

July 18, 2012
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Art Haywood presiding. Members present were Commissioners Hampton, Norris, 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; John O. Hoover, Director of Parks and Recreation; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; and Bryan T. Havir, Acting Township Manager. Also present was Stephen Burns, Finance Officer. A Public Attendance List is attached.

Mr. Haywood announced that prior to the meeting, the Commissioners held an Executive Session to discuss collective bargaining and personnel matters.

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 June 20, 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 June, 2012, upon motion of Mr. Sharkey, 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 June, 2012, upon motion of Mr. Sharkey, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

5. PUBLIC HEARING: To receive any and all comments from the public regarding the adoption of an Ordinance to amend the Code of the Township of Cheltenham that allows for an Age-Restricted Overlay District.

Mr. Bagley opened the hearing. He reviewed the following: purpose of the Ordinance; compliance with publication requirements; compliance with the requirements of the Municipalities Planning Code; opinion letters from the both the Montgomery County and Township Planning Commissions; review process by various committees; and Exhibits.

Mr. Bagley asked for comments from the Board and the public.

[For proceedings and comments and, see "*Notes of Testimony*"]

Mr. Bagley closed the hearing.

6. Upon motion of Mr. Simon, the Board of Commissioners unanimously adopted **Ordinance No. 2242-12** amending the Code of the Township of Cheltenham that allows for an Age-Restricted Overlay District.

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

ORDINANCE NO. 2242-12

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED "ZONING", SECTIONS 295-243 AND 295-244, BY LIMITING THE HEIGHT OF BUILDINGS TO NO MORE THAN 3 STORIES ON SITES 10 ACRES OR LESS; DELETING CERTAIN TERMS AND INSERTING NEW TERMS TO CHANGE THE WORD "HOMES" TO "DWELLINGS" AND TO DELETE THE WORDS "OR EQUIVALENT" IN CERTAIN PORTIONS OF THE ORDINANCE; TO REPLACE THE TERMS "HISTORIC RESOURCES WITHIN THE TOWNSHIP", WITH THE TERMS "HISTORIC RESOURCES ON THE TRACT" AND TO REQUIRE THE SUBMISSION OF A BY-RIGHT YIELD PLAN BASED ON THE UNDERLYING ZONING

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

The Board of Commissioners hereby amends the Code of the Cheltenham Township, Section 295, entitled "Zoning" by making the following changes in Article I, Sections 295-243 and 295-244:

In Section 295-243.F. entitled "Maximum building height", the following sentence shall be inserted in Section 295-243.F.1.:

Notwithstanding any other terms in this Ordinance, subsection F.2. shall not apply to tracts of 10 acres or less.

In Section 295-244.I.5., the word "homes" is hereby deleted and replaced with the word "**dwellings**", the word "home" is hereby deleted and replaced with the word "**dwelling**", and the words "**or equivalent**" are hereby deleted.

In Section 295-244.J.1., the term "Historic resources within the Township" is hereby deleted and replaced with the term "**Historic resources on the tract**".

A new Section, 295-244.M. entitled "By-Right Yield Plan" shall be added as follows:

295-244.M.

All applications for development under this overlay district shall be accompanied by a by-right yield plan for the property based on the underlying zoning. During the review process, the applicant shall revise such by-right yield plan based upon, and in accordance with, applicable comments received from the Township staff.

- DISCLAIMER

Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

- SEVERABILITY

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

- REPEALER

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

- FAILURE TO ENFORCE NOT A WAIVER

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

- EFFECTIVE DATE

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

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 18th day of July, 2012.


By: _____
Art Haywood, President


Attest: _____
Bryan T. Havir, Acting Township Manager
and Secretary

7. PUBLIC HEARING: To receive any and all comments from the public regarding the adoption of an Ordinance to amend the Code of the Township of Cheltenham to allow for the rezoning of the 100 block of Cottman Avenue.

Mr. Bagley opened the hearing. He reviewed the following: purpose of the Ordinance; compliance with publication requirements; compliance with the requirements of the Municipalities Planning Code; opinion letters from the both the Montgomery County and Township Planning Commissions; review process by various committees; and Exhibits.

Mr. Bagley asked for comments from the Board and the public.

[For proceedings and comments and, see "*Notes of Testimony*"]

Mr. Bagley closed the hearing.

8. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2243-12** amending the Code of the Township of Cheltenham to allow for the rezoning the 100 block of Cottman Avenue to C3 Commercial and Business District.

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2243-12

"C3 Commercial and Business District Zoning Map Amendment"

AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO REZONE THE 100 BLOCK OF COTTMAN AVENUE, FURTHER IDENTIFIED AS TAX BLOCK 65, UNITS 69, 88-93, 96, 98 AND 99, CONSISTING OF APPROXIMATELY 1.617 ACRES, FROM THEIR EXISTING ZONING CLASSIFICATION OF "R8" RESIDENCE DISTRICT TO THE CLASSIFICATION OF "C3" COMMERCIAL AND BUSINESS DISTRICT.

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

SECTION 1 - Zoning Map Amendment:

The Cheltenham Township Zoning Map is hereby amended to rezone a tract of land identified as the 100 Block of Cottman Avenue, further identified as Tax Block 65, Units 69, 88-93, 96, 98 and 99, which tracts combined consist of approximately 1.617 acres, and are more particularly depicted on the plan attached hereto as Exhibit "A", from their existing zoning classification of "R8" Residence District to the classification of "C3" Commercial and Business District.

SECTION 2 - Disclaimer

Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 3 - Severability

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

SECTION 4 - Repealer

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

SECTION 5 - Failure To Enforce Not A Waiver

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

SECTION 6 – Effective Date

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

ORDAINED AND ENACTED into law this **18th day of July, 2012**, by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania.



By: _____
Art Haywood, President



Attest: _____
Bryan T. Havir, Acting Township Manager
and Secretary

9. PUBLIC HEARING: To receive any and all comments from the public regarding the adoption of an Ordinance to amend the Code of the Township of Cheltenham to allow for specialized medical service by Special Exception at 133-135 West Cheltenham Avenue.

Mr. Bagley opened the hearing. He reviewed the following: purpose of the Ordinance; compliance with publication requirements; compliance with the requirements of the Municipalities Planning Code; opinion letters from the both the Montgomery County and Township Planning Commissions; review process by various committees; and Exhibits.

Mr. Bagley asked for comments from the Board and the public.

[For proceedings and comments and, see "*Notes of Testimony*"]

Mr. Bagley closed the hearing.

10. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Ordinance No. 2244-12** amending the Code of the Township of Cheltenham to allow for specialized medical services by Special Exception at 133-135 West Cheltenham Avenue.

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2244-12

"Specialized Medical Services By Special Exception"

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM AMENDING CHAPTER 295, ZONING, OF THE CODE OF ORDINANCES, AS AMENDED FROM TIME TO TIME, BY AMENDING SECTION 225 OF CHAPTER 295 TO ADD A NEW SUBSECTION C TO PROVIDE FOR CERTAIN SPECIALIZED MEDICAL SERVICES BY SPECIAL EXCEPTION IN RESIDENCE DISTRICTS R-5, R-6, R-7 AND R-8

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

SECTION 1- Amendment

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXIX (General Regulations), Section 225 (Executive Office or Research Laboratory Conversion) is hereby amended to add a new paragraph C as follows:

§ 295-225. Specialized Medical Services

The Zoning Hearing Board may permit as a special exception the conversion of a building and/or the use of a lot, formerly used as a religious or educational use, for specialized medical services in Residence Districts R-5, R-6, R-7 and R-8 subject to the following requirements:

Specialized medical services, as that phrase is used in this Section, shall consist of an office offering medical diagnosis and treatment including, but not limited to, dialysis centers and virtual colonoscopy facilities; provided, however, that specialized medical services shall not include methadone clinics, methadone dispensaries, or drug and/or alcohol treatment facilities.

The lot area for specialized medical services shall be a minimum of .75 acres or 32,670 square feet. If a residential building exists on the lot, the building shall not have been occupied as a residence for at least one year at the time of the application for special exception hereunder and a resumption of such use shall be demonstrated to be no longer feasible.

The applicable dimensional requirements for the district, not otherwise modified herein, and applicable off-street parking requirements, shall not be reduced or otherwise altered.

If a building exists on the lot, no exterior alterations or changes to the building shall be made except as may be necessary in the discretion of the Zoning Hearing Board for purposes of public health, safety and welfare.

Only one sign may be erected on the lot, said sign not to exceed two square feet in area on one side. A sign with wording on two sides shall be permitted.

SECTION 2 - Disclaimer

Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 3 - Severability

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

SECTION 4 - Repealer

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

SECTION 5 - Failure To Enforce Not A Waiver

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

SECTION 6 - Effective Date

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

ORDAINED AND ENACTED into law this 18TH day of July, A.D., 2012, by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania.



By: _____
Art Haywood, President



Attest: _____
Bryan T. Havir, Acting Township Manager
and Secretary

11. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a Professional Services Contract to CHRS, Inc., North Wales, PA 19454, in an amount not to exceed \$10,000.00 for professional consulting services to the La Mott and Wyncote Boards of Historical and Architectural Review. The contract will commence on August 1, 2012 and end July 31, 2013.

12. The request for a grant of a waiver from land development for 133-135 West Cheltenham Avenue was considered as requested by the applicant. Present was Marcel Groen, Esq. representing the applicant, Mediplex.

Mr. Duffy stated that he met with the developer and reviewed the plan as per the recommendation of the Public Works Committee at its meeting on July 11, 2012. He indicated that the plan was acceptable.

Upon motion of Mr. Portner, the Board of Commissioners unanimously granted a waiver for a land development plan to DaVita Dialysis Center, 133-135 West Cheltenham Avenue, Melrose Park, as requested by the applicant.

13. Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated July 11, 2012, were received.

14. Upon motion of Ms. Hampton, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated July 3, 2012, were received.

15. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2245-12** amending Chapter 285, thereof, entitled "Vehicles and Traffic".

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP**

Montgomery County, Pennsylvania

ORDINANCE NO. 2245-12

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: 

Bryan T. Havir
Acting Township Manager

16. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated July 3, 2012, were received.

17. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated July 3, 2012, were received.

18. Under Old Business:

a) Mr. Norris commented that the Ordinance adoption this evening, which provides for a specialized medical services facility on Cheltenham Avenue is advantageous to the Township.

b) Mr. Shakey complimented the Parks and Recreation Department staff for the success of the first Flick n Float at the Glenside Pool.

19. Under New Business:

a) Mr. Havir reviewed Staff's recommendation for the award of a Professional Services Contract to assess the potential relocation, use and acquisition of certain Township facilities.

Upon motion of Mr. Simon, the Board of Commissioners unanimously awarded a Professional Services Contract for assessment of public properties and facilities to Kimmel Bogrette Architecture & Site, 151 E. 10th Avenue, Suite 300, Conshohocken, PA 19428 in the amount of \$11,400 being the lowest responsible bidder meeting Township specifications.

b) The Board of Commissioners considered a Resolution for a Sewage Plan Revision for a new land development on Cheltenham Avenue. Mr. Duffy advised that said Resolution will allow the applicant to make application to the Department of Environmental Protection to secure the required EDUs for the proposed project.

Upon motion of Mr. Norris, the Board of Commissioners unanimously adopted **Resolution No. 28-12** for a Plan Revision for a new land development at 133-135 Cheltenham Avenue (see attached). W.

c) Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved an agreement between the Township and Lafayette College Robert B. and Helen S. Meyner Center for the Study of State and Local Government, 002 Kirby Hall of Civil Rights, Easton, PA 18042-1785 for the recruitment of a Township Manager in an amount not to exceed \$6,000 (see attached).

Mr. Bagley advised that he has reviewed and approved the agreement.

d) Mr. Haywood stated that a decision regarding the formation of a search committee for a Township Manager has not yet been decided.

e) Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved salary adjustments for the Assistant Township Manager, who is performing the additional responsibilities of Acting Township Manager, and his Administrative Assistant, who is assuming additional administrative responsibilities, during this interim period.

f) As Chairman of the Cheltenham Township Industrial Development Authority (“IDA”) Mr. Portner recommended that the Board of Commissioner appoint Acting Township Manager Bryan T. Havir as Secretary of the Cheltenham Township Industrial Development Authority (“IDA”), replacing former Township Manager David G. Kraynik.

The Board of Commissioners unanimously approved said appointment.

g) Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Posthumous Resolution No. 29-12** honoring Joseph M. Nejman for his contributions as a teacher for 34-years at Cheltenham High School and founder of Camp Anglewood for children in

Elkins Park. Said Resolution will be presented at a future meeting of the Commissioners convenient to the family.

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
Acting Township Manager

as per Anna Marie Felix

RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

RESOLUTION NO. 28-12

RESOLUTION OF THE (SUPERVISORS) (COMMISSIONERS) (COUNCILMEN) of Cheltenham
(TOWNSHIP) (BOROUGH) (CITY), Montgomery COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS 133-135 Cheltenham Avenue LPhas proposed the development of a parcel of land identified as
land developer

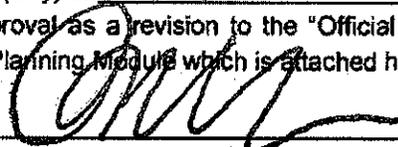
133-135 Cheltenham Avenue, and described in the attached Sewage Facilities Planning Module, and
name of subdivision

proposes that such subdivision be served by: (check all that apply), sewer tap-ins, sewer extension, new treatment facility, individual onlot systems, community onlot systems, spray irrigation, retaining tanks, other, (please specify). Existing sewer connection

WHEREAS, Cheltenham Township finds that the subdivision described in the attached
municipality

Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the (Supervisors) (Commissioners) (Councilmen) of the (Township) (Borough) (City) of Cheltenham hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

 Secretary, Cheltenham
(Signature)

Township Board of ~~Supervisors~~ (Borough Council) (City Councilmen), hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # 28-12, adopted, July 18, 2012.

Municipal Address:

Cheltenham Township
8230 Old York Road
Elkins Park, PA 19027
Telephone 215-887-1000

Seal of
Governing Body

CONTRACT FOR SERVICES

This agreement is entered into between the Lafayette College Robert B. and Helen S. Meyner Center for the Study of State and Local Government (hereinafter referred to as "Lafayette"), with its address at 002 Kirby Hall of Civil Rights, Easton, PA 18042-1785 and the Township of Cheltenham, Pennsylvania (hereinafter referred to as "Township") with its address at 8230 Old York Road, Elkins Park, Pennsylvania 19027.

I. SCOPE OF SERVICES

Lafayette agrees to perform for the Township the services described in the proposal to Commissioners President Art Haywood, dated June 11, 2012, (hereinafter referred to as "Exhibit A"), attached hereto and incorporated into this agreement. Services shall be performed by Meyner Center employees as described in Exhibit A. The services shall not be materially different from, or more or less extensive, than that referenced above unless such modifications are committed to writing and signed by both Lafayette and the Township.

II. COMPENSATION

As full compensation for the performance of the services described above, the Township agrees to pay to Lafayette the fees described in Exhibit A, attached hereto and incorporated into this agreement. Lafayette shall submit invoices for services as provided. The Township agrees to pay such invoices within thirty (30) days of each invoice submitted by Lafayette. If the Township objects to any portion of any invoice submitted, they are to notify Lafayette in writing within thirty (30) days of receipt of invoice. Upon receipt of such notice, Lafayette shall promptly contact the Township in an attempt to resolve such objection.

III. INFORMATION AND DATA

It is agreed that the Scope of Services in this agreement is contingent upon Lafayette's receipt of accurate and reliable information, as provided to them by the Township. Lafayette is authorized to rely, without liability, on the accuracy and completeness of information provided to the Meyner Center staff by the Township in regard to completion of the scope of services. If, during the course of Lafayette's completion of the work in this agreement, the Township shall have additional information that is important or relevant to the completion of the work in this agreement, it shall be incumbent upon the Township to provide this information to Lafayette promptly.

IV. TERMINATION

Either Lafayette or the Township may terminate this agreement upon twenty-four (24) hours written notice. In the event of such termination, the Township shall pay Lafayette for all work completed as a part of this Agreement through the date of Lafayette's receipt of the written notice of termination. In the event of such termination, Lafayette will provide to the Township a copy of all work completed to that date.

V. LIABILITY AND INDEMNIFICATION

Lafayette and the Township both agree that they have adequate liability insurance for all acts within the control of its employees. Lafayette and the Township each agree to indemnify and hold harmless the other, and their respective officers, employees, agents

and representatives, from any and all liabilities for all claims, losses, damages and expenses, including reasonable attorney's fees, to the extent such claims, losses, damages or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence by both parties, they shall be borne by each party in proportion to its negligence. Nothing contained in this agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either party. Lafayette's work in this contract is being performed solely for the Township, and no other entity shall have any claim against Lafayette because of this agreement, or Lafayette's services hereunder.

VI. FORCE MAJEURE

Neither party shall be deemed in default of this agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

VII. LITIGATION

Each party shall give immediate notice to the other party of any suit or action filed and prompt notice of any claim against the party arising out of the Scope of Services defined in this agreement.

VIII. WHOLE AGREEMENT

This agreement constitutes the complete and only repository of the agreements between Lafayette and the Township, and supersedes all prior or contemporaneous communications, representations or agreements, whether oral or written, relating to the subject matter of this agreement. Modifications of this agreement shall not be binding unless made in writing and signed by an authorized representative of each party.

IX. GOVERNING LAWS

This agreement shall be governed by and is subject to the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, Lafayette College and the Township have caused this agreement to be executed this th day of July 2012.

ATTEST:

CHELTENHAM TOWNSHIP

(Name/Title)

(Name/Title)

ATTEST:

LAFAYETTE COLLEGE

(Name/Title)

(Name/Title)



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, July 18, 2012 @ 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
<i>Amaskale</i>	<i>8220 Forest Hills</i>		
<i>DAVID L. COHEN</i>	<i>321 GERARD E.P.</i>		
<i>Michael Sheehan</i>	<i>1255 1000 Wyncote Ave Wyncote, PA 19095</i>		
<i>Kathy Chapman</i>	<i>125 Jefferson Ave Cheltenham PA</i>		
<i>James Chapman</i>	<i>19012</i>		
<i>Robert Hill</i>	<i>Cheltenham PA 19012 116 Cottman Ave</i>		
<i>Denise Miller</i>	<i>138 Cottman Ave</i>		
<i>M. Zlotnick</i>	<i>114 Cottman Ave</i>		
<i>Christina</i>	<i>134 Cottman Ave</i>		
<i>Kay Cord</i>	<i>134 Cottman Ave</i>		
<i>S. Stech</i>	<i>Cottman</i>		
<i>E.D. Anselmi</i>	<i>112 Cottman Ave</i>		