

July 21, 2009
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Paul R. Greenwald presiding. Members present were Commissioners McKeown, Muldawer, Portner, Sharkey, and Swavola. Staff present were Charlyn Battle, Human Resources Coordinator; Bryan T. Havir, Assistant Township Manager; John O. Hoover, Jr., Director of Parks and Recreation; Rudy Kastenhuber, Public Works Coordinator; David Lynch, Director of Engineering, Zoning & Inspections; M. Elizabeth McBride, Director of Fiscal Affairs; Mark McDonnell, Public Works Coordinator; John J. Norris, Chief of Police; Joseph W. O'Neill, Fire Marshal; Ruth Littner Shaw, Main Street Manager; Andrew Cantor, Esq., Wisler, Pearlstine, LLP, and David G. Kraynik, Township Manager. A Public Attendance List is attached.

1. President Greenwald opened the meeting with the Pledge of Allegiance being led by Mr. Swavola.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated June 16, 2009, upon motion of Mr. McKeown, 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, 2009, upon motion of Mr. Muldawer, 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, 2009, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

5. Mr. Greenwald administered the Oath of Office of Auxiliary Police Officers Lia Scott and Ryan Shapiro.

6. Mr. Sharkey presented awards and gifts to the following winners of the 2009 Substance Abuse and Mental Health Committee's Essay Contest:

Cedarbrook Middle School, 7th Grade: Will Cruice
Danny Fishbein
Phoebe Ingraham
Max Perilstein
Haley Ragsdale
Rachel Saganty

Presentation BVM, 8th Grade: Alexis Golden
Bridget Molloy

Cheltenham High School, 10th Grade: Amina McCrary

7. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 28-09** recognizing SPC John Hayes III for his service with the United States Army in Afghanistan. SPC Hayes was present to receive the Resolution.

*A Resolution No. 28-09
of the Board of Commissioners of Cheltenham Township*

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with admiration and respect, salutes **SPC JOHN HAYES, III**, on his safe return from military service in Afghanistan; and

Whereas, **SPC JOHN HAYES, III**, enlisted in the Army in January 2007, intending to make the military his life's career. A field artillery specialist, **SPC JOHN HAYES, III**, recently served 12 months in Goshta, Afghanistan, with the First Infantry 3-11D 1-6 FA A BTRY. During his month-long, post-deployment leave, **SPC JOHN HAYES, III**, will travel home to Cheltenham Village to visit with his parents and neighbors; and

Whereas, To commemorate his homecoming, the family and friends of **SPC JOHN HAYES, III**, have organized a celebration on July 25, 2009, at the American Legion Post #497. Those who know and love him will warmly welcome him back with fun and laughter and share their hopes and prayers for his continued safety and well-being in the future.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twenty-First Day of July, A.D., 2009, does hereby honor **SPC JOHN HAYES, III**, for his service to the nation and proudly salutes him on behalf of the Cheltenham community. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be conveyed to SPC Hayes, III.

IN WITNESS WHEREOF, I, PAUL R. GREENWALD, 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 tenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**



By: _____
President



By: _____
Commissioner, Ward Seven



Attest: _____
Township Manager and Secretary

8. Upon motion of Mr. Swavola, the Board of Commissioners unanimously accepted Lower Merion Township's Board of Commissioners award of a Consortium Contract for Fuel Oil #2 to Sunoco Inc. for approximate price of \$1.7524 per gallon. This contract is for a one year period from August 1, 2009 through July 31, 2010.

9. Upon motion of Mr. Swavola, the Board of Commissioners unanimously adopted **Ordinance No. 2190-09** amending the Township Code, Chapter 255, entitled Streets and Sidewalks, Article I, Section 255-8, pertaining to the decorative restoration of sidewalks and curbs recently constructed as part of the Glenside Streetscape Enhancement Project.

CHELTENHAM TOWNSHIP

ORDINANCE NO. 2190-09

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM,
CHAPTER 255 THEREOF, ENTITLED STREETS AND SIDEWALKS**

WHEREAS, certain areas of the Township have received streetscape enhancements that include decorative curbing and sidewalk in order to improve the visual appeal and bolster the economic development of the Township, and

WHEREAS, it is necessary to protect the public investment in these enhancements, to maintain them in their original design and construction.

NOW THEREFORE, the Board of Commissioners of the Township of Cheltenham hereby ordains as follows:

Section 1. The Code of the Township of Cheltenham, Chapter 255, entitled "Streets and Sidewalks", Section 255-8 thereof is hereby amended by **ADDING** the following subsection:

- G. Areas of the Township which have been reconstructed as Streetscape Enhancement Areas, as listed below, shall be restored, after any street or sidewalk opening, to the same condition and with the same material as that which existed prior to any such opening. Any replacement granite curbing or replacement sidewalk paver material shall be approved by the Township Engineer or a designated Township Official prior to installation. All work within the Streetscape Enhancement Areas shall conform to the official Township specifications and details on file in the office of the Public Works Department.
1. Wesley Avenue from Easton Road to 175 feet easterly.
 2. Easton Road from the Railroad overpass to 100 feet south of Springhouse Lane.

Section 2. In all other respects not inconsistent herewith, Chapter 255 of the Code of the Township of Cheltenham 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 21st day of July, A.D., 2009.

**BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM**

By: Paul R Greenwood
President

Attest:

David G. Kraynik
David G. Kraynik, Secretary

10. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L848 to Debra Oliver, owner of premises known as 1635 W. Cheltenham Avenue, LaMott, relating to the construction of a new wood deck as recommended by the LaMott 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. L849 to McArthur Smith, owner of premises known as 7322 School Lane, LaMott, relating to the replacement of a roof as recommended by the LaMott Board of Historical and Architectural Review.

12. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L850 to Ovida Murray, owner of premises known as 1811 Willow Avenue, LaMott relating to demolishing the rear one story addition, constructing a new two storey addition, installation of aluminum siding and double hung windows as recommended by the LaMott Board of Historical and Architectural Review.

13. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a waiver of the Land Development requirements of Chapter 260, entitled "Subdivision and Land Development," for the proposed replacement of the rear entry walkway at Beth Sholom Synagogue, Elkins Park.

14. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved Cheltenham Township Development Application No. 09-04 Record Plan Arcadia University Parking Facility at Oak Summit Apartments – 310 S. Easton Road (Amended) subject to the following Conditions, Notes and Waivers. The applicant submitted a letter accepting all of said Conditions, Notes and Waivers.

A. CONDITIONS

1. That the plan be titled “Record Plan Arcadia University Parking Facility at Oak Summit Apartments – 310 S. Easton Road.” (Cheltenham Code Section (“CCS”) 260-32.C.(1))
2. That the text “Cheltenham Township Development Application No. 09-04” be added to the lower right hand corner on all plan sheets.
3. That the Zoning Relief granted by the Cheltenham Township Zoning Hearing Board under Appeal No. 3317 be noted on the plan stating the date granted, Zoning Relief required and any conditions imposed.
4. That new electric and telephone utilities be installed underground. (CCS 260-23.)
5. That monuments be shown at locations designated by the Township Engineer. (CCS 260-24.)
6. That an Environmental Impact Study be submitted. (CCS 260-30.)
7. That the following data be added to the plan:
 - a. North Point to Location Map (CCS 260-32.C.(5))
 - b. Note that elevation is based upon Cheltenham Township Sanitary Sewer Datum and Location/Elevation of Bench Mark; or, if on a different elevation datum, a Note stating the relationship between the plan elevation datum and the Cheltenham Township Sanitary Sewer Datum. (CCS 260-32.C.(6))
 - c. Names and widths (including cartway widths) (CCS 260-32.D.(2))
 - d. Location of adjoining property lines and names of adjoining owners (CCS 260-32-D.(2))
 - e. Location of underground utilities around Development Footprint (CCS 260-32.D.(2) and (4))
 - f. Size/ownership/rights-of-way of underground utilities within Development Footprint (CCS 260-32.D.(4))
 - g. Location and character of existing buildings (CCS 260-32.D.(6))

- h. Location/size/species of large trees standing alone within Development Footprint (CCS 260-32.D.(6))
 - i. Proposed elevations at all keypoints (CCS 260-32.D.(7))
 - j. Structure first floor and basement elevations (CCS 260-32.D.(7))
 - k. Building setback lines (CCS 260-32.E.(8))
 - l. State highway width, legislative and traffic route numbers (CCS 260-33.c.(1)(k))
8. That the Township is in receipt of the Montgomery County Conservation District approval of this Land Development.
 9. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
 10. That the Temporary Spoil Material Stockpile locations be shown on the plan.
 11. That tree protection (during construction) details and locations thereof be added to the plans (4' high chain link fencing with posts 3' in ground).
 12. That the total number of trees within the Development Footprint and the number of trees to be removed be noted on the plans. (CCS 280-9.A.(1)(a))
 13. That all swales with slopes greater than 5% and all cut/embankment slopes greater than 4:1 being stabilized either with North American Green Erosion Control Blanket SC150 or approved equal or with sodding being shown on the plans.
 14. That the Surveyor's Certificate of Accuracy be added to the plans.
 15. That the concerns of the Fire Marshal for fire protection of the Land Development be satisfactorily addressed.
 16. That pavement traffic directional arrows (and details thereof) be shown on the plans.
 17. That the proper form of the Owner's Acknowledgement notation be shown on the plans.
 18. That the "List of Waivers" be struck from the plans.
 19. That, in the "Zoning Data" tabulation, "Building Coverage Proposed" column, replace the text "26%" with the text "26% *."

20. That the site be more clearly indicated on all Location Maps.
21. That the swale between Limekiln Pike and the parking facility be eliminated.
22. That, in the “Operation and Maintenance of Underground Stormwater Management Facilities” notation, Note 10., line 1, replace the text “Structure” with the text “Underground Stormwater Management Facility.”
23. That the following concerns with the “Stone Infiltration Bed Installation Notes” be addressed as follows:
 - a. In Note 5., line 1, replace the text “measures should” with the text “measures shall.”
 - b. In Note 9.B., line 2, replace the text “6-inch” with the text “2 feet.”
 - c. In Note 11.A., line 2, replace the text “6-inches” with the text “2 feet.”
24. That, on Sheet 6, what does Demolition Item 8 apply to?
25. That, in the “Mandatory Language” notation, Note 11., add the following items:
 - a. Storm drainage facilities
 - b. Parking deck
 - c. Paving
 - d. Pavement markings.
26. That a plan of the overall property showing existing and proposed Planimetric features and bearings/distances along the property line be added to the Plan Set (include with plans to be recorded).
27. That the following concerns with Stormwater Management/Storm Drainage be addressed:
 - a. Add Profile MH-4 to outfall
 - b. Finalize Storm Sewer Design (Top/invert grades, pipe slopes, etc.)
 - c. Extend Profile Inlet-6 to BMP-1 to BMP-1
 - d. Add Profile BMP-1 to MH-1
 - e. Add Profile Inlet 4 to BMP-1
 - f. In “Outlet Orifice Detail” plan view, clearly indicate location of Orifice Plate

- g. In "Typical Detail Underground STM Trench," Note 11., line 2, replace text "6-inch" with text "2 feet;" and in Note 13.A., line 2, replace text "6-inches" with text "2-feet;" and for Note 6., where is "Drywell Detail"?
 - h. For drainage area S1, use a Pre-Development Time of Concentration of 15 minutes.
 - i. For drainage area S2, use a pre-development time of concentration of 5 minutes.
 - j. Resize Stormwater Management Facility as required.
28. That the following concerns of the Shade Tree Advisory Commission be addressed:
- a. The landscaping be submitted to the Township Engineer for final review and approval.
 - b. The landscaping drawing be revised to include a revised plant list, tree inventory schedule and show clearly the limits of construction.
 - c. All trees that will remain are to be protected by Cheltenham Township's tree protection standard.
 - d. The trees identified to be transplanted should be clearly marked and a proposed location noted.
 - e. A replacement tree should be included in the tree inventory if a transplanted tree dies.
 - f. Korean Pine and or Leland Pine can be substituted for buffering.
 - g. Azaleas are to be removed from the plant list and shade trees are to be planted in lieu of the Azaleas.
 - h. Revised plans to be submitted to STAC for its review and approval.
29. That the following concerns of the Township's Fire Marshal be addressed:
- a. The proposed parking island and parking spaces located nearest the apartment building at the first level garage entrance appear not to allow for the required turning radius of an aerial apparatus. Currently an apparatus can utilize this area for set up. This shall continue to be the case. (Provide template showing turning radius.)
 - b. Sheet C3.01 references a pedestrian bridge. Provide additional information on the construction and height above the roadway.
 - c. Provide Wheel/Overhang Track Movement Plans for proposed improvements.

30. That Construction Plans and Notes on the relocated E/E be incorporated into the Record Plan Set.
31. That the following June 25, 2009, conditions of the Shade Tree Advisory Commission be addressed:
 - a. Provide landscaping along entire Easton Road frontage of Oak Summit Apartments.
 - b. Submit plans on same to the Township Engineer for his review and approval.
32. That a detailed Phasing Plan be incorporated into the Record Plan Set.

B. NOTES TO BE ADDED TO THE PLAN VERBATIM

1. CERTIFICATE OF ACCURACY

I, _____, hereby certify that I am a Professional Land Surveyor in the State of Pennsylvania and that the plan shown and described hereon, consisting of _____ sheets, represents a survey made by _____ and is true and correct to the accuracy required by accepted surveying standards and practices and by the Cheltenham Township Subdivision and Land Development Regulations to the extent it describes the bearings and distances of the property, the location of planimetric features, and that the existing monuments shown herein actually exist and that their positions are accurately shown.

2. This Land Development/Subdivision shall be constructed in accordance with all Cheltenham Township Ordinances.
3. All proposed improvements (roads, grading, paving, curbing, storm sewer pipe, inlets, manholes, etc.) shall be constructed in accordance with applicable portions of the PennDOT Publication 408 Standards and Specifications and with all Township standards and specifications.
4. These drawings indicate the approximate location of existing subsurface utilities in the vicinity of the project and are not guaranteed for accuracy and/or completeness. Pennsylvania Act 38 requires that contractors determine the location of all utility, sewerage and water lines before commencing construction (1-800-242-1776) File _____.
5. No additional impervious areas (decks, additions, patios, sheds, walkways, etc.) from that shown on this plan set shall be added to this property without mitigating stormwater management measures approved by Township Engineer to ensure no additional stormwater runoff occurs.

6. Limits of disturbance, as shown on the plans, shall be clearly marked in the field prior to the start of the construction, (including installation of erosion/sediment control measures). The limits of disturbance shall be marked with staked yellow safety ribbon or other materials acceptable to the Township; the marking materials shall be maintained, repaired or reset until construction within the enclosed areas is complete and until the pervious areas achieve a 75% catch of ground cover. No disturbance of ground cover, cuts or fill placement shall be permitted outside the staked limits of disturbance.
7. During construction, the Developer/Owner is solely responsible for insuring the proper functioning of the erosion and sediment control measures. The Developer/Owner shall take whatever measures are required to insure that no sediment leaves the site.
8. All swales with slopes greater than 5%, all cut slopes greater than 4:1 and all embankment slopes greater than 4:1 shall be stabilized with North American Green Erosion Control Blanket SC 150 or approved equal at the time of raking and seeding or with sodding.
9. The Developer/Owner shall be responsible for supervising debris disposal from all contractors on the site (whether employed by Developer/Owner or not) from the start of construction to the issuance by the Township of the Certificate of Occupancy. The Developer/Owner shall bear the expense of any cleanup operations indicated by the Township.
10. No debris disposal pits shall be permitted.
11. No open burning shall be permitted.
12. The Developer/Owner shall preserve all trees on this site except where necessary to construct buildings, parking, accessways, and utilities and selective thinning of existing trees in accordance with Chapter 280 of the Cheltenham Code. Specific species of plant materials as designated on this plan or the landscape plan (if such a plan is an integral part of this plan) shall be preserved and properly protected during construction. In the case of utility rights-of-way and easements, any disturbed area shall be replanted so as to achieve a recurrence of natural vegetation.
13. All trees to be removed shall be tagged in the field prior to the start of construction; no construction work of any kind shall take place until the Township Engineer confirms, in writing, that the proper trees have been tagged. All construction activities around vegetation shall comply with the requirements of Section 280-10., entitled "Site Disturbance Regulations", of the Cheltenham Code.

14. There shall be no shrubs or visual barriers higher than 2' above grade placed within the triangular area of 35' of any intersection measured along the street and/or driveway centerline. The Township shall have full authority to require the owner to remove violations.
15. All exterior lighting fixtures shall be shielded to deflect lighting from adjacent residential properties and from passing motorists.
16. The initial appearance of any note language, tables, details, etc. that is repeated within this plan set shall be taken as the definitive version of such note language, tables, details, etc.; subsequent versions of such note language, tables, details, etc. within the plan set are void insofar as they conflict within initial version.
17. A Highway Occupancy Permit is required pursuant to Section 420 of the PENNSYLVANIA ACT OF JUNE 1, 1945 (P.L. 1242 No. 428), known as the "State Highway Law", before driveway access to a State Highway is permitted.
18. The Landscaping installed in accordance with this Plan Set shall be subject to the following requirements:
 - a. No trees or plantings shall be removed without written permission from the Township Engineer;
 - b. The property owner shall appropriately maintain the trees and plantings; the Township may direct the property owner to take appropriate measures to maintain the trees and plantings if the Township deems it necessary;
 - c. If any of the trees or plantings die, the property owner shall replace same on a one for one basis with trees and/or plantings acceptable to the Township Engineer; the minimum replacement tree size shall be 2" to 3" caliper trees.
19. All existing, proposed and future units shall be shielded with appropriate sound baffling materials, as approved by the Township Engineer, if the sound emanating therefrom is objectionable to the neighbors.
20. The Stormwater Management Facility ("SMF") shall be inspected at the following checkpoints:
 - . Inspection of trench sides and bottom prior to placement of geotextile
 - . Placement of geotextile, stone, and piping.

- . Connection of pipe to downspout collection system and to storm inlets.
- . Backfilling over stone bed.

Two (2) working days notice must be given to arrange for inspection.

The Developer/Owner shall furnish the Township Engineer with weigh slips for each load of aggregate placed in the "SMF"

The mouth of all inlet pipes to "SMF" will be covered with a geotextile secured to the inlet with wood nailers; the geotextile screening shall remain in place until 75% of the pervious areas draining to the "SMF" have been permanently stabilized, at which time the geotextile screening shall be removed. If the geotextile screening is missing prior to the 75% stabilization point, the Developer/Owner shall reconstruct the "SMF" to the initial placement of the geotextile (including).

21. The Developer/Owner shall replace any tree larger than 6" dbh that dies due to construction activities during the period from the start of construction to eighteen (18) months after the issuance of the Certificate of Occupancy for the house on Lot 2.
22. The Developer/Owner shall replace any curb and/or sidewalk along its road frontages identified by the Township as having to be replaced pursuant to the requirements of Cheltenham Code, Chapter 255, prior to the Certificate of Occupancy being issued for the proposed building.
23. The Township Engineer or his designee shall have the right to inspect the proposed site improvements on the property and to direct the Owner/Developer to correct any deficiencies; no Certificate of Occupancy for the parking facility shall be issued unless and until the site improvements are complete and approved by the Township.
24. The Township Engineer shall be notified, in writing, two (2) calendar weeks prior to the placement of any landscape materials in order for the Township Engineer or his designee to arrange for and inspect the landscape materials.

No landscape materials shall be placed without being inspected and approved by the Township Engineer or his designee.

All rejected landscape materials shall be immediately removed from the site and replaced with acceptable landscape materials. No substitutions for landscape materials are accepted unless approved by the Township Engineer, in writing.

25. The proposed improvements be constructed in substantial conformity with the plans submitted to the Township and the presentation made to the Public Works Committee at its May 12, 2009 meeting.
26. The Foundation for the proposed one (1) story garage be designed for the one (1) story structure only (not for any future expansion).
27. The height of the structure be limited to 16' (excluding light standards).
28. The south side of the proposed one (1) story garage be solid (no openings).
29. Large SUVs, pick-up trucks, trucks, vans or similar type vehicles shall not be permitted to park and/or use the upper parking deck.
30. Arcadia University shall develop a detailed landscaping and/or fencing in consultation with Representatives of the Beaver Court Condo Association ("BCCA") for the following areas:
 - a. Between the proposed parking structure and Limekiln Pike
 - b. Between the proposed parking structure and the northerly property line of BCCA.
 - c. The remainder of BCCA's northerly property line and Oak Summit Apartments.
31. None of the Landscaping/Fencing for this project shall be on lands of BCCA.
32. Representatives of Arcadia University and BCCA will continue discussions on other issues as they relate to Oak Summit pedestrian and vehicles traffic thru the BCCA property in order to effect a long term solution.
33. Arcadia University shall construct the south wall of the new parking structure as a retaining wall and will place earth fill in the side yard area to be approximately level with the property of the BCCA units that face the parking garage. Arcadia shall grant the BCCA a use/access easement for this space and both parties shall enter into a maintenance agreement for the grassed area within the easement to be maintained by the BCCA. Arcadia University shall maintain the new trees being planted within the easement area only. The existing wood retaining wall on the grounds of the BCCA will be removed to a level approximately eight (8) inches below grade and will then be covered with soil and seeded to match the easement area.

34. Arcadia University and BCCA shall discuss the relocation of the existing trees in the rear yard of the units facing the new parking garage based on the safe, practical and reasonableness of the request.
35. Arcadia shall supply and install new CO2 detectors on the rear outside wall of the BCCA units facing the new parking garage, one per unit.
36. Arcadia University and BCCA shall continue to discuss the architectural design of the parking garage in order to soften its exterior facade and have it blend in more with the physical environment.

C. WAIVERS TO BE GRANTED BY THE BOARD OF COMMISSIONERS

1. That the requirement of CCS 260-30.G.(3) for a report from a qualified real estate appraiser on property values, density of population and character and aesthetics be waived.
2. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.
3. That the requirement of CCS 260-32.D.(5) for depiction of topography within 400' of the site be waived.
4. That the requirement of CCS 260-32.D.(5) for topography within the site except around the Development Footprint be waived.
5. That the requirement of CCS 260-32.D.(6) for location and character or existing buildings, for location, size and species of large trees standing alone and for outlines of all wooded areas except around the Development Footprint be waived.
6. That the requirement of CCS 260-32.D.(7) for proposed contours and for the building floors except within the Development Footprint be waived.
7. That the requirement of CCS 260-32.D.(4) for location, size and ownership of all underground utilities and any rights-of-way within the property except around the Development Footprint be waived.

15. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved an Agreement with Arcadia University to start work without a recorded plan for Phase I of Cheltenham Township Development Application No. 09-04 Record Plan Arcadia University Parking Facility at Oak Summit Apartments – 310 S. Easton Road (Amended). Said Agreement was reviewed and approved by the Township Solicitor.

16. Upon Motion of Mr. Swavola, the Board of Commissioners unanimously awarded a contract to Flagship PDG for Acoustical Ceiling Removal and Replacement at the Glenside Free Library, Option 2, in the amount of \$89,641 being the lowest responsible bidder meeting Township specifications and being within budgetary limitations.

17. The Board of Commissioners considered the award of a contract for the Tookany Creek Streambank Stabilization Project, Phase II, which had been tabled at the Public Works Committee meeting to allow Staff and the consultant additional time to review the experience of Donato Spaventa & Sons, Inc. the low bidder. Mr. Greenwald reviewed the Township's letter to Spaventa and the company's response. It is the conclusion of Staff, the consultant and the Township Solicitor that Donato Spaventa & Sons Inc. did not have the qualifications to perform the work as required by said project, and it is recommended that the second lowest bidder, Enviroscares, Inc. be awarded a contract.

18. Upon motion of Mr. Swavola, the Board of Commissioners unanimously rejected the bid of Donato Spaventa & Sons, Inc. for the Tookany Creek Streambank Stabilization Project, Phase II, due to not meeting the qualification standards as specified in the bid documents.

19. Upon motion of Mr. Swavola, the Board of Commissioners unanimously awarded a unit price contract not to exceed \$200,000 for the Tookany Creek Stabilization and Restoration Project, Phase II to Enviroscares, Inc. of Monmouth Junction, New Jersey, being the lowest responsible qualified bidder meeting Township's specifications and being within budgetary limitations.

20. Upon motion of Mr. Swavola, the Board of Commissioners unanimously awarded a Professional Services Contract to CHRS, Inc. in the amount of \$16,784.16 for consulting services to the LaMott and Wyncote BHARs. Of this amount, \$9,100 will be reimbursed via a Certified Local Government Grant from the Pennsylvania Historical and Museum Commission.

21. Upon motion of Mr. Swavola, the Board of Commissioners unanimously adopted **Resolution No. 29-09** authorizing the filing of a grant application for the FY 2009 Growing Greener Grant Program administered by the PA Department of Environmental Protection.

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 29-09**

**AUTHORIZING THE FILING OF A GRANT
APPLICATION FOR THE FY 2009 GROWING GREENER GRANT PROGRAM
ADMINISTERED BY THE PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

WHEREAS, the Township of Cheltenham is desirous of implementing a landscape management program dealing with stabilizing +/- 1,800 linear feet of streambank along the Tookany Creek adjacent to the Tookany Creek Parkway, between Jenkintown Road and New Second Street, and re-planting the riparian buffer with new native plants and vegetation within the project area; and

WHEREAS this project is referenced as a high priority landscape management and implementation strategy in the *Tookany Creek Watershed Management Plan*, dated October 2003, and the Township's Comprehensive Plan Update, dated 2005 and the Open Space Plan, dated 2006 to improve the overall health of the stream corridor and tributaries; and

WHEREAS, the Township of Cheltenham desires to apply to the Pennsylvania Department of Environmental Protection ("Department") for a matching grant for the purposes of implementing the above-referenced project; and

WHEREAS, the general public, including community stakeholders, representatives and partners of the Tookany-Tacony/Frankford Watershed Partnership and the Tookany Creek Watershed Committee and the Cheltenham Township Environmental Advisory Council, has had the opportunity to comment on the proposed project; and

WHEREAS, the Township of Cheltenham understands that, by signing the "Signature Page for Grant Application" and submitting it to the Department as part of the grant application, the Township agrees to the terms and conditions of the grant and will be bound by the Grant Agreement if the Department awards a grant; and

WHEREAS, the Cheltenham Township Board of Commissioners have committed to fund this project through a combination of other grant sources, in-kind services, and local funds, in order to make up the necessary fifty (50%) percent match of the total project cost based on the attached Cost Estimate (Exhibit A).

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, that the Township Administration be authorized to submit a grant application to the Department of Environmental Protection for FY 2009 for funding in the amount of \$100,000 for the implementation of this project described herein.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, that it hereby authorizes and directs the filing of a grant application and execution of the resolution acknowledging public support for this project and the expenditure of funds necessary for its success be signed by Paul R. Greenwald, President of the Board of Commissioners and attested by the David G. Kraynik, Township Manager, and in doing so, agree to be legally bound to the terms, conditions, and provisions set forth by the agreements.

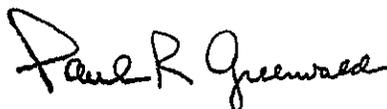
DONE IN ELKINS PARK, PENNSYLVANIA, under my hand and the Seal of the Township of Cheltenham, this 21st day of July, A.D., 2009, in the year of the Township of Cheltenham the one hundred ninth.

Resolved and adopted this **21st day of July, A.D., 2009.**

TOWNSHIP OF CHELTENHAM

ATTEST:

BY:



Paul R. Greenwald, President



David G. Kraynik
Township Manager/Secretary

(SEAL)

“EXHIBIT A”

**ESTIMATED CONSTRUCTION COST
for
Landscape Management Proposal Project involving Streambank Stabilization and
Riparian Buffer Enhancement**

Cheltenham Township, Montgomery County, PA

	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Cost</u>
I Construction				
Erosion control measures	1	LS	\$3,000	\$3,000.
Single pole bio-structural treatment	200	LF	\$165.00	\$33,000.
Double pole bio-structural treatment	700	LF	\$220.00	\$154,140.
Triple pole bio-structural treatment	780	LF	\$330.90	\$258,102.
Slant-rib bio-structural treatment	1	LS	\$25,000	\$25,000.
Sill sets	3	EA	\$3,333	\$10,000.
Shrub patches, 30 patches of 30 shrubs each	900	EA	\$26.75	\$24,075.
Rubble removal	1	LS	\$5,000	\$5,000.
Tree removal,	40	EA	\$500	\$20,000.
Temp. timber mat crossing installations	1	LS	\$10,000	\$10,000.
Pole purchase and supply	1	LS	\$36,657	\$36,657.
Mobilization and bond	1	LS	\$5000	\$5,000.

SUB TOTAL \$538,974.

	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Cost</u>
II Professional Services				
Design and permit preparation	1	LS	\$15,000	\$15,000.
Permit modification and processing	1	LS	\$10,000	\$10,000.
Construction management	1	LS	\$15,000	\$15,000.

SUB TOTAL \$40,000.

GRAND TOTAL \$578,974.

50/50 FUNDING SCENARIO – PADEP GROWING GREENER

GRANT REQUEST \$100,000.

MUNICIPAL MATCH in other Grants or Cash \$478,974.

22. Upon motion of Mr. Swavola, and unanimously approved by the Board, the Public Works Committee Regular Meeting Minutes dated July 14, 2009, were accepted.

23. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2191-09** repealing Chapter 251 of the Code and creating a new Chapter entitled Peddling, Soliciting and Transient Sales.

CHELTENHAM TOWNSHIP

ORDINANCE NO. 2191-09

AN ORDINANCE AMENDMENT TO THE CODE OF THE TOWNSHIP OF CHELTENHAM, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, BY REPEALING CHAPTER 251 THEREOF, ENTITLED "SOLICITING AND TRANSIENT VENDORS" IN ITS ENTIRETY AND CREATING A NEW CHAPTER 251, THEREOF, ENTITLED "PEDDLING, SOLICITING AND TRANSIENT SALES".

NOW, THEREFORE, be it ordained by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania as follows:

Section 251-1 Definitions and word usage.

PEDDLER/SOLICITOR – Any person who shall engage in peddling/soliciting as herein defined. The word "peddler" and "solicitor" shall include the words "vendor", "street vendor", "hawker" and "huckster," and other such words carrying or conveying the same meaning and understanding and addressing the same activities described thereby.

PEDDLING (Commercial) – The selling or offering for sale of any goods, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with them in traveling or has in their possession or control upon any of the streets or sidewalks, from house-to-house within the Township of Cheltenham or from a fixed location within the Township of Cheltenham on a temporary basis.

SOLICITING (Commercial) – The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery or for services performed for the homeowner by a private individual or for-profit corporation, upon any of the streets or sidewalks, from house-to-house within the Township of Cheltenham, including the door-to-door delivery of business advertisements that do not require direct contact with residents.

PEDDLER/SOLICITOR (Non-Profit/Exempt) – Any person representing a governmental agency, charitable, educational, religious or political organization or any association incorporated in accordance with or subject to the provisions of the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations, for the purpose of soliciting membership, money and/or property by or on behalf of a non-profit/exempt organization, cause, candidate or viewpoint.

TRANSIENT SALES (Inside and Outside) – Inside Transient sales shall consist of the selling, offering for sale or taking orders for sale inside any mall or other commercial establishment within the Township’s borders. Outside Transient sales shall consist of peddling, soliciting, selling, offering for sale or taking orders for sale at any outdoor place, on a seasonal/temporary basis, within the limits of private property with permission of the property owner provided that said private property is zoned for commercial use and that said seasonal/temporary use meets the requirements of the zoning code.

Section 2 Entering upon Posted Property Prohibited

Any and all Peddlers/Solicitors are prohibited from entering upon any property that is posted with a “No Peddling” and/or “No Soliciting” sign and may be prosecuted for trespassing.

Section 3 Conduct of Peddlers/Solicitors/Transient Vendors

It is unlawful for any person(s) to engage in peddling, soliciting or transient sales within Cheltenham Township without a valid Permit issued by Cheltenham Township, except if said person(s) represents an exempt organization. All Peddlers/Solicitors/Transient Vendors shall, when conducting business activities in the Township, comply with the following rules of conduct:

- a. Carry the Permit at all times and furnish it upon request of any person to whom the Peddler/Solicitor is attempting to peddle.
- b. Peddlers/Solicitors shall not enter or attempt to enter any dwelling house or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request.
- c. Peddlers/Solicitors shall only engage in peddling/soliciting within the Township between the hours of 10 a.m. to 9 p.m. Monday through Friday and 10 a.m. to 5 p.m. on Saturdays. No soliciting on Sundays and Federal/State legal holidays.
- d. Peddlers/Solicitors/Transient Vendors shall not call out or shout to sell services or goods, nor shall they use any loudspeaker, horn, music or other device or vehicle that uses such devices.
- e. Peddlers/Solicitors/Transient Vendors shall not occupy, either by standing in person, with or without a stand, cart, or similar fixtures, upon any fixed location or along any of the alleys, sidewalks, streets or any other public right-of-way in the Township.
- f. Peddlers/Solicitors/Transient Vendors shall not park any vehicle upon or along any of the streets or sidewalks of the Township for the sole purpose of advertising, displaying and selling of merchandise.

- g. Peddling/Soliciting is not permitted in Township parks. Peddling/Soliciting is permitted at Township pools and certain playgrounds only on a contracted basis with the Parks and Recreation Department and approved by the Director of Parks and Recreation.
- h. Peddlers/Solicitors/Transient Vendors shall not peddle/solicit on private property without permission of the property owner.
- i. Peddlers/Solicitors/Transient Vendors shall not cut across or walk upon any front lawn, back yard or courtyard except upon sidewalks, walkways or private driveways, if such sidewalks, walkways or driveways are provided.
- j. It shall be unlawful for any person to peddle, solicit or conduct transient sales or attempt to peddle, solicit or conduct transient sales at a place of residence at any entrance other than the main entrance of the residence.
- k. Peddlers/Solicitors/Transient Vendors who are offering any food for sale or using any mobile food unit that requires a Permit from the Montgomery County Health Department must provide said Permit when applying for a Township Permit.
- l. Peddlers/Solicitors of home improvements services who are required to comply with any state legislation must provide proof of compliance with said legislation when applying for a Township Permit.

Section 4 Permits for Commercial Peddlers/Solicitors/Transient Vendors

- a. Any person or business desiring to engage in peddling/soliciting within the Township must first obtain an application from the Township's Accounting Department for a Permit. The application is sent to the Police Department, which may require such information as the Chief of Police deems appropriate, including but not limited to, fingerprinting, photograph, prior criminal record, name of employer and the type of peddling/soliciting being made to the public.
- b. All peddling/soliciting/transient vendor Permits shall be issued by the Cheltenham Township Police Department and shall be exhibited in clear view by the peddler/solicitor at all times. Permits shall not be altered. No Permit can be transferred from one person to another, and there may be a five (5) to seven (7) business day waiting period between application and issuance of a Permit.
- c. A separate application shall be filed and a separate Permit fee shall be paid by each person who shall actually conduct the peddling/soliciting and shall apply where an employer desires to secure Permits for his employees, agents or representatives.
- d. Permit fees may be waived for any person or business whose primary place of business is in the Township and who pays a Business Privilege and/or Mercantile Tax to the Township.

Section 5 Fees for Peddling/Soliciting/Transient Vendor Permits

Fees for Peddling/Soliciting/Transient Vendor Permits shall be set from time to time by separate Resolution of the Cheltenham Township Board of Commissioners.

Section 6 Revocation and suspension of Peddling/Soliciting/Transient Vendor Permits.

The Chief of Police is hereby authorized to revoke or suspend any Permit issued under this chapter for any violation of any of the provisions of this chapter, or for giving false information upon any application of a Permit. The Chief of Police is further authorized to refuse a Permit to any person whom the Chief deems could present a threat of harm or danger to the citizens of Cheltenham Township. When a Permit is revoked, no other Permit shall be issued to the same applicant within one (1) year of the date of revocation.

An applicant may appeal, in writing, a decision by the Chief of Police to the Township Manager.

Section 7 Violations and Penalties.

Any person or commercial entity that has violated or permitted the violation of the provisions of this chapter shall, upon conviction before a Magisterial District Judge, be subject to a penalty of not less than \$200 nor more than \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment not to exceed 30 days, or both such fine and imprisonment. Each day that a violation continues may be regarded as a separate offense and punishable as such.

Section 8 Exemptions for Non-Profit/Exempt Soliciting/Peddling

- a. Persons and organizations, their employees, agents and representatives who engage in door-to-door soliciting/peddling on behalf of non-profit/exempt organizations and causes that are in compliance with the provisions set forth by the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations, are exempt from the requirement to obtain a Permit and to pay any fee to solicit.
- b. All persons, organizations, their employees, agents and representatives who engage in door-to-door soliciting/peddling on behalf of non-profit/exempt organizations and causes are required to provide proof of their non-profit/exempt registration if requested by the Township.
- c. All persons, organizations, their employees, agents and representatives who engage in door-to-door soliciting/peddling on behalf of non-profit/exempt organizations and causes are required to adhere to all other provisions of this chapter.

Section 9 Special exceptions to this Ordinance may be granted for community or Township-sponsored events by the Township Manager.

Section 10 Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceedings in any Court, any 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 11 The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

Section 12 This Ordinance shall supersede other requirements of the Code of the Township of Cheltenham that may be in conflict.

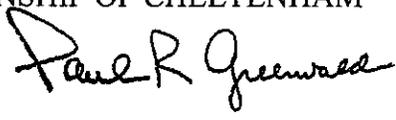
Section 13 That in all other respects the Code of the Township of Cheltenham are hereby approved and accepted, as amended, and shall continue in full force and effect.

Section 14 This Ordinance shall take effect and be in full force from and after its approval and publication, as required by law.

Section 15 All Ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this **21st** day of **July, 2009**.

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM

BY: 
Paul R. Greenwald, President

ATTEST: 
David G. Kraynik, Township Manager
and Secretary

24. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 30-09** increasing permit fees for peddlers, solicitors and transient vendors.

RESOLUTION NO. 30-09

**RESOLUTION INCREASING PERMIT FEES FOR
PEDDLERS, SOLICITORS AND TRANSIENT VENDORS**

WHEREAS, the Township of Cheltenham has not increased its Permit Fees for Peddlers, Solicitors and Transient Vendors since 1995, and due to the increase in record keeping requirements; and

WHEREAS, it has been determined that the revenue generated from Permits for Peddling, Soliciting and Indoor/Outdoor Transient Vendors is insufficient to cover the reasonable and necessary expenses incurred by the Township in processing these Permits; and

WHEREAS, the Township of Cheltenham has had the right to set Peddling/Soliciting and Indoor/Outdoor Transient Vendor Permit Fees pursuant to Chapter A300 of the Cheltenham Code; and

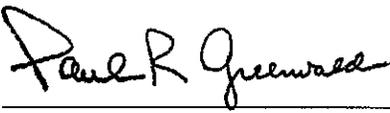
WHEREAS, the Board of Commissioners of the Township of Cheltenham deems that it is in the best interest of the Township and its citizens to increase the fees for Commercial Peddling/Soliciting Permits and for Indoor/Outdoor Transient Vendor Permits.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania that Permits for Commercial Peddling/Soliciting and Indoor/Outdoor Transient Vendors shall be as follows:

- | | | |
|------|-----------------------|---------------------|
| i. | One (1) Day | \$ 25.00 per person |
| ii. | One (1) Week (7-days) | \$100.00 per person |
| iii. | One (1) Day Parade | \$150.00 |

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its meeting held at Curtis Hall, 1250 W. Church Road, Wyncote Pennsylvania 19095 on this 21st day of **July, 2009**.

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

By: 
Paul R. Greenwald, President

ATTEST:

By: 
David G. Kraynik, Secretary and
Township Manager

25. Upon motion of Mr. Sharkey, and unanimously approved by the Board, the Public Affairs Committee Regular Meeting Minutes dated July 7, 2009, were accepted.

26. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted Resolution No. 31-09 amending the Police Civil Service Personnel Rules and Regulations.

RESOLUTION NO. 31-09

**A RESOLUTION AMENDING SECTION 5.01I. OF THE
POLICE CIVIL SERVICE PERSONNEL RULES AND
REGULATIONS OF CHELTENHAM TOWNSHIP**

WHEREAS, Cheltenham Township adopted the Police Civil Service Personnel Rules and Regulations by Resolution dated September 21, 1993; and

WHEREAS, the Rules and Regulations continue in force and shall not be annulled, amended or added to other than by operation of law, except by action of the Township Manager and/or Civil Service Commission and approved by the Board of Commissioners; and

WHEREAS, Cheltenham Township hereby desires to amend the Rules and Regulations to update recruit testing, as recommended by the Police Chief and the Township Manager.

NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved by the Board of Commissioners of Cheltenham Township that Rule V, Section 5.01I. entitled "Explanation of Scope Compilation" is hereby amended to read as follows:

Section 5.0.1I. Explanation of Scope Compilation.

The examination of applicants for the position of patrol officer shall include, in addition to the agility test, the physical and psychological examinations, and background checks, the following parts to which the following weights shall be applied:

- (1) Written Examination 60%
- (2) Oral Interview and Observation
But must successfully pass all tests to qualify 40%

Examination shall be marked on a scale of one hundred percent (100%). The passing grade for the whole examination and for each part shall be seventy percent (70%).

AND FURTHER, that portion of the previous Section 5.01I. inconsistent herewith is hereby annulled.

RESOLVED, this 21st day of July, 2009 by the Board of Commissioners of Cheltenham Township.

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

By Paul R. Greenwald
Paul R. Greenwald, President

David G. Kraynik

ATTEST: _____
David G. Kraynik, Secretary

27. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Board of Commissioners the adoption of an ordinance amending Chapter 285 thereof, entitled "Vehicles and Traffic".

ORDINANCE NO. 2192-09

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING PARKING METER ZONES AND 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:

WOODLAND AVENUE 11. 25 MPH, dead end to Laurel Avenue.

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:

GRANITE ROAD (4) HANDICAPPED PARKING at 7314. This addition is effective for the duration period that this resident is eligible for a reserved handicapped space.

WOODLAND AVENUE 11. 20 MPH, Old Soldiers Road to cul-de-sac.

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 **21st day of July, A.D., 2009.**

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

By Paul R. Greenwald
Paul R. Greenwald, President

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

28. Upon motion of Mr. Portner, and unanimously approved by the Board, the Public Safety Committee Regular Meeting Minutes dated July 7, 2009, were accepted.

29. Upon motion of Mr. Muldawer, and unanimously approved by the Board, the Building and Zoning Committee Regular Meeting Minutes dated July 7, 2009, were accepted.

30. The Board of Commissioners considered appointing delegates to the Montgomery County Tax Collection Committee.

Upon motion of Mr. Muldawer, the Board of Commissioners unanimously appointed Paul R. Greenwald as a voting delegate to the Montgomery County Tax Collection Committee.

Upon motion of Mr. Muldawer, the Board of Commissioners unanimously appointed Morton J. Simon, Jr. as an alternate voting delegate to the Montgomery County Tax Collection Committee.

31. Upon motion of Mr. Muldawer, and unanimously approved by the Board, the Finance Committee Regular Meeting Minutes dated July 14, 2009, were accepted.

32. Under Citizens' Forum:

- Chris Kytzidis, 7708 Chapel Road, was concerned about a recent shooting in his neighborhood in the vicinity of 7797 Spring Avenue, a group home owned by Special People in the Northeast. He asked the Township to research whether or not there was a legal basis that the Township could use to limit the number of group homes. There are two such homes within 500 yards of each other in his neighborhood, and he felt that his neighborhood more than serves the public good by having these two homes. He pointed out that noise created by shift changes, trash, and cars to/from the property are a disturbance. According to Mr. Kytzidis, the CEO of Special People in the Northeast described these homes as a "business". The CEO's make \$175,000 per year. If this is a business, then it should be treated as one.

The Board asked the Solicitor to research the matter.

- Bill England, 7709 Chapel Road, stated that the Spring Avenue shooting took place behind his house. He thanked the Township for holding a meeting with the neighbors earlier this evening. The incident occurred in the late evening (between 10 pm-midnight), and the shooter hid in his yard. Residents want these group homes to be good neighbors and work with the community. The residents want protection. There are 14 children under the age of 8 within close proximity of this house. He asked that the Township Solicitor research this and determine what is reasonable.

- Olga McHugh, 127 Hewett Road, stated that SEPTA has not communicated any further information to the residents regarding the survey work for the proposed Wyncote/Jenkintown Train Station Parking Garage project. No survey data has been provided by SEPTA relative to the methodology used for this survey. The data and SEPTA's reports should be presented at a public forum, and the neighbors want two weeks to review SEPTA's data and methodology used for the survey work. According to Mrs. McHugh, information was received from SEPTA employees that it is not wavering; SEPTA is holding talks with the owners of the Pitcairn property; neighbors were told that SEPTA wants to close the Elkins Park Train Station. Mrs. McHugh stated that there was too much development planned for certain large parcels in the Township, which translates into an addition of over 2,000 cars daily, a change the future quality of life, which will lead to a reassessment of properties.
- Joe Lewis, 1408 Wistar Drive, stated that people come to Cheltenham expecting a certain way of life, and group homes attract undesirables. Also, the only two pawn shops in Montgomery County are in Cheltenham and Norristown. Residents need more protection.
- James Muse, 1309 Spruce Lane, did not understand why he needed zoning to replace a fence at his property. Mr. Lynch reported that he spoke to Mr. Muse and the fence contractor. There is no history of a permit being taken out for the existing fence, and under the Code, a 4' high fence requires a permit but Mr. Muse's planned 6' high fence would require zoning relief. Mr. Cantor explained that the existing fence is non-conforming but to replace it would mean that it has to comply with the current code.
- Loretta Leader, 542 W. Glenside Avenue, did not approve of the way the Board appointed two of its members to the Montgomery County Tax Collection Committee. She felt that there are citizens who would have liked to serve but were not made aware of it.
- Gail Post, 106 Cliff Terrace, felt that development in Cheltenham was happening without much foresight. Development brings traffic and crime.

Mr. Swavola resented the accusations that things are done behind closed doors and without communication to the residents. There are volunteer citizens' committees with openings that cannot be filled. These openings are posted on the Township website. Mrs. McHugh felt that the Township's website was difficult to navigate. Mr. Swavola indicated that Staff is working on making some changes to it.

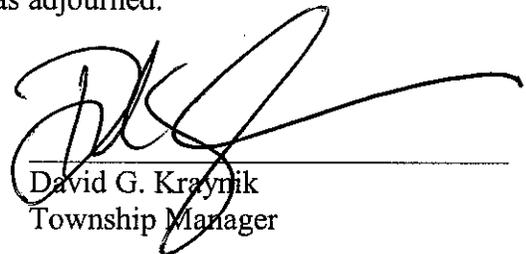
- Thomas McHugh, 127 Hewett Road, stated that it has been two months since SEPTA completed its survey for the proposed Wyncote/Jenkintown Train Station Parking Garage project. No information has been shared with residents. He felt that the survey was biased and misleading and is the foundation for everything that SEPTA wants to do. Neighbors want to see the data and interpret it. A workshop is not appropriate for determining the survey results.

- Betty Cataldi, 46 Limekiln Pike, complained about her neighbor, the New Vision Youth Center. It operates a thrift shop and stores and sells merchandise outside. A living room set has been out all night. She asked what can be done.

Mr. Kraynik responded that the Township is limited to what it can do about regulating private property issues. It is frustrating for the Township because it cannot regulate neighborliness and common courtesy. He said to Mrs. Cataldi that she should be well aware that the thrift shop has the proper zoning and that the Township has repeatedly visited the property to ensure compliance.

Mr. Sharkey reported that Mr. DeMaria to whom Ms. Cataldi referenced as the other neighbor is coming to a public meeting to state his case. He asked that someone from the Building and Zoning Department visit the New Vision Youth Center again to ascertain if there are any code violations.

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



David G. Kraynik
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Tuesday, July 21, 2009 @ 7:30 P.M.

Curtis Hall

Church Road & Greenwood Avenue, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
Betty Cataldi	46 Limekiln	215-887-7629	
BARBARA SHOAP	#1 JOHNS RD	215-635-5205	dshoap@rbhall.com
Fishbein Family	407 N. STERLING EL, PA	215-635-3615	
David + Ruth Ezzie	6526 N. 12th	215 927 2690	
Allen Long	105 Cliff Ter	215-855-5317	
Olga McHugh	127 Hewitt Rd.		Olga.McHugh@gmail.com
XXXXXXXXXX			
XXXXXXXXXX			
Brenda Johnson-Stowe	400 N. BROAD ST	215-852-2736	
Gail Post	106 Cliff Ter	215-884-8601	
R. EDWARD ASSER			
W. Marshall			

