

August 17, 2011
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held tonight, Harvey Portner, President, presiding. Members present were Commissioners Hampton, Haywood, McKeown, and Simon. Staff present were Charlyn Battle, Human Resources Coordinator; Bryan T. Havir, Assistant Township Manager; John O. Hoover, Jr., Director of Parks and Recreation; Rudy Kastenhuber, Public Works Coordinator; David Lynch, Director of Engineering, Zoning & Inspections; John J. Norris, Chief of Police; Joseph Bagley, Esq., Wisler, Pearlstine, LLP; and David G. Kraynik, Township Manager. Also present was Finance Officer Stephen Burns. A Public Attendance List is attached.

1. President Portner opened the meeting with the Pledge of Allegiance being led by Commissioner McKeown.
2. Mr. Portner stated that prior to the meeting, the Commissioners held an Executive Session to discuss real estate and personnel matters.
3. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated July 20, 2011, upon motion of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners.
4. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of July, 2011, upon motion of Mr. Swavola, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.
5. Each member having received a copy of the Accounts Paid Report of the Manager/Secretary for the month of July, 2011, upon motion of Mr. Swavola, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

6. Carl (Tobey) Oxholm III, the new President of Arcadia University (“AU”), introduced himself to the Board and stated that he envisions AU being an asset and resource to the community, to help the neighbors, and to have an economic impact by encouraging purchasing from the local businesses. Mr. Oxholm offered his assistance to the Commissioners any time his help may be needed.

The Board thanked him for his remarks.

7. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Reimbursement Agreement with PennDOT for the final design of the Tookany Creek Parkway Bridge over Jenkintown Creek.

8. The Board of Commissioners considered approving the Williams Gas Pipeline request. Mr. Hampton asked if there could be an environmental impact. Mr. Bagley advised that he has been working with the Williams solicitor and staff. He has not heard of any environmental impact, and this is a pipeline relocation, and the only impact will be the removal of trees and possible damage to other trees. There will be agreements between the Township and the contractor for Inspection Escrow and Tree Escrow to cover removal of the trees and any damage to other trees.

9. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved Williams Gas Pipeline’s request for a waiver of land development requirements for Application No. 11-0540 for its Ashmead Road Bridge Pipeline Replacement Project contingent upon the acceptance of the following Conditions:

- a. Submission of a full size complete plan set showing the restoration method for the south bank to Township Engineer Lynch, together with the approval of the Montgomery County Conservation District.
- b. That the limits of disturbance on the plan be staked in the field at the start of the project.

- c. That a plan be developed showing areas for work parking, equipment storage, and access and area being covered by timber planking.
- d. That the health of the four existing large trees on the north bank be investigated and that a plan be developed showing a detailed tree protection strategy for the four large trees (assuming that they are healthy), including consideration of using matting and/or 8 to 10 inches of mulch (which would later be removed) and tree protection fencing of chain link which is four feet tall with seven foot posts.
- e. That Transco pay a fee of \$500 per tree for the eight trees (\$4000) to be lost as a result of the project.
- f. That an Escrow Account be established for inspection of Erosion and Sedimentation Control Measures short term landscaping and tree protection measures in the amount of \$3750. Any funds remaining in the Escrow Account at the end of the project shall be returned to Williams.
- g. That an Escrow Account be established in the amount of \$5000 for tree replacement if any of the four specimen trees die within one year after the completion of construction

10. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved an Easement Agreement with Transcontinental Gas Pipeline Company, LLC, 2800 Post Oak Boulevard, Houston, TX, relating to the reconstruction of the Ashmead Road Bridge with a consideration of \$2,000.

11. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a contract for the Willow Avenue Road Reconstruction Project to Gorecon, Inc. of Doylestown, PA, in the amount of \$494,424.56 being within budgetary limitations.

12. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a contract for the Curtis Hall HVAC Replacement Project to Air Control Technology, Inc., West Berlin, NJ, in the amount of \$42,595.00 being the lowest bidder meeting Township specifications and being within budgetary limitations.

13. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Change Order in the amount of \$250,704 to Mirarchi Bros., Inc., Warminster, PA, to cover additional construction costs in the La Mott Pedestrian Street Lighting Project, Phase II.

14. Mr. Haywood thanked secretary Mary Raab for efficient taking of the Public Works Committee meeting minutes.

Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated August 10, 2011, were accepted.

15. Upon motion of Mr. McKeown, the Board of Commissioners unanimously approved an amended tri-party agreement between the Township, Montgomery County and TransNet, Inc. for 2011 to increase the funding level from \$10,000 to \$13,600 for senior citizen transportation service.

Mr. Bagley stated that he reviewed and approved said agreement.

16. The Board of Commissioners considered a Resolution authorizing the filing of a Transportation and Community Development Initiative Grant via the Delaware Valley Regional Planning Commission ("DVRPC") to hire a consultant to perform a township-wide walkability and bikeability audit.

There was a public comment:

Thomas McHugh, 127 Hewett Road, stated that he is dubious about working with DVRPC and opposed the cost to the Township. In his opinion, much of the work described has been done or is in the process of being done. Transition Cheltenham and the Sustainability Committee have already put a map together, and the Township has a plan for trails. He felt that members of the Environmental Advisory Council ("EAC") and the Sustainability Committee should have input.

Mr. Kraynik responded that scope of work will have greater specificity than what the Sustainability Committee is discussing. Mr. Havar stated that this was suggested by EAC member William Mettler who attended grant workshops on this. It was discussed at EAC meetings, and Mr. McHugh can find those discussions in the EAC meeting minutes that are on the Township's website. The Township has to fund \$60,000, which is reimburseable by the grant. There is very little out-of-pocket expenses for the Township. The cost to the Township will be \$7,500 and that will be a combination of in-kind services, from volunteers and the Pennsylvania Environmental Council. It is anticipated that if the grant is received, it will allow for a consultant who will recommend final construction ideas since there has been only general concepts until now.

17. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 23-11** authorizing the filing of a Transportation and Community Development Initiative Grant.

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 23-11**

**AUTHORIZING THE FILING OF A PROJECT PROPOSAL FOR A
TRANSPORTATION AND COMMUNITY DEVELOPMENT INITIATIVE GRANT
SPONSORED BY THE DELAWARE VALLEY REGIONAL PLANNING
COMMISSION**

WHEREAS, the Delaware Valley Regional Planning Commission (DVRPC) has recently announced the next round of its funding program referenced as the Transportation and Community Development Initiative (TCDI) to undertake feasibility studies that promote community and economic development and transportation related initiatives; and

WHEREAS, the TCDI grant program provides reimbursement to municipalities for professional consultant planning services on a 80:20 cost share ratio, DVRPC paying 80% and the municipality paying 20%; which can be a combination in-kind services and/or cash match; and

WHEREAS, over the last several years, Cheltenham Township has been focusing its community planning efforts on community revitalization, economic development and environmental sustainability implementation strategies that promote physical enhancements in the Township that encourage business and commercial growth, neighborhood revitalization, pedestrian trail connectability and transit friendly improvements; and

WHEREAS, a recommendation has been made to hire a planning and transportation engineering consultant to complete a Township-wide walkability and bike-ability audit for all of the neighborhood's (Glenside, Laverock, Wyncote, Elkins Park, Rowland Park, Melrose Park, La Mott, Lynnewood Gardens and Cheltenham Village) that comprise the Township's 9.06 square miles; and

WHEREAS, it is anticipated that the scope of work in the study would include an audit of sidewalk and bike paths to identify all gaps in connections from neighborhoods to schools, commercial districts, transit stops and Township parks, GIS mapping, identification of short and long-term implementation strategies and construction cost estimates for a project cost of \$75,000.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, it is the intent of Cheltenham Township, to file an application to DVRPC for funding under the TCDI grant program for \$60,000 for consultant services to develop a feasibility study and Township-wide audit for walkability and bike-ability connections.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cheltenham Township will assume the provision of the full 20% local matching share of project costs, which equates to \$15,000.

BE IT FURTHER RESOLVED, that the Township Manager/Secretary of the Township of Cheltenham or his designee be directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to the Delaware Valley Regional Planning Commission.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania 19095 on **August 17, 2011**.

TOWNSHIP OF CHELTENHAM

Harvey Portner

Harvey Portner, President
Board of Commissioners

ATTEST

David G. Kraynik

David G. Kraynik Township Manager

(SEAL)

18. Upon motion of Mr. McKeown, the Board of Commissioners unanimously approved a Proclamation recognizing the Girls Junior Softball Team from the Cheltenham Little League upon the occasion of their winning the District 22 Tournament. Said Proclamation will be presented at a future meeting of the Board.

19. Upon motion of Mr. McKeown, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated August 3, 2011, were accepted.

20. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Ordinance No. 2223-11** amending Chapter 285, thereof, entitled "Vehicles and Traffic".

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2223-11**

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM,
CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING
CERTAIN STREET AND PARKING REGULATIONS.

The Board of Commissioners of the Township of Cheltenham hereby ordains:

SECTION 1. The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **DELETING** the following:

SPRING AVENUE (15) NO PARKING, east side, 255 feet north of
Ashbourne Road to 275 feet north.

SECTION 2. The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **ADDING** the following:

SPRING AVENUE (15) NO PARKING, east side, 241 feet north of
Ashbourne Road to 287 feet north.

SECTION 3. That in all other respects Chapter 285 of the Code of the Township of Cheltenham is hereby approved and accepted as amended, and shall continue in full force and effect.

SECTION 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an Ordinance this **17th day of August, A.D., 2011.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM

By Harvey Portner
Harvey Portner, President

ATTEST: David G. Kraynik
David G. Kraynik, Secretary

21. Upon motion of Mr. McKeown, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated August 3, 2011, were accepted.

22. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved scheduling a **Public Hearing** on October 19, 2011, to adopt an Ordinance amending the Township Code, Chapter 295 entitled "Zoning" by creating an Age Restricted Overlay District.

23. Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated August 3, 2011, were accepted.

24. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Pension Board Regular Meeting Minutes dated August 5, 2011, were accepted.

25. Under Old Business:

a. Mr. Simon thought a clarification of the Public Works Committee Minutes dated August 10, 2011, page 5, was needed. There is an inference that the Committee recommended that the Staff proceed with the Church Road Pedestrian Crossing Project. He was concerned about the magnitude of the project's costs and asked if there is any way that this can be reviewed further or move forward on a tentative basis.

Mr. Kraynik advised that the Township can only know the final costs when bids come in. There is very little that can be modified or altered since there are state and federal regulations regarding crosswalks that must be adhered to and cannot be modified. Mr. Kastenhuber stated that the plans have been prepared with minimum specifications. PennDOT's final approval is

necessary, and PennDOT requires a Resolution from the Township accepting and maintaining the signal.

Mr. Simon felt that the minutes should reflect that it is the intention of the Board that when it was recommended and not refuted this evening that Staff proceed with the project, the intention was merely to proceed with working on the project and by this set of minutes the Board is not committed to completing the project.

There were public comments:

1. Denise Finer, 4 Pikes Way, asked for the location and cost of the crosswalk. She was told that it is located on Church Road at the intersection of Westminster Road and Old York Road Spur. The cost estimate is \$66,664.

Mr. McKeown stated that it is felt that said crosswalk is necessitated by the amount of increased activity in that area with the playground, ball fields, and increased pedestrian crossings to/from Wall Park and the retail stores at Yorktown. It is a matter of safety.

2. Olga McHugh, 127 Hewett Road, stated that the danger is the kids crossing to/from the area of the retail stores. She asked how the Township can keep them from circumventing the crosswalk.

Mr. Kraynik responded that there is no way the Township can guarantee that kids will not circumvent the crosswalk. The Township's hope was to put the crosswalk at that location but the engineering requirements, sight distance requirements, and PennDOT's traffic regulations would not allow it to be placed there. The current location is the only place it can go even though it is not the Township's preference but the Township feels that with the increased activity and larger use of the park over that last few years, it is important to have a crossing somewhere in that area.

Ms. McHugh asked if the speed on Church Road in that area could be lowered from 35 mph to 25 mph. She was told that 35 mph is the minimum on a state highway and lowering it would require a variance from PennDOT.

3. David Cohen, 321 Gerard Avenue, in retrospect, this crosswalk should have been a part of the Yorktown development. The developer should be asked for a contribution to the costs for the crosswalk since the retail shops benefit from the foot traffic; some consideration should be given to tie this into the Elkins Park Streetscape plan in terms of financial design applications; and the island is an eyesore and needs visual and water run-off improvements.

26. Mr. McKeown stated that neighbors are concerned about the deteriorating conditions of the Matrix Ashbourne County Club site. Matrix is taking some action. They have been cited by the Township.

27. Under New Business:

Ms. Hampton commended the lifeguards at the Township's pools. They have done a good job. She has family members who have had a considerable learning experience in their swimming lessons, and she witnessed a great rescue of someone who was under water. She felt both lifeguard staffs should be recognized in some way. The Board of Commissioners agreed to have the Township Manager determine appropriate recognition.

28. Under Citizens Forum:

a. Bonnie Aaron, 7901 Jenkintown Road, addressed Matrix's violations regarding the former Ashbourne County Club site. She asked for the nature of the violations, the types of citations issued and their timing, and how the Township's ordinance was being enforced.

Mr. Kasthuber explained that the Township has issued two (2) citations per day from July 2, 2011 until August 16, 2011. Two types of citations were issued, i.e. boarding up of the buildings and grass cutting.

Mr. Bagley explained the process. The District Court sent out letters to serve the citations via first-class mail, which were not claimed. The court reissued them by certified mail, and is waiting for a return receipt. Once return receipt is received, they have a period of time to advise the court if they will or will not defend. If the court does not receive a response to the certified mail, it can issue an arrest warrant. Since Matrix is a limited partnership, an officer of the organization can be brought before the District Judge. Mr. Bagley has provided the court with Matrix's Harrisburg address and the name of the Executive Vice President. An officer can be brought before the court, and be served with the citations. Ms. Aaron asked if Matrix attorneys could be served. Mr. Bagley advised that the actual owner had to be served.

Ms. Aaron asked about the effect of the citations. She was told the court can fine Matrix up to the maximum amount for each citation.

Ms. Aaron asked about enforcement of the Township Code as it relates to Matrix's violations. It was her interpretation that the Code allows for the Township to take action itself. If the Township does not have the manpower in-house to do the work, she suggested that outsourcing be considered. The property is a nuisance and in her opinion,

the legislative intent of the ordinance is clear, and the Township has an obligation to make sure that intent is met.

Mr. Kraynik commented on the administration of the ordinance. The Township has severely cut the department that would do said type of work in the budget, it does not have the manpower to take on 104 additional acres. There is over 350 acres of Township land now to maintain. It is not an easy cut, and even if the Township had the manpower, it does not have the equipment for this type of property.

Regarding outsourcing, one of the realities would be that the Township would have to put thousands of dollars out of pocket; the Township would lien the property for that amount, and would only get the money back if the property is sold and not prior to that.

Mr. Kraynik was concerned about outlaying a lot of money and then possibly waiting years for the return of the money. The Township is about compliance, and while Matrix has not moved as quickly and extensively as the Township would have liked, as of today, it has done work to address the safety hazards of the property, i.e. cutting back the canopy of trees overhanging the roadway, and working towards boarding up of the buildings especially the old clubhouse. The Public Works Superintendent had the owner of a reputable tree and landscaping business walk through the property and because of the difficulty of the acreage, i.e. fallen trees, erased delineation of creeks, steep slopes, etc., the Township received an estimate of between \$500 and \$600 per acre, which translates to approximately \$52,00 to \$62,000. The Township would have to go through the sealed bid process for an exact cost.

Mr. Bagley did not recommend that the Township hire a contractor to do the work because this could water down the Township's arguments in court that Matrix should be cited. The Township's ordinance is very similar to other municipalities and the intent is to take action when a private property involves a home that has a small yard and there is no responsible person in charge. In Matrix's case, it is a very large property with an entity to be pursued.

Ms. Aaron disagreed that the Township's position in court would be weakened. She believed that the legislative intent of the ordinance applies to the Ashbourne type of property. It was her opinion the Township should get bids, tell Matrix to do the work, and if Matrix does not do the work, the Township should tell Matrix that it may, per ordinance, do the work itself and charge Matrix a 10% administrative fee and seek recovery in court, and see their response. The Township has leverage. She lives across the street; people cannot sell their homes because the property is not being maintained. The groundskeeper has been terminated. Matrix is a corporation that has made a business decision based on the bottom line.

Mr. McKeown acknowledged that the Board and Staff is not satisfied with Matrix's actions and will try harder to get Matrix to comply more expeditiously. Mr. Simon stated that if Matrix wants to start building, it has to return to the Township regarding land development and building permits. He believed there is likely to be discussion between the Township, Matrix and its counsel resulting from the citations.

Ms. Aaron asked that if Matrix Ashbourne is a limited partnership can there be a judgment against the partners of the limited partnership. Mr. Bagley stated that a judgment can be gotten against the limited partnership, which would include any general partners if there are any but not the limited partners.

Mr. Haywood wanted a sense of the dollar amount pressure on the fines. Mr. Kraynik advised that there are 25 days of citations equating to a maximum of \$30,000 in fines. There was discussion regarding collection of fines under the ordinance.

b. Sara Koval, 7961 Oak Hill Drive, asked and was given a clarification of Mr. Lynch's retirement. She stated that Matrix has been neglecting the property for almost a year and questioned why it took a resident to complain before the Township took action. Mr. Kraynik responded that Matrix had been maintaining the property in a limited scope up until around the early part of July, and then the maintenance decrease was noticed. Mr. Kastenhuber stated that prior to July, Matrix was given notification that the property was not being maintained to the Township's satisfaction. Matrix was doing the minimum amount of work to keep from being cited until the middle of the summer.

Ms. Koval stated that teenagers have been hanging out in the buildings, which should have been boarded up before now. Mr. Kastenhuber responded that Matrix boarded up the buildings last year but vandalism has been ongoing. He stated that the property has been hit several times with doors and windows ripped open. This spring, Matrix got overwhelmed with vandalism in every building, including the former club house and pro shop. Ms. Koval asked if Matrix was required to have security. She was told they were not under Township ordinance. She felt that Commissioners and employees constantly drive by the property and did not speak up.

Mr. Portner stated that the Township will take all available action.

c. Tom McHugh, 127 Hewett Road, supported the reduction of the speed limit on Church in the vicinity of the Yorktown Plaza from 35 mph to 25 mph. There is a lot of pedestrian traffic from Wall Park and the skating rink. He supported trying to obtain a variance from PennDOT. It would make the area and the community more walkable.

There being no further business, upon motion of Mr. McKeown, and unanimously approved by the Committee, the meeting was adjourned.



David G. Kraynik
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, August 17, 2011 @ 7:30 P.M.

Curtis Hall

1250 W. Church Road, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
Bill Chaubies	1831 Chelsea	215-635-7284	-
Lisa Ritter	2441 LAUREL 19038	215-740- 6036	Lisa Ritter @gmail.com
Elz. Witmer	Saulfwing	6102515062	
Rich Ricketts	Williams	609 9362413	
Heidi Morein	⁶¹⁸ Boyer	215 6922378	waterofleith @aol.com
David Cohen	321 GERARD	610 34 86284	dcohen1@ ix.netcom.com
Abbeley Shuster	1938 Waltham Rd	215-2806437	Shuster4 @comcast.net
Daniel Norris	236 Becking Cir. Chelt.	215-635-0383	
Bonnie Aaron	7901 Jenk. Rd	215 663-9397	blaaaron@ comcast.net
Steve Strahls			
Douglas Aaron	7901 Jenkintown Rd	215-663-9397	daaron800@comcast.net
Tom McHugh			

