.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of September, 2012.
5. Acceptance of the Accounts Paid Report for the month of September, 2012.
6. Presentation of a *Resolution* to Aaron Morein recognizing his completion of the LeadAmerica Explore Medicine and Conference.
7. Presentation of a *Community Service Award* to Rev. Keith Hayward in recognition of his service as a Police Chaplain.
8. Presentation of *Community Service Award* to Rabbi Barry Dov Lerner in recognition of his service as a Police Chaplain.
9. Presentation of *Making a Difference in Cheltenham Awards* to the following individuals selected by the Substance Abuse and Mental Health Committee:

Nancy Bower
Joseph Vescovich
10. **PUBLIC HEARING:** To receive any and all comments from the public regarding the adoption of an Ordinance to amend the Home Rule Charter relating to the bid threshold and publication for competitive bidding (see attached).
11. Review and acceptance of the Public Works Committee Regular Meeting Minutes dated October 10, 2012.
 - a. Concurrence with a Montgomery County Consortium Contract Award for Rock Salt for the 2012-2013 Winter Season.

AGENDA – Board of Commissioners’ Meeting

October 17, 2012

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12. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated October 3, 2012.
 - a. Adoption of a Resolution honoring Grace Conklin upon the occasion of her 100th birthday.
 - b. Adoption of a Resolution honoring Aaron Morein upon completing the LeadAmerica Explore Medicine & Science Conference.
13. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated October 3, 2012.
 - a. Adoption of an Ordinance amending Chapter 285 thereof, entitled “Vehicles and Traffic”.
14. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated October 3, 2012.
15. Review and acceptance of the Finance Committee Regular Meeting Minutes dated October 10, 2012.
 - a. Adoption of a Resolution authorizing the preparation and incurrence of non-electoral debt through the Township’s issuance of General Obligation Bonds (see attached).
16. Old Business.
17. New Business.
 - a. Consider an amendment to the Policy Statement Concerning Payment of Partial Costs for Overflow Resistance Systems (see attached).
 - b. Appointment by the Board President of an Ad Hoc Commissioners’ Committee to review the Capital Budget with Staff.
18. Citizens’ Forum.
19. Adjournment.



Bryan T. Havir
Acting Township Manager

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. - _____

**AN ORDINANCE PROVIDING THAT (1) THE THRESHOLD FOR
COMPETITIVE BIDS AND PUBLICATION FOR COMPETITIVE
BIDDING BY CHELTENHAM TOWNSHIP SET FORTH IN THE
TOWNSHIP CHARTER SHALL EQUAL THE BID THRESHOLD OF THE
PENNSYLVANIA FIRST CLASS TOWNSHIP CODE, AS AMENDED, AND
(2) THE THRESHOLD SET FORTH IN THE CHARTER THAT A
CONTRACT ENTERED INTO BY THE TOWNSHIP REQUIRES
ADOPTION OF A RESOLUTION OR ORDINANCE IS REVISED TO
\$2,000,000 OR MORE**

The Board of Commissioners of Cheltenham Township, duly assembled, hereby **ENACTS** and **ORDAINS** as follows:

SECTION I.

1. As authorized by the Cheltenham Township Charter, Section 1207D, the Board of Commissioners hereby revises and replaces the bid threshold set forth in Section 1207C of the Cheltenham Township Charter to equal the dollar amount thresholds for which competitive bids and publication are prescribed by the Pennsylvania First Class Township Code, 53 P.S. §56802, as amended from time to time.

2. As authorized by the Cheltenham Township Charter, Section 1207D, the Board of Commissioners hereby revises and replaces the dollar amount threshold set forth in Section 1207B of the Cheltenham Township Charter, which requires the adoption of a resolution or an ordinance for entry by the Township into a contract, to the amount of Two Million Dollars (\$2,000,000) or more.

SECTION II. - DISCLAIMER

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION III. - SEVERABILITY

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION IV. - REPEALER

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION V. - FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VI. - EFFECTIVE DATE

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this _____ day of _____, 2012.

CHELTENHAM TOWNSHIP

By: _____
Art Haywood, President,
Board of Commissioners

Attest: _____
Bryan T. Havir, Acting Township Secretary

TOWNSHIP OF CHELTENHAM

RESOLUTION

ADOPTED OCTOBER _____, 2012

A RESOLUTION TO AUTHORIZE AND PREPARE FOR THE INCURRING OF NONELECTORAL DEBT THROUGH THE ISSUANCE OF TOWNSHIP OF CHELTENHAM GENERAL OBLIGATION BONDS, SERIES OF 2012 (THE "2012 BONDS"), IN THE MAXIMUM PRINCIPAL AMOUNT OF SEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$7,200,000) FOR THE PURPOSE OF PROVIDING FUNDS FOR THE COST OF A PROJECT (THE "2012 PROJECT"); AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ENTER INTO PREPARATION FOR THE ISSUANCE OF THE 2012 BONDS, AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS IN CONSULTATION WITH THE TOWNSHIP'S PROFESSIONAL ADVISORS TO PREPARE A PLAN OF FINANCE FOR THE 2012 BONDS; AUTHORIZING THE REQUISITE TOWNSHIP OFFICIALS TO PREPARE RELEVANT DOCUMENTS INCLUDING, BUT NOT LIMITED TO, A PRELIMINARY OFFICIAL STATEMENT, A DEBT STATEMENT AND A BORROWING BASE CERTIFICATE, ALL AS REQUIRED BY THE LOCAL GOVERNMENT UNIT DEBT ACT (ACT NO. 52 OF APRIL 28, 1978, AS AMENDED AND REENACTED BY ACT NO. 177 OF 1996, AS FURTHER AMENDED AND SUPPLEMENTED) (THE "ACT"); AUTHORIZING THE APPOINTMENT OF ACACIA FINANCIAL ADVISORS AS FINANCIAL ADVISOR TO THE TOWNSHIP AND TRONCELLITI LAW ASSOCIATES AS BOND COUNSEL; AUTHORIZING THE RELEVANT TOWNSHIP OFFICIALS TO PREPARE FOR THE ISSUANCE OF THE 2012 BONDS PURSUANT TO A SALE BY INVITATION OR A NEGOTIATED SALE, AS WELL AS ANY LAWFUL METHOD UNDER THE ACT; AND AUTHORIZING CONSIDERATION OF WHETHER OR NOT TO ISSUE THE 2012 BONDS AS BANK-QUALIFIED BONDS UNDER SECTION 265 OF THE INTERNAL REVENUE CODE OF 1986.

WHEREAS, the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania (the "Township") desires to consider the incurrence of debt in the maximum principal amount of Seven Million Two Hundred Thousand Dollars (\$7,200,000) without the assent of the electors and to consider the possibility of issuing its General Obligation Bonds, Series of 2012 (the "2012 Bonds") in evidence of

such debt for the purpose of providing funds for a project (the "2012 Project") consisting of either the refunding of prior bonds of the Township, new construction of or purchase of equipment for such other lawful projects as the Board of Commissioners may determine; and

WHEREAS, such incurrence of authorized debt by the Township will not, when aggregated with other nonelectoral debt of the Township, result in a violation of the limitations of the Constitution of the Commonwealth of Pennsylvania or the Local Government Debt Act (Act No. 52 of April 28, 1978, as amended and reenacted by Act No. 177 of 1996, as further amended and supplemented) (the "Act"); and

WHEREAS, the Board of Commissioners has asked the Township Acting Manager, the Township Director of Finance and the other members of the Township staff to determine the desirability of issuing the 2012 Bonds and to make a determination as to what method lawful under the Act is in the best interest of the Township to sell the 2012 Bonds, be it at private negotiated sale or by invitation as authorized under the Act; and

WHEREAS, the Township wishes to employ the services of Acacia Financial Group of Marlton, New Jersey, and Troncelliti Law Associates of King of Prussia, Pennsylvania, to assist the Township, the Board of Commissioners and the Township staff in preparing for the potential issuance of the 2012 Bonds; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the Township that a study and determination of the best methods for the issuance of the 2012 Bonds be considered.

NOW, THEREFORE, it is hereby authorized by the Board of Commissioners of the Township of Cheltenham and directed by the authority of said Board that:

1. The Acting Manager, the Finance Director and other appropriate Township staff are hereby directed to prepare for the potential issuance of the 2012 Bonds and to prepare such documents, including, but not limited to, a debt statement, borrowing base certificate and a preliminary official statement, to authorize the issuance of the 2012 Bonds.

2. The Township staff, the Acting Manager and Director of Finance are specifically directed to consider all methods lawful under the Act for issuance of the 2012 Bonds and to make recommendations to the Board of Commissioners.

3. Acacia Financial Group of Marlton, New Jersey, is hereby appointed as financial advisor to the Township, and Troncelliti Law Associates is hereby appointed as bond counsel to the Township in connection with the issuance and sale of the 2012 Bonds.

4. The Township staff and the Board of Commissioners are hereby authorized to take such other actions as may be necessary to prepare a plan for the issuance and sale of the 2012 Bonds and to take such steps as may be necessary and

issue such documents as may be necessary pursuant to this Resolution and the authority provided by the Board of Commissioners in this matter.

5. In the event that any one or more of the provisions contained in this resolution shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this resolution, and this resolution shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein or therein.

6. All resolutions or parts thereof inconsistent herewith are hereby repealed, rescinded, canceled and annulled.

7. This Resolution shall be effective immediately.

ADOPTED AND APPROVED THIS _____ DAY OF OCTOBER, 2012.

TOWNSHIP OF CHELTENHAM

By: _____
Art Haywood, President
Board of Commissioners

By: _____
Bryan T. Havir
Acting Township Manager

Policy Statement Concerning Payment of Partial Costs for Overflow Resistance Systems

It is the sense of the Board of Commissioners that unique and localized circumstances affecting certain properties in Cheltenham Township call for assistance in the installation of certain sanitary sewage overflow resistance devices and in support thereof set forth the following:

1. The Township is aware of repeated and frequent overflows of the sanitary sewer system in isolated areas of the Township, resulting in sewage entering dwellings and no sewer service for residents for multiple days. Observations by the Pennsylvania Department of Environmental Protection have confirmed the overflow of the public sewage system in isolated areas of the Township.

2. The existence of flows from other municipalities into trunk lines is a contributing factor to overflows of the sanitary sewer system, despite many measures taken within Cheltenham Township to avoid same.

3. The Township Engineer is of the opinion that where grinder pumps are being installed, that such a system alone will not ensure that there will be no intrusion of sanitary sewage overflow in properties with a grinder pump installed.

4. The Township Engineer is also of the opinion that no additional, feasible stormwater or drainage improvements, which have not already been undertaken by the Township, would practically reduce the chances of a sewage overflow into isolated areas of the Township.

5. The Township Engineer is of the opinion that all of the above-described factors, when combined with the topography of particular properties some of which are affected by sewage overflows, makes it possible that such intrusions may occur in the future (even with

several precautions already being undertaken by the Township), particularly due to the elevation of some dwellings relative to the sanitary sewer system.

6. The Township is authorized to expend funds related to the Township's owned and maintained sanitary sewage system.

7. The Township shall provide financial assistance to eligible properties to install an Overflow Resistance System¹ to avoid sanitary sewage overflows. All of the above factors shall constitute part of the qualifications for eligibility for assistance from Cheltenham Township for an Overflow Resistance System, along with other qualifications set forth below.

8. Eligible properties must be designated by the Federal Emergency Management Agency as a Severe Repetitive Loss property, or located between and adjacent to two Severe Repetitive Loss properties, and additionally were subject to comparable damage and sewage intrusion from the public sewer system on or before July, 2012.

9. Eligible properties must be located less than 150 feet from a major sanitary sewer interceptor.

10. Eligible properties for which assistance is approved shall receive assistance of no more than 90% of the final project cost, including cost of materials, shipping and installation, for an Overflow Resistance System; provided however, that in those instances where the Township pays for the cost of the installation of a grinder pump on an eligible property, that the maximum cost of assistance from the Township for an Overflow Resistance System and a grinder pump

¹ An Overflow Resistance System is defined, for the purposes of this policy, as a protective door system that creates a watertight barrier at an existing door. The two types are a sealed gate and stackable sealed panels. Each type is attached to a frame that is mounted to the existing door jamb. 1. Sealed Gate: The gate is permanently attached to the frame and left in an open position. Prior to the water intrusion event, the gate is closed and compression sealed by turning the handles. 2. Stackable Panels: The stackable panels are not permanently attached to the frame. Prior to the water intrusion event, the panels are stacked on top of each other within the frame and compression sealed by turning the handles to clamp the brackets together.

installation shall be no more than \$20,000; provided further, that the maximum cost of assistance for an eligible property for an Overflow Resistance System only, shall be no more than \$20,000.

11. Agreements signed by each property owner, for which Overflow Resistance Systems shall be installed, would be a necessary pre-condition to eligibility. Agreements would be prepared by the Township Solicitor and would release the Township of all obligations for design, installation and future maintenance and liability.

12. In the future, if a property approved for an Overflow Resistance System Assistance is awarded a Federal, state or local grant under the Federal Emergency Management Agency's Hazard Mitigation Grant Program, the Severe Repetitive Loss Program, or similar program, as well as the laws and regulations that govern such programs and any future amendments to such laws and regulations, the amount of the Overflow Resistance System Assistance shall be deducted from the matching share of any subsequent grants prior to the Township committing any funds.

13. Following application, eligible properties shall be selected for assistance by the Township Engineer to insure that all qualifications set forth herein are met. An application, in order to be considered complete, must include a proposal or a contract with the owner of an eligible property for installation of an Overflow Resistance System by a responsible and experienced contractor at an eligible property. Upon installation of the Overflow Resistance System, the property owner shall notify the Township Engineer or his designee to inspect the System. If the System passes inspection, the Township may pay the assistance called for under this Policy to the contractor or the property owner. If the Township pays the assistance to the contractor, the Township will utilize a bid process in accordance with State law. The costs associated with the bid process shall be included in the assistance to the property owner for the purposes of paragraph 12 above. If the Township utilizes a bid process for contractor services

for more than one eligible property, the costs associated with the bid process shall be shared proportionally by the property owners of the eligible properties and shall be included in the assistance to each property owner for the purposes of paragraph 12 above. The Township disclaims all responsibility for performance of the proposal or the contract by the contractor. It shall be the sole responsibility of the property owner to prosecute the installation work once the application is approved by the Township Engineer or his designee.

14. The total amount allocated by the Board of Commissioners for Overflow Resistance System assistance is \$100,000.

Rev 9/27/12