

October 17, 2012  
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, Vice President Harvey Portner presiding. Members present were Commissioners Hampton, McKeown, Norris, Sharkey, and Simon.

Staff present were Charlyn Battle, Human Resources Coordinator; Patrick Duffy, Director of Engineering, Building and Zoning; John Norris, Chief of Police; Joseph O'Neill, Fire Marshal; and Bryan T. Havir, Acting Township Manager.

Also present was Joseph M. Bagley, Esq., Solicitor. A Public Attendance List is attached.

1. Mr. Portner opened the meeting with the Pledge of Allegiance being led by Commissioner Simon.
2. Mr. Portner asked for a moment of silence in memory of Dejanique Brown Rogers, a Cheltenham school student, who was fatally injured in a recent auto accident in the Township.
3. Mr. Portner announced that the Commissioners held an Executive Session prior to the meeting to discuss personnel and a Collective Bargaining Agreement.
4. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated September 19, 2012, upon of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners.
5. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of September, 2012, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
6. Each member having received a copy of the Accounts Paid Report for the month of September, 2012, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
7. Mr. McKeown presented **Resolution No. 37-12** to Aaron Morein recognizing his completion of the Lead America Explore Medicine Conference.
8. Mr. Portner presented a *Community Service Award* to Rev. Keith Hayward in recognition of his service as a Police Chaplain.

Rev. Hayward, who has relocated to a church in New York State, praised the Township, the Police Chief and the Commissioners for their support of the residents and the La Mott community and his former La Mott AME Church. He stated that he has shared many of the Township's policies and practices with the leaders in his new Long Island community.

9. Ms. Hampton presented *Making a Difference in Cheltenham Awards* to Nancy Bower and Joseph Vescovich as selected by the Substance Abuse and Mental Health Committee.

10. PUBLIC HEARING: To receive any and all comments from the public regarding the adoption of an Ordinance to amend the Home Rule Charter relating to the bid threshold and publication for competitive bidding (see attached).

Mr. Portner opened the public hearing.

Mr. Bagley explained that changing the bid threshold and publication for competitive bidding was one of the few very provisions of the Home Rule Charter that could be amended by an Ordinance.

Mr. Portner called for comments from the public. There were none.

Upon motion of Mr. Sharkey, and unanimously approved by the Board, the hearing was closed.

For a complete transcript, see *Notes of Testimony*.

11. Review of the Public Works Committee Meeting Minutes dated October 10, 2012:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously concurred with the Montgomery County Consortium Contract Award for Rock Salt for the 2012-2013 Winter Season made by the Upper Dublin Township Board of Commissioners to Oceanport, LLC, Claymont, DE 19703 for the unit price of \$52.75/ton delivered.

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness ("COA") for Application No. L929 to Duk S. Lee, owner of 1349 Cheltenham Avenue, La Mott, relating to constructing a new curtain wall on a commercial building as amended and recommended by the La Mott Board of Historical and Architectural Review.

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness ("COA") for Application No. L931 to Leroy and Patti Davis, owners of 1816 Chelsea Road, LaMott, relating to the erection of aluminum ramp to allow wheel-chair access into the home as recommended by the La Mott Board of Historical and Architectural Review.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved Cheltenham Township Development application No. 12-0600 Record Plan St. Nicholas Serbian Eastern Orthodox Church, 506 Stahr Road, Elkins Park, PA, subject to Conditions (see attached).

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Works Committee Regular Meeting Minutes dated October 10, 2012.

12. Review of the Public Affairs Committee Meeting Minutes dated October 3, 2012.

a. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Resolution No. 36-12** honoring long-time resident Grace Conklin upon the occasion of her 100<sup>th</sup> birthday (see attached).

b. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Resolution No. 37-12** honoring Aaron Morein upon his completion of the LeadAmerica Explore Medicine and Science Conference (see attached).

c. Upon motion of Ms. Hampton, the Board of Commissioners unanimously accepted the Public Affairs Committee Regular Meeting Minutes dated October 3, 2012.

13. Review of the Public Safety Committee Meeting Minutes dated October 3, 2012.

a. Upon motion of Mr. Sharkey, the Board of Commissioners by voice vote unanimously adopted **Ordinance No. 2248-12** amending Chapter 285 of the Township Code entitled "Vehicles and Traffic" (see attached).

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Safety Committee Regular Meeting Minutes dated October 3, 2012, were received.

14. Review of the Building and Zoning Committee Minutes dated October 3, 2012.

a. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Building and Zoning Committee Regular Meeting Minutes dated October 3, 2012.

15. Review of the Finance Committee Regular Meeting Minutes dated October 10, 2012.

a. Upon motion of Mr. Norris, the Board of Commissioners unanimously adopted **Resolution No. 38-12** authorizing a New Money Issuance Bond in the amount of \$7,200,000 on a negotiated basis (see attached).

b. Upon motion of Mr. Norris, the Board of Commissioners unanimously accepted the Finance Committee Regular Meeting Minutes dated October 10, 2012.

16. Under New Business:

a. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Ordinance No. 2249-12** amending the Home Rule Charter relating to the bid threshold and publication for competitive bidding (see attached).

b. Mr. Havir reviewed an amendment to the Policy Statement Concerning Payment of Partial Costs for Overflow Resistance Systems ("ORS"). He reported that Emergency Management staff recommended that the policy be in compliance with the Federal Emergency Management Agency's ("FEMA") Severe Repetitive Loss Program, which funds buyouts, and therefore, the Township proposes amending Item #12, Line 3,

Upon motion of Mr. Portner, the Board of Commissioners unanimously approved amending the paragraph 12 of the Policy Statement Concerning Payment of Partial Costs for Overflow Resistance Systems ("ORS") (see attached).

c. Mr. Havar presented and reviewed a recommendation by Board President Haywood for an Ad Hoc Commissioners' Committee to review the Capital Budget with Staff.

Upon motion of Mr. Portner, the Board of Commissioners unanimously approved the creation of, and appointments to, an Ad Hoc Capital Budget Committee as follows: Commissioner Hampton, Commissioner Norris, and Commissioner McKeown.

17. Under Citizens' Forum:

a. Robert Hyslop questioned the reason for the Overflow Resistance System Policy and had concerns as follows: he felt that it favored one neighborhood over another; that the Glenside area had as much flooding and sewage as Shoemaker Road since the 1990's; he questioned who would assume responsibility and maintenance of the systems; and he questioned if these properties meet provision #9 regarding footage distance from an interceptor.

Mr. Havar stated that the Township reviewed the properties that qualify for FEMA's Severe Repetitive Loss Program and meet the federal criteria. Mr. Simon stated that the Shoemaker road homes have several manholes behind them that cause multiple sanitary sewer overflows that come into the homes. Mr. Hyslop believed that the same issues face the residents in Glenside.

Mr. McKeown suggested that Staff contact Mr. Hyslop to further investigate how Glenside properties might qualify for the ORSP.

It was Mr. Sharkey's opinion that said policy has opened floodgates. He opposed it. The Township does not have the money to fund the policy for additional properties. He stated that he was sympathetic to Mr. Hyslop's opinion.

b. Marc Daniels opposed a proposed trail from Cedarbrook school to Curtis Arboretum. He stated that neighbors are concerned about their safety.

Mr. Havar explained that the plan, known as Rock Creek Greenway, is conceptual, and is being developed by Temple University students and the Township's Environmental Advisory Council as part of the students' environmental studies course. Mr. Havar advised that a community meeting is being held on October 24, 2012, and a final study presentation is planned for the November 14, 2012 meeting of the Public Works Committee.

Ms. Hampton stated that such matters need the approval of the Board of Commissioners with input from the community.

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

A handwritten signature in black ink, appearing to read 'Bryan T. Havar', written over a horizontal line.

Bryan T. Havar  
Acting Township Manager

as per Anna Marie Felix

**Resolution No. 36-12**  
**of the Board of Commissioners of Cheltenham Township**

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with admiration and respect, salutes **GRACE CONKLIN**, of Croyden Road in the Rowland Park section of Cheltenham, on the occasion of her 100th birthday on October 14, 2012; and

*Whereas,* A life-long resident of Cheltenham Township, **GRACE BROOKS** married Charles D. Conklin, III, son of the Cheltenham Township Commissioner for whom Conklin Pool is named, and raised two sons here. For 25 years she owned a travel company that started in her home and then relocated to the Benson, what is now the Colonade, in Abington. She was also a Republican Committee Person for many, many years; and

*Whereas,* **GRACE CONKLIN** also gave back to the Township community. She founded the Friends of Tookany Creek Park and sparked the launch of an annual Arbor Day Celebration that is now in its 24th year. She was also appointed by the Board of Commissioners to serve on the Rowland Community Center Citizens Advisory Committee for many years. Finally, she has been an active member of the Rowland Seniors club since its first inception at that community center.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Seventeenth Day of October, A.D., 2012, does hereby officially honor **GRACE CONKLIN** for her extraordinary life and wishes her health and happiness for all her future days. 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 Mrs. Conklin.

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

Attest:   
\_\_\_\_\_  
Bryan T. Havir  
Acting Township Manager and Secretary

**Resolution No. 37-12**  
**of the Board of Commissioners of Cheltenham Township**

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with impressed admiration and respect, recognizes **AARON MOREIN** of Boyer Road in Cheltenham, for his extraordinary academic achievements; and

*Whereas,* **AARON MOREIN** spent his summer exploring neurology, epidemiology and bioethics at an intensive, nine-day conference called Explore Science and Medicine at John's Hopkins University in Maryland. University-level instructors exposed promising middle and high school students to careers in healthcare in a program featuring clinical work. **AARON MOREIN**, who submitted a series of essays to win a partial scholarship for the program, plans to study neurology; and

*Whereas,* Following the science and medicine program, **AARON MOREIN** participated in the Junior National Young Leaders Conference in Washington, DC. The conference provided trips to sites related to American history, government and public policy as well as a series of workshops on leadership skills. **AARON MOREIN** was nominated by his teachers at Elkins Park School to participate in each program.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Seventeenth Day of October, A.D., 2012, does hereby officially recognize **AARON MOREIN** for his impressive accomplishments to date and wishes him great success in his career goals and 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. Morein.

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



Attest: \_\_\_\_\_  
Bryan T. Havir  
Acting Township Manager and Secretary

**Cheltenham Township Development application No. 12-0600 Record Plan St. Nicholas Serbian Eastern Orthodox Church, 506 Stahr Road, Elkins Park, PA:**

**CONDITIONS**

That the text "Cheltenham Township Development Application No. 12-0600" be added to the lower right hand corner of all plan sheets.

1. The plan should show all legal and ultimate right-of-lines. Front yard setbacks and net lot area shall be shown accordingly (CSS 260-8.A).
2. Monuments shall be shown at all four (4) property corners (CCS 260-24 & 260-33.C.(1).(j)).
3. The conditions for the zoning relief granted under Appeals # 3370 and # 3400 shall be listed on Sheet 2 (CCS 260-31).
4. The survey datum must be shown on the plan (CSS 260-32.C.(6)).
5. The plan shall show all road right-of-way and cartway widths and names of adjoining property owners (260-32.D.(2)).
6. Topography within and adjacent to the property for a minimum of 400 feet shall be shown on the plan. Applicant may request a waiver from this requirement (CSS 260-32.D.(5)).
7. The plan shall show species and size of large trees standing alone (CSS 260-32.D.(6)). This plan information is required in order to appear before the Shade Tree Commission.
8. Church Road is a state road and the legislative and traffic route numbers shall be shown on the plan (CSS 260-33.C.(1).(k)).
9. PADEP approval must be obtained for the allocation/release of sewage capacity for this project. The applicant's Act 537 Planning Module mailer shows a request for 2.5 EDUs. Presently, the Township has 0.97 EDUs available.
10. The Fire Marshal requirements for fire protection of the land development shall be satisfactorily addressed.
11. The maximum illumination at the property line shall be no greater than 0.5 foot candles.
12. The new MCPC number shall be shown in the title block.
13. The square footage of the proposed 2-story rectory addition should be shown on the plan.
14. The applicable standard record plan conditions from Attachments A and B of the Subdivision/Land Development Review Schedule shall be shown on the plans.

STORMWATER MANAGEMENT

The plans show a proposed increase in impervious area of more than 1,000 SF not including the 500 SF future allowance. Therefore, the drainage design and calculations are subject to Chapter 290 Watershed Stormwater Management Ordinance of Cheltenham Township. The proposed stormwater design shows a 13 chamber subsurface infiltration bed that is sized for the 100 year storm runoff volume from the 1,462 SF roof area that is piped to the bed.

1. The requirements of section 290-20.A.(1) must be addressed by the applicant's engineer.
2. The requirements of section 290-20.B must be addressed by the applicant's engineer.
3. The requirements of section 290-22.A.(1) & (2) must be addressed by the applicant's engineer.
4. The requirements of section 290-23.A must be addressed by the applicant's engineer. The site is in District B.
5. The requirements of section 290-33 & 234 must be addressed by the applicant's engineer.

As stated in the Township Engineer Director's Report, it was recommended that the plans adequately address the above comments or any future comments as a condition for plan approval. Since the plan requires revisions, additional future comments may arise.

\*\*\*

**TOWNSHIP OF CHELTENHAM**

**RESOLUTION NO. 38-12**

**A RESOLUTION TO AUTHORIZE AND PREPARE FOR THE INCURRING OF NONELECTORAL DEBT THROUGH THE ISSUANCE OF TOWNSHIP OF CHELTENHAM GENERAL OBLIGATION BONDS, SERIES OF 2012 (THE "2012 BONDS"), IN THE MAXIMUM PRINCIPAL AMOUNT OF SEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$7,200,000) FOR THE PURPOSE OF PROVIDING FUNDS FOR THE COST OF A PROJECT (THE "2012 PROJECT"); AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ENTER INTO PREPARATION FOR THE ISSUANCE OF THE 2012 BONDS, AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS IN CONSULTATION WITH THE TOWNSHIP'S PROFESSIONAL ADVISORS TO PREPARE A PLAN OF FINANCE FOR THE 2012 BONDS; AUTHORIZING THE REQUISITE TOWNSHIP OFFICIALS TO PREPARE RELEVANT DOCUMENTS INCLUDING, BUT NOT LIMITED TO, A PRELIMINARY OFFICIAL STATEMENT, A DEBT STATEMENT AND A BORROWING BASE CERTIFICATE, ALL AS REQUIRED BY THE LOCAL GOVERNMENT UNIT DEBT ACT (ACT NO. 52 OF APRIL 28, 1978, AS AMENDED AND REENACTED BY ACT NO. 177 OF 1996, AS FURTHER AMENDED AND SUPPLEMENTED) (THE "ACT"); AUTHORIZING THE APPOINTMENT OF ACACIA FINANCIAL GROUP AS FINANCIAL ADVISOR TO THE TOWNSHIP AND TRONCELLITI LAW ASSOCIATES AS BOND COUNSEL; AUTHORIZING THE RELEVANT TOWNSHIP OFFICIALS TO PREPARE FOR THE ISSUANCE OF THE 2012 BONDS PURSUANT TO A SALE BY INVITATION OR A NEGOTIATED SALE, AS WELL AS ANY LAWFUL METHOD UNDER THE ACT; AND AUTHORIZING CONSIDERATION OF WHETHER OR NOT TO ISSUE THE 2012 BONDS AS BANK-QUALIFIED BONDS UNDER SECTION 265 OF THE INTERNAL REVENUE CODE OF 1986.**

WHEREAS, the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania (the "Township") desires to consider the incurrence of debt in the maximum principal amount of Seven Million Two Hundred Thousand Dollars (\$7,200,000) without the assent of the electors and to consider the possibility of issuing its General Obligation Bonds, Series of 2012 (the "2012 Bonds") in evidence of

such debt for the purpose of providing funds for a project (the "2012 Project") consisting of either the refunding of prior bonds of the Township, new construction of or purchase of equipment for such other lawful projects as the Board of Commissioners may determine; and

WHEREAS, such incurrence of authorized debt by the Township will not, when aggregated with other nonelectoral debt of the Township, result in a violation of the limitations of the Constitution of the Commonwealth of Pennsylvania or the Local Government Debt Act (Act No. 52 of April 28, 1978, as amended and reenacted by Act No. 177 of 1996, as further amended and supplemented) (the "Act"); and

WHEREAS, the Board of Commissioners has asked the Township Acting Manager, the Township Director of Finance and the other members of the Township staff to determine the desirability of issuing the 2012 Bonds and to make a determination as to what method lawful under the Act is in the best interest of the Township to sell the 2012 Bonds, be it at private negotiated sale or by invitation as authorized under the Act; and

WHEREAS, the Township wishes to employ the services of Acacia Financial Group of Marlton, New Jersey, and Troncelliti Law Associates of King of Prussia, Pennsylvania, to assist the Township, the Board of Commissioners and the Township staff in preparing for the potential issuance of the 2012 Bonds; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the Township that a study and determination of the best methods for the issuance of the 2012 Bonds be considered.

NOW, THEREFORE, it is hereby authorized by the Board of Commissioners of the Township of Cheltenham and directed by the authority of said Board that:

1. The Acting Manager, the Finance Director and other appropriate Township staff are hereby directed to prepare for the potential issuance of the 2012 Bonds and to prepare such documents, including, but not limited to, a debt statement, borrowing base certificate and a preliminary official statement, to authorize the issuance of the 2012 Bonds.

2. The Township staff, the Acting Manager and Director of Finance are specifically directed to consider all methods lawful under the Act for issuance of the 2012 Bonds and to make recommendations to the Board of Commissioners.

3. Acacia Financial Group of Marlton, New Jersey, is hereby appointed as financial advisor to the Township, and Troncelliti Law Associates is hereby appointed as bond counsel to the Township in connection with the issuance and sale of the 2012 Bonds.

4. The Township staff and the Board of Commissioners are hereby authorized to take such other actions as may be necessary to prepare a plan for the issuance and sale of the 2012 Bonds and to take such steps as may be necessary and

issue such documents as may be necessary pursuant to this Resolution and the authority provided by the Board of Commissioners in this matter.

5. In the event that any one or more of the provisions contained in this resolution shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this resolution, and this resolution shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein or therein.

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

7. This Resolution shall be effective immediately.

**ADOPTED AND APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2012.**

TOWNSHIP OF CHELTENHAM



By: \_\_\_\_\_  
Art Haywood, President  
Board of Commissioners



Attest: \_\_\_\_\_  
Bryan T. Havir  
Acting Township Manager

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

**ORDINANCE NO. 2249-12**

**AN ORDINANCE PROVIDING THAT (1) THE THRESHOLD FOR  
COMPETITIVE BIDS AND PUBLICATION FOR COMPETITIVE BIDDING  
BY CHELTENHAM TOWNSHIP SET FORTH IN THE TOWNSHIP  
CHARTER SHALL EQUAL THE BID THRESHOLD OF THE  
PENNSYLVANIA FIRST CLASS TOWNSHIP CODE, AS AMENDED, AND  
(2) THE THRESHOLD SET FORTH IN THE CHARTER THAT A  
CONTRACT ENTERED INTO BY THE TOWNSHIP REQUIRES  
ADOPTION OF A RESOLUTION OR ORDINANCE IS REVISED  
TO \$2,000,000 OR MORE**

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

**SECTION I.**

1. As authorized by the Cheltenham Township Charter, Section 1207D, the Board of Commissioners hereby revises and replaces the bid threshold set forth in Section 1207C of the Cheltenham Township Charter to equal the dollar amount thresholds for which competitive bids and publication are prescribed by the Pennsylvania First Class Township Code, 53 P.S. §56802, as amended from time to time.

2. As authorized by the Cheltenham Township Charter, Section 1207D, the Board of Commissioners hereby revises and replaces the dollar amount threshold set forth in Section 1207B of the Cheltenham Township Charter, which requires the adoption of a resolution or an ordinance for entry by the Township into a contract, to the amount of Two Million Dollars (\$2,000,000) or more.

**SECTION II. - DISCLAIMER**

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

**SECTION III. - 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 IV. - 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 V. – 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 VI. – 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 **17<sup>th</sup> day of October, 2012.**

**TOWNSHIP OF CHELTENHAM**



By: \_\_\_\_\_  
Art Haywood, President  
Board of Commissioners



Attest: \_\_\_\_\_  
Bryan T. Havir  
Acting Township Manager

## **Policy Statement Concerning Payment of Partial Costs for Overflow Resistance Systems**

It is the sense of the Board of Commissioners that unique and localized circumstances affecting certain properties in Cheltenham Township call for assistance in the installation of certain sanitary sewage overflow resistance devices and in support thereof set forth the following:

1. The Township is aware of repeated and frequent overflows of the sanitary sewer system in isolated areas of the Township, resulting in sewage entering dwellings and no sewer service for residents for multiple days. Observations by the Pennsylvania Department of Environmental Protection have confirmed the overflow of the public sewage system in isolated areas of the Township.

2. The existence of flows from other municipalities into trunk lines is a contributing factor to overflows of the sanitary sewer system, despite many measures taken within Cheltenham Township to avoid same.

3. The Township Engineer is of the opinion that where grinder pumps are being installed, that such a system alone will not ensure that there will be no intrusion of sanitary sewage overflow in properties with a grinder pump installed.

4. The Township Engineer is also of the opinion that no additional, feasible stormwater or drainage improvements, which have not already been undertaken by the Township, would practically reduce the chances of a sewage overflow into isolated areas of the Township.

5. The Township Engineer is of the opinion that all of the above-described factors, when combined with the topography of particular properties some of which are affected by sewage overflows, makes it possible that such intrusions may occur in the future (even with

several precautions already being undertaken by the Township), particularly due to the elevation of some dwellings relative to the sanitary sewer system.

6. The Township is authorized to expend funds related to the Township's owned and maintained sanitary sewage system.

7. The Township shall provide financial assistance to eligible properties to install an Overflow Resistance System<sup>1</sup> to avoid sanitary sewage overflows. All of the above factors shall constitute part of the qualifications for eligibility for assistance from Cheltenham Township for an Overflow Resistance System, along with other qualifications set forth below.

8. Eligible properties must be designated by the Federal Emergency Management Agency as a Severe Repetitive Loss property, or located between and adjacent to two Severe Repetitive Loss properties, and additionally were subject to comparable damage and sewage intrusion from the public sewer system on or before July, 2012.

9. Eligible properties must be located less than 150 feet from a major sanitary sewer interceptor.

10. Eligible properties for which assistance is approved shall receive assistance of no more than 90% of the final project cost, including cost of materials, shipping and installation, for an Overflow Resistance System; provided however, that in those instances where the Township pays for the cost of the installation of a grinder pump on an eligible property, that the maximum cost of assistance from the Township for an Overflow Resistance System and a grinder pump

---

<sup>1</sup> An Overflow Resistance System is defined, for the purposes of this policy, as a protective door system that creates a watertight barrier at an existing door. The two types are a sealed gate and stackable sealed panels. Each type is attached to a frame that is mounted to the existing door jamb. 1. Sealed Gate: The gate is permanently attached to the frame and left in an open position. Prior to the water intrusion event, the gate is closed and compression sealed by turning the handles. 2. Stackable Panels: The stackable panels are not permanently attached to the frame. Prior to the water intrusion event, the panels are stacked on top of each other within the frame and compression sealed by turning the handles to clamp the brackets together.

installation shall be no more than \$20,000; provided further, that the maximum cost of assistance for an eligible property for an Overflow Resistance System only, shall be no more than \$20,000.

11. Agreements signed by each property owner, for which Overflow Resistance Systems shall be installed, would be a necessary pre-condition to eligibility. Agreements would be prepared by the Township Solicitor and would release the Township of all obligations for design, installation and future maintenance and liability.

12. In the future, if a property approved for an Overflow Resistance System Assistance is awarded a Federal, state or local grant under the Federal Emergency Management Agency's Hazard Mitigation Grant Program, the Severe Repetitive Loss Program, or similar program, as well as the laws and regulations that govern such programs and any future amendments to such laws and regulations, the amount of the Overflow Resistance System Assistance shall be deducted from the matching share of any subsequent grants prior to the Township committing any funds.

13. Following application, eligible properties shall be selected for assistance by the Township Engineer to insure that all qualifications set forth herein are met. An application, in order to be considered complete, must include a proposal or a contract with the owner of an eligible property for installation of an Overflow Resistance System by a responsible and experienced contractor at an eligible property. Upon installation of the Overflow Resistance System, the property owner shall notify the Township Engineer or his designee to inspect the System. If the System passes inspection, the Township may pay the assistance called for under this Policy to the contractor or the property owner. If the Township pays the assistance to the contractor, the Township will utilize a bid process in accordance with State law. The costs associated with the bid process shall be included in the assistance to the property owner for the purposes of paragraph 12 above. If the Township utilizes a bid process for contractor services

for more than one eligible property, the costs associated with the bid process shall be shared proportionally by the property owners of the eligible properties and shall be included in the assistance to each property owner for the purposes of paragraph 12 above. The Township disclaims all responsibility for performance of the proposal or the contract by the contractor. It shall be the sole responsibility of the property owner to prosecute the installation work once the application is approved by the Township Engineer or his designee.

14. The total amount allocated by the Board of Commissioners for Overflow Resistance System assistance is \$100,000.

\*\*\*

Rev 9/27/12

