

June 20, 2012
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Art Haywood presiding. Members present were Commissioners Norris, McKeown, Portner, Sharkey, and Simon. Staff present were Joseph Bagley, Esq., Wisler, Pearlstine, LLP; Charlyn Battle, Human Resources Coordinator; Patrick Duffy, Director of Engineering, Zoning & Inspections; Bryan T. Havir, Assistant Township Manager; John Hoover, Director of Parks and Recreation; Mark McDonnell, Public Works Superintendent; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; and David G. Kraynik, Township Manager. Also present was Stephen Burns, Finance Officer. A Public Attendance List is attached.

1. President Haywood opened the meeting with the Pledge of Allegiance being led by Commissioner Simon.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated May 16, 2012, upon of Mr. Portner, the Minutes were unanimously approved by the Board of Commissioners.
3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of May, 2012, upon motion of Mr. Portner, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.
4. Each member having received a copy of the Accounts Paid Report for the month of May, 2012, upon motion of Mr. Portner, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

5. Mr. Portner presented posthumous **Resolution No. 23-12** honoring Genevieve Christopher, a long-time resident and former member of the La Mott Board of Historical and Architectural Review. Said Resolution was received by members of Ms. Christopher's family.

Resolution No. 23-12
of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with deep sorry and respect, posthumously honors **GENEVIEVE CHRISTOPHER**, of La Mott, for her contributions to the community; and

Whereas, **GENEVIEVE CHRISTOPHER** was a life-long resident of La Mott. In fact, she and her husband received an award at the La Mott Fair for being the oldest members of the community. For over 30 years she worked in the Cheltenham School District as a substitute classroom assistant for Special Education classes; and

Whereas, **GENEVIEVE CHRISTOPHER** also volunteered as a member of the La Mott Board of Historical and Architectural Review for 23 years to help preserve the historic tenor of the neighborhood she loved. She was also a member of American Legion Post 451 for 30 years. Finally, she was an active participant and ardent fan of the La Mott Seniors Club until her passing in April 2012.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of June, A.D., 2012, does hereby officially honor **GENEVIEVE CHRISTOPHER** for her contributions to the community. 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 her family.

IN WITNESS WHEREOF, I, ART HAYWOOD, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands 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 thirteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**



By: _____
Art Haywood
President



David G. Kraynik
Township Manager/Secretary

6. Mr. Sharkey presented **Resolution No. 21-12** to Sgt. Gregory J. Malone upon his retirement from the Police Department after 38-years of service.

Resolution No. 21-12
of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with deep respect and appreciation, salutes **GREGORY J. MALONE** on the occasion of his retirement after 38 years of service with the Township; and

Whereas, **GREGORY J. MALONE** joined the Township team as a dispatcher on February 12, 1973. After graduating from the Police Academy at Temple University, he became a Cheltenham Township Police Officer on February 5, 1980, where he started as a Patrol Officer but advanced to the Tactical Squad/SWAT Unit and later to the Highway Safety Unit. He was promoted to Corporal in 1993 and to Sergeant in 2001, where he oversaw the operation of the Communications Center and later became Administration Staff Sergeant; and

Whereas, During his impressive career, **GREGORY J. MALONE** received official commendations for heroism, merit and more. He has been an asset to the Police Department and the entire Township. Moreover, his good humor, dedication, and professionalism will be sorely missed by all his friends and colleagues following his retirement on May 31, 2012.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of June, A.D., 2012, does hereby officially honor **GREGORY J. MALONE** for his dedicated service to the Cheltenham community and wishes him the best of luck in all his future endeavors. 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 Mr. Greg Malone.

IN WITNESS WHEREOF, I, ART HAYWOOD, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands 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 thirteenth.

CHELTENHAM TOWNSHIP BOARD OF COMMISSIONERS



By: _____
Art Haywood
President



Attest: David G. Kraynik
Township Manager/Secretary

7. Mr. Sharkey presented **Resolution No. 22-12** to Sgt. Stephen J. Malone upon his retirement from the Police Department after 36-years of service.

Resolution 22-12
of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with deep respect and appreciation, salutes **STEPHEN J. MALONE** on the occasion of his retirement after 36 years of service with the Township; and

Whereas, **STEPHEN J. MALONE** joined the Township team as a dispatcher on January 6, 1975. After graduating from the Temple University Police Academy, he became a Patrol Officer with the Cheltenham Township Police Department on November 3, 1980 and was promoted to Corporal in the Patrol Division in 1991. Instrumental in forming a new Community Policing Unit in 1995, he became its supervisor as well as a grant coordinator. He was promoted to Sergeant in 2000 and to Detective in 2003, where he helped close many major cases; and

Whereas, During his impressive career **STEPHEN J. MALONE** received numerous awards, commendations and thanks and completed extensive professional training, illustrating his value to the Police Department and the entire Township. His good humor, dedication, and expertise will be sorely missed by his friends and colleagues following his retirement on May 31, 2012.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of June, A.D., 2012, does hereby officially honor **STEPHEN J. MALONE** for his dedicated service to the Cheltenham community and wishes him the best of luck in all his future endeavors. 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 Mr. Steve Malone.

IN WITNESS WHEREOF, I, ART HAYWOOD, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands 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 thirteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**



By: _____
President

Attest:  _____
Township Manager and Secretary

8. Mr. Simon presented **Resolution No. 20-12** to Dr. Alberto Esquenazi recognizing his contributions to medicine and to the Moss Rehab Department of Physical Medicine and Rehabilitation.

Resolution No. 20-12
of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with great admiration and respect, honors **ALBERTO ESQUENAZI, M.D.**, Chairman of the Department of Physical Medicine and Rehabilitation at Albert Einstein Medical Center and Chief Medical Officer at MossRehab for his contributions to medicine; and

Whereas, **DR. ALBERTO ESQUENAZI** is world renowned for his work in Gait Analysis and his work with individuals with amputation. He has also significantly advanced the field of robotics in rehabilitation. Working with an Israeli developer, he brought ReWalk, the first exoskeleton that allows individuals with paraplegia to walk, to MossRehab for clinical trials; and

Whereas, **DR. ALBERTO ESQUENAZI** conducts clinical research, publishes and teaches extensively, including Drexel University's Department of Biomedical Engineering, Temple University School of Medicine's Department of Physical Medicine and Rehabilitation, and as Professor of Rehabilitation Medicine at Jefferson Medical College. He has also been named President-Elect of the American Academy of Physical Medicine and Rehabilitation.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of June, A.D., 2012, does hereby officially honor **DR. ALBERTO ESQUENAZI** for his immeasurable contributions to his field and wishes him continued success in all his future work. 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 Dr. Esquenazi.

IN WITNESS WHEREOF, I, ART HAYWOOD, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands 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 thirteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: 

President

Attest: 

Township Manager and Secretary

9. Mr. Portner presented **Resolution No. 19-12** to Dr. John Whyte recognizing his contributions to medicine and to the Moss Rehabilitation Research Institute.

Resolution No. 19-12
of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with great admiration and respect, honors **JOHN WHYTE, M.D., PH.D.**, of Moss Rehabilitation Research Institute in Elkins Park for his contributions to traumatic brain injury rehabilitation; and

Whereas, **DR. JOHN WHYTE** is Director of the Moss Rehabilitation Research Institute, one of the nation's largest rehabilitation research enterprises. He oversaw development of the Research Institute at Moss, which is known for its work in language and cognition, and is currently developing a mobility research program. He is also Director of the Responsiveness Program at the Drucker Brain Injury Center at MossRehab and a Professor in the Department of Rehabilitation Medicine at Jefferson Medical College of Thomas Jefferson University; and

Whereas, One of the foremost experts in the world of disorders of consciousness following brain injury, **DR. JOHN WHYTE** has won many awards for his contributions to the field of rehabilitation medicine, including the Pioneer in Brain Injury Award for Outstanding Research from the Brain Injury Association of Pennsylvania and the Robert J. Moody Prize for Distinguished Initiatives in Brain Injury Research.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of June, A.D., 2012, does hereby officially honor **DR. JOHN WHYTE** for his immeasurable contributions to the field of rehabilitation medicine and wishes him continued success in all his future work. 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 Dr. Whyte.

IN WITNESS WHEREOF, I, ART HAYWOOD, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands 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 thirteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: 

President

Attest: 

Township Manager and Secretary

10. Mr. Portner presented **Certificates** and **Pins** to the following employees for 20-years of service:

Domenick Bartol – Public Works Department
Leslie Bates – Public Works Department
Donald Dougherty – Public Works Department
Officer Joseph Morrissey – Police Department
Prudence Rebitz – Parks and Recreation Department

11. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved the awarding of a contract for remounting a new Chassis for a 2004 Lifeline Paraliner Type III Ambulance to Pfund Superior Sales Co., Inc. in the amount of \$145,983 being within budgetary limitations.

12. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved the awarding of a unit price contract for the 2012 Road Milling and Resurfacing Project to General Asphalt Paving Co., Philadelphia, PA, in the amount of \$229,306 being the lowest responsible bidder meeting Township specifications.

13. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a contract for the Cheltenham Township Interceptor A Sanitary Sewer Lining Phases 1A and 1B to Allstate Power Vac, Rahway, NJ 07065, in the amount of \$1,944,491 being within budgetary limitations and contingent upon review of the Township Solicitor.

14. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for L927 to Anna and Karen Albright, owners of 1703 Cheltenham Avenue, La Mott, to replace the existing windows, install aluminum capping over the window frames and to repair wood trim and metal surfaces as recommended by the La Mott Board of Historical and Architectural Review.

15. Mr. Simon noted a typo on page 11, i.e. an incorrect date, i.e. 1846 should be 1946. He asked that the minutes be amended.

16. Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated June 12, 2012, were received as amended.

17. Upon motion of Ms. Hampton, the Board of Commissioners unanimously rejected the bid submitted by Home Experts, LLC for the La Mott Homeowner Housing Rehabilitation Program Phase IV due to not meeting several Township bid specifications as recommended by staff.

18. Upon motion of Ms. Hampton, the Board of Commissioners unanimously awarded a contract to Premier Builders and Remodeling, Inc. 2030 N. Black Horse Pike, Williamstown, NJ, for the La Mott Housing Rehabilitation Program Phase IV as recommended by staff and the Township's consultant as follows:

- For 1714 Chelsea Road a base bid plus alternates not to exceed \$25,000
- For 7319 Sycamore Avenue, a base bid plus alternates not to exceed \$25,000
- For 1831 Erlen Road a base bid not to exceed \$25,000
- For 1815 Willow Avenue, a base bid not to exceed \$25,000

19. Upon motion of Ms. Hampton, the Board of Commissioners unanimously renewed a Janitorial Services Contract to Emerga Support Services, LLC, Sewell, New Jersey, for a one (1) year term commencing July 1, 2012 and expiring June 30, 2013, in the amount of \$24,754.

20. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Resolution No. 24-12** authorizing the disposition of certain Township records.

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 24-12**

A RESOLUTION DECLARING ITS INTENT TO FOLLOW
THE SCHEDULES AND PROCEDURES FOR DISPOSITION
OF RECORDS AS SET FORTH IN THE PENNSYLVANIA
MUNICIPAL RECORDS ACT AND THE MUNICIPAL
RECORDS MANUAL OF 1968, REVISED DECEMBER 16,
2008, AS AMENDED FROM TIME TO TIME

WHEREAS, the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, hereby acknowledges that a Local Government Records Committee of the Pennsylvania Historical and Museum Commission, Division of Archival and Records Management Services was created by the Pennsylvania State Legislature, Act 428 "Municipal Records Act" of 1968, as amended from time to time, and empowered thereby to make rules and regulations for the disposition and management of municipal records; and

WHEREAS, the Township of Cheltenham desires to dispose of municipal records according to Pennsylvania statutory requirements in accordance with the schedule of the Municipal Records Manual (MRM) issued by the Local Government Records Committee, which a list of said Cheltenham Township records are outlined in the attached Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania, that it intends to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual revised on December 16, 2008, as amended from time to time.

DONE IN ELKINS PARK, PENNSYLVANIA, under my hand and the Seal of the Township of Cheltenham this 20th day of June, A.D., 2012.

TOWNSHIP OF CHELTENHAM



ATTEST:



David G. Kraynik, Township Manager/Secretary

BY:

Art Haywood, President
Board of Commissioners

EXHIBIT "A"

Box No.	Year(s) of Record	Record Type	Year End to Destroy	MRM Ref#
PERSONNEL				
551	1989-92	Workers Comp Claims	2002	Ch. 4, §14
552	1986-1987	No Claims, Auto Claims, Misc Claims, New York Life, Human Relations Comm.	2000	Ch. 4, §6
553	1992	Medical Claims	1998	Ch. 4, §6
554	1988-1990	Hartford Loss Runs , Employee Info.	1998	Ch. 4, §6
555	1987-1990	Auto Claims	2002	Ch. 4, §6
556	Years prior to 1996	Job Applications	1996	Ch. 4, §2
557	1978-1989	Affirmative Action Info.	1998	Ch. 4, §2
558	Years prior to 1996	Job Applications	1996	Ch. 4, §2
559	1991	Police Applicant Folders	1999	Ch. 4, §2
560	1990-91	Auto Claims, No Claims, Claims Filed, Dental, Vision Med. EOB	1998	Ch. 4, §6
561	1987-1993	Summer Help, Parks & Recreation Claims	2002	Ch. 4, §2
562	Years prior to 1996	Hartford Cops Reports, Hartford Med. Loss Runs, Hartford Weekly Disability Loss Runs	1999	Ch. 4, §6
563	1992	Police Civil Service	1999	Ch. 4, §3
564	1984-87	Auto Claims	2002	Ch. 4, §6
565	Years prior to 1996	Applications	1996	Ch. 4, §2
No Box #	Years prior to 2006	Police Applicant Personal Data Questionnaires	2011	Ch. 4, §2
POLICE DEPARTMENT				
No Box #	Years prior to 1992	Detective Case Files (Not Major Case files)	2011	Ch. 8,§8
No Box #	Years prior to 2010	L3 Car Video	2011	Ch 8§26
No Box #	Years prior to	Cell Logs	2011	Ch. 8§22

No Box #	2010 Years	prior	to	2011	Ch. 8§18
			Abandoned Vehicle Records		
No Box #	2010 Years	prior	to	2011	Ch. 8§23
			Police Tow Records		
No Box #	2011 Years	prior	to	2011	Ch. 8§5
			Traffic Surveys		
	2007				

21. Upon motion of Ms. Hampton, the Board of Commissioners unanimously appointed Bryan T. Havir as Acting Township Manager effective July 1, 2012, in accordance with the Home Rule Charter.

22. Upon motion of Mr. Hampton, the Board of Commissioners unanimously adopted **Resolution No. 25-12** recognizing Township Manager David G. Kraynik for his years of service to the Township. Said Resolution will be presented to Mr. Kraynik at an event in his honor on June 26, 2012.

23. Upon motion of Ms. Hampton, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated June 6, 2012, were received.

24. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2241-12** amending Chapter 285, thereof, entitled "Vehicles and Traffic".

ORDINANCE NO. 2241-12

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 **ADDING** the following:

ASHBOURNE ROAD (26) STOP STREET at Chapel Road.

SECTION 2. 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 3. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an Ordinance this **18th of July, A.D., 2012.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM



By _____
Art Haywood, President

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

25. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated June 6, 2012, were received.

26. Upon motion of Mr. Simon, the Board of Commissioners unanimously approved an Agreement with Matrix Ashbourne Associates, L.P. to settle fines levied to Matrix by the Township (see attached).

27. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated June 6, 2012, were received.

28. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Parks and Recreation Committee Regular Meeting Minutes dated June 13, 2012, were received.

29. Under New Business:

a. In accordance with the Code of the Township of Cheltenham and Article XIII, Section 1302, of the Home Rule Charter, the President of the Board presented a new committee appointment for the advice and consent of the Board of Commissioners.

Upon motion of Mr. Portner, the Board of Commissioners unanimously approved the appointment of Hannah Mazzacaro as an Ex-Officio member of the Environmental Advisory Council as submitted by the Board President.

b. Upon motion of Mr. Haywood, the Board of Commissioners unanimously appointed Bryan T. Havir as Acting Trustee of the Delaware Valley Insurance Trust, Workers's Compensation Trust, and Health Insurance Trust, replacing David G. Kraynik.

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Community Service Award for Moses DeHart for his work relating to the Grove Park Pedestrian Bridge. Said award will be presented at a future meeting of the Board.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the adoption of **Resolution No. 26-12** recognizing Nick DeMico for his work on a mural on the wall of a business in Easton Road. Said Resolution will be presented at a future meeting of the Board.

30. Under Citizens' Forum:

Elizabeth Cataldi, 46 Limekiln Pike, asked how documents are destroyed. It was explained to her. She asked about the duration of the Acting Township Manager's term and if he would receive a salary increase. Mr. Haywood responded that both items are still to be determined.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Board of Commissioners, the meeting was adjourned.



Bryan T. Havir
Assistant Township Manager for

as per Anna Marie Felix

AGREEMENT

IT IS HEREBY AGREED by and between the parties, the Township of Cheltenham ("Township") and Matrix Ashbourne Associates, L.P. ("Matrix") that in exchange for the mutual promises set forth herein, and other good and valuable consideration, and intending to be legally bound, the parties agree as follows:

- (1) In aggregate, total fines levied to Matrix by the Township and to be collected by the Township will equal Three Thousand Three Hundred Twelve and 50/100 Dollars (\$3,312.50).
- (2) To date Township has received payment of One Thousand Two Hundred Dollars and 00/100 (\$1,200). The current outstanding balance of fines, therefore, is Two Thousand One Hundred Twelve and 50/100 Dollars (\$2,112.50) ("Outstanding Balance").
- (3) Matrix shall immediately withdraw Appeal No. CP-46-SA0001073-2011 (the "Appeal");
- (4) Township acknowledges that Matrix has paid an additional Four Thousand One Hundred Thirty Nine and 45/100 Dollars (\$4,139.45), which sum is currently being held by the Magisterial District Court and/or the Common Pleas ("Court") as collateral pending the resolution of the above referenced appeal.
- (5) If the Court disburses funds to Township as a result of this Settlement (Amount Disbursed"), one of the following will occur: a) if the Amount Disbursed is greater than the Outstanding Balance then Township will pay to Matrix the difference between the Amount Disbursed by the Court and the Outstanding Balance; or b) if the Amount Disbursed is less than the Outstanding Balance then Matrix will pay to Township the difference between the Outstanding Balance and the Amount Disbursed.
- (6) In the unlikely event that the Court disburses funds back to Matrix as a result of this Settlement, then Matrix shall, within ten (10) business days of receipt of such disbursement pay to Township an amount equal to the Outstanding Balance.
- (7) In either event neither Township nor Matrix shall pay any sum to the other party until such time as the Court has disbursed the funds it is currently holding or until the parties agree otherwise in writing.
- (8) The Township shall take no further enforcement action against Matrix for maintenance code and building code violations for the time period January 1, 2011 through December 31, 2011 for the former Ashbourne Country Club property, 1100 Ashbourne Road, Cheltenham, Pennsylvania.

TOWNSHIP OF CHELTENHAM

By: 

Arthur Haywood, President



David C. Kraynik, Secretary

**MATRIX ASHBOURNE ASSOCIATES,
L.P.**

By: _____
Joseph Taylor, Authorized Representative