

October 19, 2011
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held tonight, Vice President Art Haywood presiding. Members present were Commissioners Hampton, McKeown, Sharkey, Simon and Swavola. Staff present were Michael Fleming, Public Works Coordinator; Joseph Galdo, Director of Fiscal Affairs; Bryan T. Havir, Assistant Township Manager; John O. Hoover, Jr., Director of Parks and Recreation; David Lynch, Director of Engineering, Zoning & Inspections; Mark McDonnell, Public Works Coordinator; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; Joseph Bagley, Esq., Wisler, Pearlstine, LLP; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

1. Mr. Haywood opened the meeting with the Pledge of Allegiance being led by Commissioner Sharkey.
2. Mr. Bagley announced that prior to the meeting the Commissioners held an Executive Session to discuss potential litigation with a government agency and to consult with their attorney about issues relative to the Sunshine Act.
3. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated September 21, 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 September, 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 September, 2011, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

6. Ms. Hampton presented a Proclamation to the Friends of the Cheltenham Township Libraries in honor of National Friends of Libraries Week. On behalf of the Friends groups, Joseph Egelkamp, a 50-year member, accepted the Proclamation.

A Proclamation

of the Board of Commissioners of Cheltenham Township

Whereas, The Friends of the East Cheltenham, Elkins Park, Glenside and La Mott libraries raise money that elevates the branches of the Cheltenham Township Library System from good to great. Their fund-raising is essential to supporting additional programming, much needed equipment, children's summer reading and special events throughout the year; and

Whereas, Recognizing the importance of libraries as cornerstones of the community, the Friends also advocate on behalf of the Library System to ensure it receives vital resources to provide patrons of all ages with a wide variety of opportunities, including print and electronic materials, expert research assistance, readers' advisories and expansive children's services; and

Whereas, The Friends are entirely volunteer organizations. Members donate their time and energy to bettering their respective libraries and, by extension, the entire community. Their dedication and good works deserve universal praise and stand as outstanding examples of positive civic engagement.

NOW, THEREFORE, I, HARVEY PORTNER, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, do hereby proclaim October 16 – 22, 2011, as "**FRIENDS OF THE LIBRARY WEEK** in Cheltenham Township." In doing so, the Board of Commissioners, on behalf of the entire community, gratefully thanks the Friends of the Library for all they do to enhance the library and community and urges everyone to consider joining their inspiring ranks.

DONE IN ELKINS PARK, PENNSYLVANIA, under our hands and the Seal of the Township of Cheltenham, this Nineteenth Day of October, A.D., 2011, in the year of the Township of Cheltenham the one hundred and twelfth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

Harvey Portner

By: _____
Harvey Portner, President

David G. Kraynik

Attest: _____
David G. Kraynik
Township Manager and Secretary

7. Mr. McKeown presented **Resolution No. 27-11** to Hayley Leather in recognition of receiving a 2011 Congressional Award Gold Medal Award.

Resolution No. 27-11

of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with great pride and admiration, salutes **HAYLEY LEATHER**, of 8031 New Second Street in Elkins Park, for earning a 2011 Congressional Award Gold Medal; and

Whereas, Congressional Awards in bronze, silver and gold levels are given by the United States Congress to Americans ages 14 to 23 years old. The voluntary, non-competitive endeavor involves setting goals in four program areas: Volunteer Public Service, Personal Development, Physical Fitness, and Expedition and Exploration. A minimum of 800 hours is required to achieve the Gold Medal, which only 246 youths in the nation attained this year; and

Whereas, In pursuit of her goal, **HAYLEY LEATHER** raised over \$1,000 for the cat rescue organization Save the Cats, ran a business breeding and selling bearded dragons and mice, cared for two neglected horses and even learned to scuba dive. She is Cheltenham's first recipient of a Congressional Award Gold Medal, which was presented to her on June 23, 2011, in Washington, DC.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Nineteenth Day of October, A.D., 2011, does hereby officially salute **HAYLEY LEATHER** for her outstanding achievement and wishes her similar success in all her future challenges. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be presented to Ms. Leather.

IN WITNESS WHEREOF, I, HARVEY PORTNER, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hand and caused the Seal of the Township of Cheltenham to be made a part thereof. DONE AT ELKINS PARK, PENNSYLVANIA, in the year of the Township of Cheltenham, the one hundred and twelfth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

Harvey Portner
By: _____
Harvey Portner, President

David G. Kraynik
Attest: _____
David G. Kraynik
Township Manager and Secretary

8. Mr. Haywood presented a Community Service Award to Elizabeth Westgard for her efforts in promoting business recycling.

9. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L911 to Sandra T. West, owner of 1714 Beech Avenue, La Mott, relating to the replacement of the upper main roof with asphalt shingles along with new half round gutters, removal of the existing deck and the installation of steps to grade with concrete pavers on grade as recommended by the La Mott Board of Historical and Architectural Review.

10. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W909 to Samuel Caplan, owner of 143 Fernbrook Road, Wyncote, regarding the construction of a 9-foot section of fence at the rear (parallel to Fernbrook Avenue) be either a 5-foot high picket fence or a 5-foot high post and rail fence with mesh or fence behind as recommended by the Wyncote Board of Historical and Architectural Review.

11. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W910 to Arica Nevraumont, owner of 151 Greenwood Avenue, Wyncote, regarding the removal of a window opening and filling it in with new construction covered over with plywood and shingles to match existing shingles as recommended by the Wyncote Board of Historical and Architectural Review.

12. Upon motion of Mr. Swavola, the Board of Commissioners unanimously agreed to cancel the Public Hearing to consider a proposed Age-Restricted Overlay District Ordinance scheduled for October 19, 2011.

13. Upon motion of Mr. Swavola, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated October 12, 2011, were accepted.

14. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2225-11** amending Chapter 285, thereof, entitled "Vehicles and Traffic" authorizing the removal of a Stop Sign on Glenside Avenue at North Avenue, installment of a Stop Sign on Glenside Avenue at Waverly Road, removal of Handicapped Parking at 8220 Manor Road, and installment of No Parking on Waverly Road near Easton Road.

ORDINANCE NO. 2225-11

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:

GLENSIDE AVENUE (36) STOP STREET at North Avenue.

MANOR ROAD (4) HANDICAPPED PARKING at 8220.

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:

GLENSIDE AVENUE (36) STOP STREET at Waverly Road.

WAVERLY ROAD (23) NO PARKING, north side, Keswick Avenue to Easton Road.

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 **19th day of October, A.D., 2011.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM

By Harvey Portner
Harvey Portner, President

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

15. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated October 5, 2011, were accepted.

16. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted a Proclamation honoring Josh Fattal. Said Proclamation will be presented at a future meeting of the Board of Commissioners convenient for Mr. Fattal. Mr. Swavola stated that the Board also wanted to recognize the efforts of groups and individuals who helped and supported Mr. Fattal.

17. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated October 5, 2011, were accepted.

18. Upon motion of Mr. Swavola, the Board of Commissioners granted a waiver of the Permit Fees and Sewer Connection Fees for the Creekside Co-op, 7909 High School Road, Elkins Park, in the amount of \$34,000. (AYES: Hampton, McKeown, Sharkey, Swavola; NAYES: Haywood).

Mr. Simon had recused himself prior to the motion due to an equity interest and a debtor/creditor interest in the property.

19. Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated October 5, 2011, were accepted.

20. Upon motion of Mr. Simon, the Board of Commissioners unanimously adopted **Resolution No. 30-11** authorizing Berkheimer Associates to impose a schedule of collection costs as it relates to the collection of the Local Services Tax.

**CHELTENHAM TOWNSHIP
RESOLUTION NO. 30-11**

A RESOLUTION OF THE CHELTENHAM TOWNSHIP BOARD OF COMMISSIONERS, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZES AND EMPOWERS ITS LOCAL TAX COLLECTOR, BERKHEIMER, TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT LOCAL SERVICES TAXES.

WHEREAS, Cheltenham Township, Montgomery County, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of certain local taxes under and pursuant to the authority of the Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

WHEREAS, Cheltenham Township, Montgomery County, has hired Berkheimer to collect said taxes levied by Cheltenham Township, Montgomery County, including taxes that are or may become delinquent; and

WHEREAS, pursuant to Act 192 of the 2003-2004 General Assembly of the Commonwealth of Pennsylvania, Cheltenham Township, Montgomery County, has the right to impose a cost of collection on taxes that become delinquent and/or that remain due and unpaid;

NOW, THEREFORE, BE IT RESOLVED that

1. Cheltenham Township, Montgomery County approves and adopts the Cost of Collection Schedule attached hereto and made apart of this Resolution to be imposed by Berkheimer upon any taxpayer whose local services taxes are or become delinquent and/or remain due and unpaid.
2. Berkheimer is authorized to retain said costs of collection set forth in the attached schedule incurred in recovering delinquent local services taxes and assessed to the delinquent taxpayer as allowed by law.
3. Any Resolution or part of this Resolution conflicting with the provisions of this Resolution be and the same are hereby repealed to the extent of such conflict.

ADOPTED this 19th day of **October, 2011**.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: *Harry Patton*
 President

Attest: *David G. Kraybill*
 Township Manager and Secretary

21. Upon motion of Mr. Simon, the Board of Commissioners unanimously adopted **Resolution No. 31-11** authorizing the Finance Officer to be the liaison with Berkheimer Associates for the collection of Earned Income Taxes (“EIT”).

**CHELTENHAM TOWNSHIP
RESOLUTION NO. 31-11**

A RESOLUTION OF THE CHELTHENHAM TOWNSHIP BOARD OF COMMISSIONERS, MONTGOMERY COUNTY, PENNSYLVANIA, APPOINTING THE TOWNSHIP'S FINANCE OFFICER TO SERVE AS LIAISON BETWEEN THE TOWNSHIP AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF EARNED INCOME TAX FOR THE TOWNSHIP, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE TOWNSHIP FOR OFFICIAL PURPOSES.

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania (53 P.S. §6901 et seq.), enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including Cheltenham Township, Montgomery County, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, Cheltenham Township, Montgomery County, has entered into a contractual agreement with Berkheimer of Bangor, Pennsylvania, whereby and whereunder Cheltenham Township appointed Berkheimer to collect Earned Income Tax; and

WHEREAS, said Act 511 specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinances and resolutions, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of Cheltenham Township specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cheltenham Township, Montgomery County, hereby appoints the Township's Finance Officer as its authorized representative to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for Cheltenham Township, as desired and deemed necessary by Cheltenham Township, to be used for official purposes only; and

Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the Township, upon request, to the Township Finance Officer as the authorized contact representative for it.

The Board of Commissioners of Cheltenham Township, Montgomery County, hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

RESOLVED, ENACTED AND ADOPTED this 19th day of **October, 2011**.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: Harry Portman
President

Attest: David G. Kraszil
Township Manager and Secretary

22. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Finance Committee Regular Meeting Minutes dated October 12, 2011, were accepted.

23. Under Old Business:

Ms. Hampton reported that a 25 mph speed limit sign was removed on Glenside Avenue between Rices Mill Road and North Avenue when the Stop Sign was installed on Glenside Avenue at North Avenue. She asked that it be replaced and that two (2) signs be erected, one in each direction on Glenside Avenue. She advised that she is working with Chief Norris to evaluate possible traffic calming measures on Glenside Avenue. Such measures include but are not limited to pedestrian crosswalks, safer sidewalks, and bicycle paths.

24. Under Citizens Forum:

a. Thomas McHugh, 127 Hewett Road, asked that the Board of Commissioners meeting minutes be made available as attachments to the Commissioners meeting agenda along with the minutes of the Committee meetings so that the public could have an opportunity to review and comment on them.

b. Karin Helstrom, 7904 Anselm Road, near Dixon Road, stated that the street sign on Dixon Road reads "Dixon Drive". She asked that a new and correct sign be installed.

c. Bill McHugh, 115 Waverly Road, was concerned about the children on Waverly Road. According to Mr. McHugh, traffic volume and speed studies indicate that the road is unsafe for children. The Commissioners' decision to remove the Stop Sign at Glenside and North Avenues makes Waverly Road less safe for the children. He asked that other safety methods be considered, i.e., speed bumps, a no left turn sign, or making Waverly Road a one-way street. He understood the concerns of the neighbors on North Avenue but now Waverly Road has to be made safe, and a resolution needs to be found.

c. Megbrat Mengstab, 616 Arbor Road, stated that she has problems with a neighbor with whom she shares a driveway. She was told that she bought the house with the shared driveway and could always park on the street.

Mr. Kraynik responded. He reported that he met with Ms. Mengstab, and he reviewed the advice he gave her. He told her that this is a private issue between her and her neighbor. She indicated at that meeting that someone suggested that she knew about the shared driveway when she bought the house and that one way to avoid the issue was to park on the public street. That was one person's opinion but it was not the opinion

the shared driveway when she bought the house and that one way to avoid the issue was to park on the public street. That was one person's opinion but it was not the opinion she was given at the Township Manager's office. Mr. Kraynik clarified that his specific suggestion to her was to file a complaint with the local District Judge. This dispute involves two neighbors who share a driveway; one of the neighbors had a garage that was removed; now there is a dispute as to if and how it should be rebuilt; and who would pay for it.

Mr. Haywood told her that the Commissioners cannot resolve disputes between neighbors.

Mr. Bagley advised Ms. Mengstab that she had two (2) courses of action, i.e. hire a lawyer to discuss her rights; or file a complaint with the local District Judge's office, and she would not need a lawyer for any claim amounts under \$12,000.

d. Tim Terry, 120 Waverly Road, stated that he and his wife were primary forces in trying to reduce traffic, speeding and cut-thru's on Waverly Road. He hoped that the Township would continue to explore other traffic calming and safety measures such as crosswalks, no left turn restrictions, etc.

e. Joe Phillipine, 122 Waverly Road, felt it was insulting not to give further consideration to the Waverly Road neighbors' issues; speeding has increased; more enforcement was needed on Glenside Avenue; and there should be measures to slow down traffic and crosswalks everywhere.

Ms. Hampton responded that the controversies surrounding the Stop Sign might not have happened if the entire community could have come together, be made aware of, and discussed the issues. She accepted responsibility for the lack of communication. She stated that she is working with the Township Staff and Police Department on alternative ways of calming, slowing and decreasing traffic in the area.

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, October 19, 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
Joe Phillipone	122 Waverly	215 920 2722	
Robert Grubbs	8204 Thomsen Rd Elysburg Pa	715-694-7562	
Ellen Weaver	7915 Ronaele EP	215 635-6003	
Peter Wislow	"	914 221 -3795	
Bob & Iris Hanny	812 Glasside	215-884-3160	
Elizabeth Wyszynski	7413 Mandolin	—	
Ann Rappoport	114 Waverly		
DAN Reynolds	1107 SPrassen	412-779-5621	
S Strahs			
Heidi Morein	618 Boyer	215 692 2378	
Karin Helstrom	7904 Anselm Rd E.P.	215-782-1233	Karin@comcast.net
Carcie Leyser	7915 Ronaele Dr		



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, October 19, 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
Meinster, A	7830 Springs		
Joann Spear	700 Foster Rd. Cheltenham, Pa. 19012	215-663-9623	
Dorothy Hagdon	420 Jefferson Ave Chet.		
David Updike	118 Webster Ave. Wyncote, PA	215-887-2285	
Barbara Kotzin	609 Central Ave. Cheltenham		
B McHugh	115 E WARELY	215 885-2061	
S. Vaekarant	1413 Academy	215.782.1047	
M. Dutcher	7404 Cedar Lane		
C Leather	8031 New 2nd St.		
Hayley Leather	8031 New second ST		
Jen Peel	8880 Roberts Rd	CP	
Bob MATTON	8336 Robeno Rd	EA	