

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.



COMMISSIONERS' MEETING
Wednesday, March 16, 2016
Curtis Hall
7:30 p.m.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated February 17, 2016.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of February, 2016.
5. Acceptance of the Accounts Paid Report for the month of February, 2016.
6. Presentation of a Community Service Award to Louis A. Picone, owner of Luigi's Pizzarama II, for his help in providing meals to Township employees during the blizzard of January 22-24, 2016.
7. a. **PUBLIC HEARING:** To receive any and all comments regarding the adoption of an Ordinance to create the "Off Premises Advertising Sign Overlay District" to regulate the installation and operation of off-premises advertising signs or billboards and amend the Township's Zoning Map accordingly (see attached and the Township website).
b. Consider adoption of an Ordinance amending the Township Zoning Code, Chapter 295 and the Township's Zoning Map creating an "Off Premises Advertising Sign Overlay District" (see attached and Township website).

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8. a. **PUBLIC HEARING:** To receive any and all comments regarding the adoption of a Resolution approving an inter-municipal liquor license transfer to Brown’s Wyncote, LLC at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote (see attached).
- b. Consider adoption of a Resolution approving an inter-municipal liquor license transfer to Brown’s Wyncote, LLC at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote (see attached).
9. Review and acceptance of the Public Works Committee Regular Meeting Minutes dated March 9, 2016.
 - a. Approval to implement PennDOT’s recommended improvements to the traffic signal at the intersection of Church Road and Greenwood Avenue.
 - b. Adoption of a Resolution to authorize entering into a Guaranteed Savings Agreement with Johnson Controls, Inc. to prepare an Investment Grade Audit for lighting infrastructure improvements (see attached).
 - c. Adoption of a Resolution authorizing signature authority for a Reimbursement Agreement for Supplement C for Construction, and Construction Inspection for Ashmead Road Bridge over Tookany Creek (Agreement No. 067417).
 - d. Award of a Professional Services Contract to CHRS, Inc. for \$8,568.12 for Archeological and Geomorphological services.
10. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated March 2, 2016.
 - a. Adoption of an Ordinance amending Chapter 285 of the Code entitled “Vehicles and Traffic”.
11. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated March 2, 2016.
 - a. Authorize the publication of a Legal Notice for the consideration and possible adoption of an Ordinance amending the Township Code, Chapter 5, to consolidate the Parks and Recreation Committee powers and duties into the Public Affairs Committee.
 - b. Adoption of a Resolution dissolving the Parks and Recreation Committee per Section 401.B of the Home Rule Charter, effective July 1, 2016.
12. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated March 2, 2016.
 - a. Authorize a Legal Notice for the rescheduling of a Public Hearing on Wednesday, April 20, 2016, at 7:30 p.m., at Curtis Hall, to consider and possibly adopt an Ordinance amending the Zoning Code as it relates to the M4 Zoning District.

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13. Review and acceptance of the Parks and Recreation Committee Regular Meeting Minutes dated March 9, 2016.
 - a. Award of a Contract for the Sandblasting and Repainting Project at Glenside Pool to Stoneridge, Inc. in the amount of \$73,600.
 - b. Recommend a Community Service Award to Philip Washington, Jr. for an Eagle Scout project.
14. Review and acceptance of the Finance Committee Regular Meeting Minutes dated March 9, 2016.
 - a. Adoption of a Resolution authorizing the preparation for the incurrence of non-electoral debt for a 2016 Bond Issue (see attached).
 - b. Adoption of an Ordinance authorizing Portnoff Law Associates to collect delinquent sewer and refuse payments.
15. Review and acceptance of the Sinking Fund Commission Regular Meeting Minutes dated February 24 2016.
16. Old Business.
17. New Business.
18. Citizens' Forum.
19. Adjournment.



Bryan T. Havir
Township Manager

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. _____
"Off-Premises Advertising Sign Overlay District"**

AN ORDINANCE AMENDING THE CHELTHENHAM TOWNSHIP ZONING MAP TO CREATE THE "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS IN CHELTHENHAM TOWNSHIP; AND AMENDING THE CODIFIED ORDINANCES OF CHELTHENHAM TOWNSHIP, CHAPTER 295 (ZONING) TO AMEND ARTICLE I (OBJECTIVES AND TERMINOLOGY), SECTION 2 (DEFINITIONS AND WORD USAGE) TO DELETE THE TERM "BILLBOARD" IN ITS ENTIRETY AND REPLACE WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AMEND ARTICLE XXV (SIGNS), SECTION 193 (DEFINITIONS) TO DELETE THE EXISTING DEFINITION OF "ADVERTISING SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AND ADD A NEW ARTICLE XXXVI ENTITLED "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT FOR OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; LIGHTING REGULATIONS; MINIMUM LOT SIZE REQUIREMENTS; LANDSCAPING REQUIREMENTS; AND MAINTENANCE REQUIREMENTS.

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

SECTION I: Zoning Map Amendment.

The Cheltenham Township Zoning Map is hereby amended to identify the Off-Premises Advertising Sign Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A."

SECTION II: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article I (Objectives and Terminology), Section 2 (Definitions and word Usage), Paragraph C is hereby

amended to delete the existing term and definition of "Billboard" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

SECTION III: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXV (Signs), Section 193 (Definitions), Paragraph B(1) is hereby amended to:

1. Delete the existing term and definition of "Advertising Sign" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

2. Amend the existing definition of "Billboard" to read "—See "Off-Premises Advertising Sign or Billboard."

SECTION IV: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), is hereby amended to add the following new Article XXXVI, entitled "Off-Premises Advertising Sign (OPAS) Overlay District":

Article XXXVI. Off-Premises Advertising Sign (OPAS) Overlay District.

A. Purpose and intent. The purpose of this Section is to provide an area for the placement of off-premises advertising signs or billboards in the Township. The goals of this Section are to:

- (1) Provide clear guidelines and regulations for the placement of off-premises advertising signs or billboards.
- (2) Provide standards for construction of off-premises advertising signs or billboards.
- (3) Provide for the location of off-premises advertising signs or billboards so that such signs are not adverse to the health, safety and welfare of the public.

B. General regulations.

- (1) Billboards Permitted. Billboards may be permitted by special exception in the OPAS Overlay District subject to the requirements contained in this Section and §295.209 and §295.209.1. All Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance shall be deemed a permitted use. For all Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance, no special exception shall be required unless there is a change or alteration of the Billboard of a dimension or other characteristic which is regulated by this Ordinance.
- (2) Size of Billboard Face. A Billboard face may not exceed 380 square feet per side in area.
- (3) Height. Billboards shall not exceed 40 feet, 6 inches feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the Billboard is oriented to the highest part of the Billboard.
- (4) Location of Billboard. Subject to the last sentence of this Section B(4), Billboards shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet from any street or road measured from the ultimate right-of-way of such street or road. Billboards shall not be closer than 500 feet from another billboard measured linearly regardless of whether one of the signs is located in another municipality. No billboard or portion thereof shall be permitted within the clear sight triangle at any intersection of a driveway with a street. No billboard shall be erected within a 100 foot radius of the nearest property line of any of the following: historic site, school, church or other religious institution, retirement or nursing home, cemetery, government building, community center or public park, playground or recreational area. No billboard shall be located within 600 feet of any existing residential dwelling regardless of whether the residence is located in Cheltenham Township or any surrounding municipality.
- (5) Number of Billboards Per Lot. There shall be no more than one (1) Billboard per lot.
- (6) Content. No Billboard shall advertise any adult or sexually-oriented businesses or materials, contain any obscene or profane language, emit any sound, or, otherwise display any content prohibited by 18 Pa. C.S.A. §5903. Billboards shall not advertise alcohol or tobacco products.

- (7) Mechanical Billboards. No part of the Billboard shall revolve, rotate, oscillate, or otherwise move.
- (8) Lighting. Illumination of Billboards shall follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval of the Township. To the extent that there is a conflict between a standard and/or requirements of the IESNA and the provisions of this Section B(8), the provisions of this Section B(8) shall control. Illumination of all Billboards shall be by external illumination or Light Emitting Diode (LED) only. Flashing, scrolling, fading, brightening or animated text or video is prohibited. The copy or image on an LED Billboard shall not change more than eight (8) times per minute. All copy or image changes shall be instantaneous and shall not fade in or out of the digital active area. Any external illumination shall be shielded as necessary to direct light onto the Billboard without spill over on any side of the Billboard. External illumination shall not flash, strobe or otherwise move. Any resulting glare generated by a Billboard shall not exceed 1/8 foot-candle, as measured on the ground at the curb line or shoulder, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle. A Billboard or its structure may be illuminated 24 hours per day.
- (9) Luminance. At no point shall the luminance of any Billboard exceed the following:
- (a) Billboards using external illumination shall not exceed 1.75 watts per square foot of board face.
 - (b) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 75 nits per Billboard between sunset and sunrise.
 - (c) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 500 nits per Billboard between sunrise and sunset.
- (10) Lot size.
- (a) For all Billboards erected within the Township prior to the enactment of this Ordinance, there shall be no minimum lot size.
 - (b) For all Billboards erected after the enactment of this Ordinance, the minimum lot size for a property on which a Billboard may be located is 10,000 sq. ft.
- (11) Construction and Maintenance of Billboard. All Billboards shall be constructed in accordance with industry-wide standards established by

the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All Billboards shall be structurally sound and maintained in good condition. If the Billboards are not structurally sound or maintained in good condition, the Billboards shall be immediately removed at the sole cost and expense of the owner of the Billboard. If a Billboard is determined by the Township Engineer to be a public safety hazard, the Township shall notify the owner of the property on which the Billboard is located and provide the owner written notice by certified mail, sent to the owner's last known address, to immediately repair or remove the Billboard. If the Billboard is not repaired or removed within 3 days of the date of the notice, the Township may remove the Billboard, and the cost thereof shall be paid by the owner of the property on which the Billboard is erected. The Township may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property. If the Billboard is removed for lack of maintenance, it shall be considered discontinued and subject to the provisions of Section 15 below.

- (12) **Billboard Face Arrangement.** When two Billboard faces are used in a back-to-back arrangement, they shall be parallel, directly aligned with each other, and not more than five (5) feet apart. When a V-type Billboard face arrangement is used for two Billboard faces of any billboard, the Billboard faces shall not be located more than 15 feet apart at the furthest point nor shall the interior angle be greater than 45 degrees. The rear side of any single-face, Billboard shall be of one neutral color which shall be specified in the order of the Zoning Hearing Board. There shall be no more than two (2) Billboard faces per Billboard.
- (13) **Agreement of Property Owner.** No part or foundation or support of any Billboard shall be placed on, in or over any private property without the written agreement of the property owner. The agreement shall be presented as part of the application for said Billboard permit but the consideration or price figures bargained between the private parties may be redacted.
- (14) **Owner Identification.** All Billboards shall be identified on the structure with the name and address of the owner of each Billboard. Billboards within an area regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
- (15) **Discontinued Billboard.** A Billboard shall be considered a discontinued Billboard when it has carried no message for a period of 180 consecutive days, or when such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or when the

majority of the message on such Billboard has deteriorated to the condition that it is not clearly discernable. A Billboard which has been discontinued shall be presumed to be abandoned and shall constitute an illegal Billboard. Any period of time for which the discontinued use of a Billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the Billboard or user of the Billboard, shall not be calculated toward the number of days of discontinued use. Any discontinued Billboard shall be removed at the expense of the owner of the Billboard. In the event that the owner of the Billboard cannot be ascertained after the Township's reasonable inquiry, the discontinued Billboard and structure shall be removed at the expense of the owner of the property on which the Billboard is erected.

- (16) Additional Regulations. In addition to the requirements contained in Section B of this Ordinance, all Billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal statutes and/or regulations, including, but not limited to, the Federal Highway Beautification Act, as amended, Cheltenham Township Administrative Building and Property Maintenance codes, and all applicable Pennsylvania Department of Transportation regulations. In the event any other applicable regulation is in conflict with the provisions of this Section B, the more strict regulation shall apply.
- (17) Submission Requirements. In addition to the requirements set forth in the zoning ordinance, plans submitted for Billboards shall show the following:
 - (a) The location of the proposed Billboard on the lot with the required Billboard setbacks from the property line and the ultimate right-of-way.
 - (b) The location of the proposed Billboard on the lot and radii of 600 linear feet, 500 linear feet, and 100 linear feet from the proposed Billboard location.
 - (c) The location and species of existing trees over four (4) inches in diameter and those that are proposed to be removed.
- (18) Landscaping. Landscaping shall only be required in the case of (1) a newly constructed Billboard or (2) modification(s) to an existing Billboard which require(s) a new land development application or require(s) new zoning relief. Landscaping shall be provided and maintained at and around all Billboards in the OPAS Overlay District, in accordance with a landscaping plan to be submitted at the time of the use application, so the area in the immediate vicinity of the Billboard

structure presents an appearance that is attractive to passing motorists. Such landscaping plan shall, to the extent practicable, present an attractive and logical scheme which incorporates a variety of low-growing evergreen and deciduous plantings, providing year round vitality and visual interest. Such landscape plan shall take into consideration the need for access to the Billboard structure with necessary equipment, as well as visibility of the advertising faces as viewed by the traveling public. The landscaping plan will be required to meet the following minimum requirements and shall be submitted, reviewed and approved by the Township Engineer and the Shade Tree Advisory Committee:

- (a) Five evergreen trees with a height of five feet to six feet planted within a forty-foot radius on the sides and rear of the base of the Billboard;
 - (b) Four flowering trees with a height of eight feet to 10 feet planted within a fifty-foot radius on the sides and rear of the base of the Billboard; and
 - (c) One shrub tree with a height of three feet to four feet for each three lineal feet of road frontage along the parcel or 40 shrubs, whichever is greater, to be placed in front of the Billboard.
 - (d) All trees four caliper inches in diameter or greater that are removed due to the construction or erection of a Billboard shall be replaced on site at a ratio of one (1) replacement tree for each tree removed, using native species, no less than three (3) inches caliper in diameter.
 - (e) Applicants unable to comply with the full extent of the requirements of this Section due to site conditions, may at the discretion of the Shade Tree Advisory Committee and the Township Engineer, plant all or a portion of the required landscaping on another part of the subject property or at a suitable location, as agreed to by the Township.
- (19) Maintenance of Landscaping. All landscaping shall be maintained in a good and safe condition. If any approved landscaping is found by the Township to be in poor condition, the Township shall notify the owner of the property on which the Billboard and landscaping are located and provide the owner 60 days written notice certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the Township. If the condition of the landscaping is not corrected within 60 days of the date of the notice, the Township may perform such work as is necessary to bring the landscaping into a good and safe condition, and the cost thereof shall be

paid by the owner of the property on which the Billboard and landscaping are located. The Township may file a lien against the property or take any action permitted by law to collect the cost of any corrective action taken by the Township if it is not paid by the owner of the property.

(20) Public Service Messages on Electronic Billboards.

(a) Alerts. The operator of a Billboard shall post Amber (also known as Child Abduction Emergency), police and emergency management alerts (Alerts) whether received from the Township Police Department, the Pennsylvania State Police, the National Missing and Exploited Children Association or other official, government emergency services or security department authorized to issue emergency alerts, and, accordingly, the billboard shall be permitted to operate 24 hours per day. Alerts shall, promptly after receipt, run not less than one time per minute for the duration of an emergency.

(b) Public Service Messages. The operator of a billboard shall provide the Township with the opportunity to post a minimum of 30 Public Service Messages on the billboard sign each hour, seven (7) days per week, exclusive of Alerts. The Township may post Public Service Messages announcing the following activities: Cheltenham Township events, community events which are conducted in Cheltenham Township, Cheltenham Township School District events, welcome announcements for new businesses opening in Cheltenham Township (for a duration of no more than two (2) weeks), and other similar public service announcements (Public Service Message). The Township shall be responsible for providing to the billboard operator the messages in an adaptable format at the Township's costs. The content of the Township's requested Public Service Messages shall be subject to the operator's reasonable approval and not exceed one advertising slot on rotation of every 60 seconds of advertising.

(21) Nothing in this Ordinance shall be construed to repeal or limit Cheltenham Township Code 295-197.B.(1) regulating billboards in Industrial Districts.

SECTION VI: Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held 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 even if such

CHELTENHAM TOWNSHIP
RESOLUTION NO. _____

A RESOLUTION OF CHELTENHAM TOWNSHIP,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-8325
INTO CHELTENHAM TOWNSHIP FROM EAST NORRITON TOWNSHIP

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in Cheltenham Township, sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the intermunicipal transfer of the liquor license prior to an applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Brown’s Wyncote, LLC has requested the approval of the Cheltenham Township Board of Commissioners for the proposed transfer of Pennsylvania restaurant liquor license no. R-8325 (currently in safekeeping with the PLCB by current licensee Brown’s CH LLC, for previous licensed premises at 25 E Germantown Pike, East Norriton, PA 19401) by Brown’s Wyncote, LLC to restaurant facilities within Cheltenham Township to be located at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote, PA 19095 with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Cheltenham Township Board of Commissioners has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED, that Cheltenham Township approves, by adoption of this Resolution, the proposed intermunicipal transfer of restaurant liquor license no. R-8325 into Cheltenham Township by Brown's Wyncote, LLC; and

BE IT FURTHER RESOLVED, that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

Duly adopted this ____ day of _____, 2016, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

CHELtenham TOWNSHIP BOARD OF
COMMISSIONERS:

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

RESOLUTION NO. ____-16

**A RESOLUTION TO AUTHORIZE THE TOWNSHIP
MANAGER, PENDING SOLICITOR REVIEW, TO ENTER INTO
A GUARANTEED SAVINGS AGREEMENT WITH JOHNSON
CONTROLS, INC. TO PREPARE AN INVESTMENT GRADE
AUDIT FOR LIGHTING INFRASTRUCTURE IMPROVEMENTS**

WHEREAS, The Township of Cheltenham, located in Montgomery County, Pennsylvania (the “Township”), constitutes a “governmental unit” as such term is defined under Pennsylvania’s Guaranteed Energy Savings Act (62 Pa C.S. §3751 *et seq.*) (the “Act”); and

WHEREAS, the Delaware Valley Regional Planning Commission (“DVRPC”) has established a Regional Streetlight Procurement Program (the “Program”) for municipalities in Bucks, Chester, Delaware and Montgomery counties, to facilitate the implementation of “energy conservation measures” as such term is defined under the Act; and

WHEREAS, the Township, in its capacity as a governmental unit, has participated in the Program solicitation process; and

WHEREAS, through the Program, DVRPC solicited proposals for a “qualified provider,” as such term is defined under the Act, to evaluate, recommend, design, implement, and install the energy conservation measures (“ECMs”) to be installed or implemented as a result of the Township’s participation in the Program (the “Project”); and

WHEREAS, Johnson Controls, Inc. (“JCI”), a Wisconsin corporation serving energy needs in Pennsylvania, was selected as the Program’s qualified provider; and

WHEREAS, JCI presented a report (the “Preliminary Audit”) to the Cheltenham Township Public Works Committee on March 9, 2016, summarizing estimates of the costs of installation, maintenance, repairs and debt service and estimates of the amounts by which energy or operating costs will be reduced; and

WHEREAS, JCI desires to perform a comprehensive investment grade energy use and savings analysis (the “Investment Grade Audit”), including accompanying schedules for the Township that will specify the ECMs for the Project; and

WHEREAS, under the terms of the Guaranteed Savings Agreement, JCI will have completed an Investment Grade Audit, under which JCI will guarantee to the Township that, through its participation in the Program, the Township will achieve energy savings as a result of the Project that will meet or exceed the cost of implementing the energy conservation measures contemplated (the “Energy Savings”) in an amount equal to or at least 90% of the per unit savings projected in the Preliminary Audit during the period commencing at the installation of the ECMs and running until the bonds issued to finance the Project are paid in full; and

WHEREAS, the Township will have no obligation to proceed with the Project at any time prior to the date on which it agrees (if ever) to the final schedules to the Guaranteed Savings Agreement (the “Schedules”), and, in its sole discretion, may determine whether or not to proceed with the Project until such time as it approves such Schedules.

NOW, THEREFORE, BE IT RESOLVED that the Cheltenham Township Board of Commissioners hereby authorizes the Township to participate in the Program; and it is

FURTHER RESOLVED that the Cheltenham Township Board of Commissioners hereby appoints JCI as its qualified provider and will make its Preliminary Audit publicly available; and it is

FURTHER RESOLVED that the Cheltenham Township Board of Commissioners hereby authorizes the Township Manager, or designee, (an “Authorized Person”), upon review of the Township Solicitor, to negotiate and execute a Guaranteed Savings Agreement for the purpose of completing an Investment Grade Audit; and it is

FURTHER RESOLVED that the Cheltenham Township Board of Commissioners hereby authorizes and directs one or more of its Authorized Persons to take all such further actions and to execute and deliver all such instruments and other documents as such Authorized Persons may consider necessary or appropriate to enable the Township to carry out the intent and purposes of the foregoing resolutions and the transactions contemplated thereby.

IN WITNESS WHEREOF, the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, has adopted and enacted this Resolution at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095, under my hand and the Seal of the Township of Cheltenham, this 16th day of March, A.D., 2016, in the year of the Township of Cheltenham the one hundred seventeenth.

ATTEST:

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

Bryan T. Havir
Township Manager and Secretary

By: _____
Morton J. Simon, Jr., President

TOWNSHIP OF CHELTENHAM

**RESOLUTION AUTHORIZING PREPARATION FOR THE INCURRENCE OF
NONELECTORAL DEBT**

ADOPTED MARCH 16, 2016

A RESOLUTION TO AUTHORIZE PREPARATION FOR THE INCURRENCE OF NONELECTORAL DEBT THROUGH THE ISSUANCE OF TOWNSHIP OF CHELTENHAM GENERAL OBLIGATION BONDS, SERIES OF 2016 (THE "2016 BONDS") FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE TOWNSHIP'S SEWER SYSTEM AND CERTAIN MISCELLANEOUS OTHER CAPITAL PROJECTS; AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ENTER INTO PREPARATION FOR THE ISSUANCE OF THE 2016 BONDS, AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS IN CONSULTATION WITH THE TOWNSHIP'S PROFESSIONAL ADVISORS TO PREPARE A PLAN OF FINANCE FOR THE 2016 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 GROUP AS FINANCIAL ADVISOR TO THE TOWNSHIP; AUTHORIZING THE APPOINTMENT OF DILWORTH PAXSON LLP AS BOND COUNSEL TO THE TOWNSHIP; AND AUTHORIZING THE RELEVANT TOWNSHIP OFFICIALS TO PREPARE FOR THE ISSUANCE OF THE 2016 BONDS PURSUANT TO A SALE BY INVITATION OR A NEGOTIATED SALE, AS WELL AS ANY LAWFUL METHOD UNDER THE ACT.

WHEREAS, the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania (the "Township") desires to consider the incurrence of debt without the assent of the electors and to consider the possibility of issuing its General Obligation Bonds, Series of 2016 (the "2016 Bonds") in evidence of such debt for the purpose of financing improvements to the Township's sewer system and certain miscellaneous other capital projects (together, the "Project"); 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 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"); and

WHEREAS, the Board of Commissioners has asked the Township Manager, the Township Director of Finance and the other members of the Township staff to determine the desirability of issuing the 2016 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 2016 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, to assist the Township, the Board of Commissioners and the Township staff in preparing for the potential issuance of the 2016 Bonds; and

WHEREAS, the Township wishes to employ the services of Dilworth Paxson, LLP of Philadelphia, Pennsylvania, to provide bond counsel services to the Township, the Board of Commissioners and the Township staff in preparation for the potential issuance of the 2016 Bonds; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the Township that a determination of the best methods for the issuance of the 2016 Bonds be considered; and

WHEREAS, the Township will not incur any debt or undertake the issuance and sale of the 2016 Bonds until the Board of Commissioners authorizes such incurrence through further action.

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 Township Manager, the Finance Director and other appropriate Township staff (together, the "Authorized Township Officers") are hereby directed to prepare for the potential issuance of the 2016 Bonds and to prepare drafts of such documents, including, but not limited to, a debt statement, borrowing base certificate and a preliminary official statement, to authorize the issuance of the 2016 Bonds.

2. The Authorized Township Officers are specifically directed to consider all methods lawful under the Act for issuance of the 2016 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, in connection with the potential issuance and sale of the 2016 Bonds.

4. Dilworth Paxson LLP of Philadelphia, Pennsylvania is hereby appointed as bond counsel to the Township, in connection with the potential issuance and sale of the 2016 Bonds.

5. The Authorized Township Officers 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 2016 Bonds and to take such steps as may be necessary and issue such documents as may be necessary to prepare for the incurrence of debt pursuant to this Resolution and the authority provided by the Board of Commissioners in this matter.

6. 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.

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

8. This Resolution shall be effective immediately.

ADOPTED AND APPROVED THIS 16th DAY OF MARCH, 2016.

TOWNSHIP OF CHELTENHAM

By: _____
Morton J. Simon, Jr., President
Board of Commissioners

By: _____
Bryan T. Havir
Township Manager