

File
October 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, Portner, Sharkey, Simon 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 Kasthuber, Public Works Coordinator; M. Elizabeth McBride, Director of Fiscal Affairs; Mark McDonnell, Public Works Coordinator; John J. Norris, Chief of Police; Joseph W. O'Neill, Fire Marshal; Carmen Reitano, Assistant to the Township Engineer; Ruth Littner Shaw, Main Street Manager; Joseph M. Bagley, Esq., Wisler, Pearlstine, LLP, and David G. Kraynik, Township Manager. Also present was Finance Director Stephen Burns. A Public Attendance List is attached.

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

5. Mr. Greenwald presented a Community Service Award to Kyle Hellendall for achieving the level of Eagle Scout.

6. Mr. Greenwald presented Certificates honoring the following volunteers:

10 Years:	David Blyweiss	Substance Abuse and Mental Health Committee
	Herschel Elias	Historical Commission
	Christopher Heaven	Historical Commission
	Elaine Hrynko	Substance Abuse and Mental Health Committee
	Allan Lundy	Substance Abuse and Mental Health Committee
	Bernard Panzak	Shade Tree Advisory Committee
	Barbara Shoap	Substance Abuse and Mental Health Committee
20 Years:	Lewis Goodman	Substance Abuse and Mental Health Committee
	Philip W. Jacobson	Substance Abuse and Mental Health Committee

7. Mr. Greenwald noted that there was a large public turnout due to a rumor that the Board would be making a motion and filing an injunction against a Referendum due to be placed on the November 3, 2009 election ballot. Mr. Greenwald stated that there will be no action considered by the Board this evening on said issue.

Mr. Simon addressed the meeting (complete statement attached). In summary, Mr. Simon hoped the Referendum would be defeated; his number one aim was to defeat it in some fashion; although the petition grew out of SEPTA's plans to building a parking garage at the Wyncote/Jenkintown Train Station, the issues are different as the petition was written; there are far-reaching effects; a vote for the petition is not a vote for/against the SEPTA project; said petition is illegal and invalid; Judge Albright did not grant to the petitioners a victory on the merits but related only to the question of what he perceived to be the ministerial duties of the Election Board; he was concerned about the petitioners' interpretation of the powers of a Home Rule Charter; Judge Albright left many questions unanswered, and that the voters are being led down a futile path; he was concerned that even if at some future point said Referendum could be rendered invalid, it could have far-reaching adverse affects on the Township; he was concerned

that this process would pit neighbor against neighbor and neighborhoods against neighborhoods; he felt the Ballot Title was too vague, far-reaching, confusing and not understandable.

Mr. Greenwald asked for input from the Board.

Mr. Sharkey supported Mr. Simon. He will not vote for the Charter change. When he attended the meetings that were held, he left with more questions than when he came. Mr. Sharkey felt that the voice of the Glenside residents would be diluted by the residents of other areas in the Township and wanted to be sure that the residents of Glenside determine what happens in their community.

Mr. McKeown stated that he has served for 14-years, has dealt diligently with his constituents regarding the proposed Ashbourne development, he did not support, nor would he vote for, the Referendum.

There were comments from the public as follows:

John Civello, 148 Mt. Carmel Avenue, asked which party hacks wrote Mr. Simon's speech; he accused the Board of not listening to the people; the peoples' voice gets diluted when the Commissioners do not listen; for the most part, Commissioners Portner, McKeown and Sharkey do a good job of listening to the people; he accused the Board of wanting to stop the people; this is their community, and they cannot be stopped.

McKinley Lennox, 7753 Clements Road, has lived in the Township 30-years; he saw a great turf war with the School District, Commissioners and Planning Commission; the big money is coming in; this is all about money; the Commissioners are looking at anyone who will give the Township money; the Commissioners allow developers to do whatever they want to do; the Township is supporting someone who drives an SUV seven (7) day a week; this amendment is a constitutional right of the people.

Janet Benton, 118 Webster Avenue, felt the Township is divided because many people feel that the Commissioners have not protected the quality of life in Cheltenham; residents do not want more ugliness and traffic on their streets; they want neighborhoods; she questioned whether or not SEPTA was concerned about channelization of the stream; she felt that the Commissioners were in a difficult position because the people do not feel they have been heard.

Thomas McHugh, 127 Hewett Road, responded to Mr. Sharkey's concerns and saw the amendment as an extra hurdle that a public benefit corporation would have to go through; developers, knowing they have to clear a referendum, will make a more calibrated proposal and will still have to go through all the other steps.

Mr. Sharkey responded that there are residents of Glenside who want the parking garage, and none of the Commissioners have taken their decisions lightly.

Mr. McHugh stated that residents want to protect their homes, property values and community. He did not doubt that Glenside residents want the garage. He felt that building parking garages at mid-points along the rail line is ridiculous. They should be built along the stations in the far suburbs where the people live.

Olga McHugh, 127 Hewett Road, was of the opinion that the fact that everyone is inter-dependent is lost; declining property values in Wyncote affects everyone; this issue should be viewed as a "whole"; she worries about Glenside because traffic is heavy. She was concerned if Ryers, Cheltenham and other stations closed. According to Ms. McHugh, two Commissioners were not re-elected because no one had anything to say.

Mr. Bagley responded that SEPTA did not file any plan with the Township. It would have been inappropriate for the Commissioners to comment on a plan that was not yet submitted. A developer could cherry-pick Commissioners who opposed it.

Richard Topper, 156 Harrison Avenue, understood the discomfort of this issue but that it is a problem of the Commissioners' own making. The people feel they are not being heard. He respected Mr. Sharkey's opinion but what happens in Wyncote affects Glenside. This is a very serious matter, and residents feel the quality of life in Cheltenham is being threatened. Residents depend on the Commissioners to be their proxies. The parking garages are a 20th Century solution to a 21st Century problem. What is needed is an increased commitment to light rail and ensure the health of the train stations further out and not create a garage in Wyncote that would make it easier to shut down stations further up on the line.

Natalie Hursky, 17 Lawnside Road, felt that turf wars would happen with all the cars coming into the Wyncote/Jenkintown Station from all other places like Gwynedd. The Commissioners work for Cheltenham, and people do not want to see all this development.

Steve Banks, 313 Bent Road, felt that thinking of the amendment as being only about the parking garage dilutes the issue.

Brooke Welsh, 1112 W. Church Road, stated that the parking garage commenced the Charter amendment and that affects the development in which people live. It is about the people who live here together as a whole, and she does not want people and corporations who have leverage and power. Corporations like SEPTA and other developers do live here. There are smarter ways to address what the people want. Cheltenham is beautiful and quiet and has a sweetness that other places do not have. A monstrous parking garage

will change the neighborhood. This is Community Bill of Rights, and the community should decide, not corporations.

Wendy Blutstein, 1805 Hillcrest Road, who is on the Steering Committee to Save Laverock, felt the amendment does not say it will do the things that it will do. It is a violation of state and federal law. It is an illegal and unconstitutional document that will only benefit the outside organization that is promoting it, not Wyncote or Glenside. It will not get us closer to doing something about development. It is a form of succession that says we want to secede from the laws of the federal and state governments and Cheltenham. It does not preserve the community or lower taxes.

Theresa Camorata, 1112 W. Church Road, thanked Messrs. McKeown and Sharkey for coming to their meetings when no other Commissioner had a personal discussion with them. Everyone came tonight because they hear there will be an injunction attempt. The garage is not about parking, it's about driving. This movement is about what is happening in healthcare, campaign finance, etc. The people could not afford lawyers and got \$100,000 of pro bono legal help. They started out by talking about a Bill of Rights. It is not up to the Board to interfere with their voice. Do not threaten with litigation. The community has gotten to know each other much better.

William Mettler, 131 Woodland Road, likened the matter to the Rosa Parks case, which sparked the civil rights movement. According to Mr. Mettler, the amendment is an instrument of people striving to be heard in a Township they love. It is a request by the people to be heard.

Richard Iano, 157 Greenwood Avenue, did not believe the amendment is unconstitutional; it is about the rights of the people; and it is a way to push back on powerful encroachments by corporations. He believed the Commissioners missed a big opportunity by not joining with the people. Commissioners will not lose any power and will still be the decision-makers.

Tom Mullian thanked Messrs. McKeown and Sharkey. He did not believe the Commissioners would vote for the amendment. The people do not want to secede, they want to succeed. He hoped that letting everyone speak was not just theatre. He did not want people against the Commissioners and Corporations. The people want peace and justice in the community. The commissioners need to say 'yes' because it is right and not be adversarial. According to the Bill of Rights, a corporation would have to propose something that would improve the quality of life. The garage is a symptom, not the problem. An injunction will not take away peoples' knowledge.

Mavra Iano, 157 Greenwood Avenue, reviewed what led up to the amendment. When residents went out into the community, there was a camaraderie. Some communities envy what is being done. This is no longer a docile community.

Diane Williams, 1812 Beech Avenue, understood one Commissioner to believe that people will sign anything. People do know what they are signing, and his is a negative and arrogant approach.

Aaron Caplan, 817 W. Church Road, did not believe this issue was similar to Rosa Parks. This is about a situation that does not exist. The Commissioners have not received any plan from SEPTA. Most people in California rue the day that they went along with similar amendments. The Township has a great Board and a great Township Manager.

Stephanie Wiktecha, 13 Greenwood Place, stated that the SEPTA Wyncote/Jenkintown Parking Garage issue was the straw that broke the camel's back, and they witnessed, they remember.

Public comments concluded.

Mr. Greenwald stated again that no injunction will be voted on this evening.

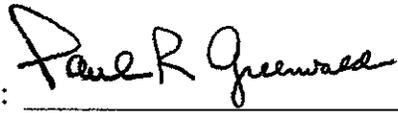
Upon motion of Mr. Greenwald, the Board of Commissioners unanimously agreed to support Mr. Simon's statement in opposing the amendment.

8. Upon motion of Mr. Swavola, the Board of Commissioners unanimously adopted **Resolution No. 35-09** authorizing the execution of Agreements between the Township and PennDOT.

RESOLUTION NO. 35-09

Be it resolved by authority of the BOARD OF COMMISSIONERS of the TOWNSHIP OF CHELTENHAM, that the TOWNSHIP MANAGER of said municipality be authorized and directed to execute all agreements with the Pennsylvania Department of Transportation on its behalf and the ASSISTANT TOWNSHIP MANAGER be authorized and directed to attest his/her signature.

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM
(A Home Rule Community)

BY: 
Paul R. Greenwald, President

ATTEST:



David G. Kraynik
Township Manager

(SEAL)

I, David G. Kraynik, TOWNSHIP MANAGER AND SECRETARY, of the BOARD OF COMMISSIONERS, do hereby certify that the foregoing is a true Resolution adopted at a regular meeting of the BOARD OF COMMISSIONERS held the 21st day of October, 2009.

DATE: October 21, 2009


Township Manager/Secretary

9. Upon motion of Mr. Swavola, the Board of Commissioners unanimously awarded a Professional Services Contract for Design, Plans and Bid Specifications for the replacement of Sanitary Sewer Interceptor A at Jenkintown Creek to BCM Engineers, Plymouth Meeting, PA 19462, in an amount not to exceed \$30,800.00.

10. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L854 to Yvonne Miller, owner of 1827 W. Cheltenham Avenue, LaMott, to replace the roof 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. L855 to Michelle and Arthur Healy, owners of 1708 Beech Avenue, LaMott, to replace the existing front porch 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. W804 to Robert Worth, owner of 7 Walt Lane, Wyncote, to demolish the existing two-story addition and construct a new one at the rear of the premises as recommended by the Wyncote Board of Historical and Architectural Review.

13. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W805 to Susan and Andrew Caplan, owners of 142 Fernbrook Avenue, Wyncote, to replace the existing roof as recommended by the Wyncote Board of Historical and Architectural Review.

14. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W806 to Lincoln Investment Planning, owner of 218 Glenside Avenue, Wyncote, to replace the existing roof, gutter, and downspouts as recommended by the Wyncote Board of Historical and Architectural Review.

15. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved Cheltenham Township Development Application 09-10 Record Plan Subdivision 7325 Keenan Street, LaMott subject to the following Conditions, Notes and Waivers:

A. CONDITIONS

1. That the plan be titled "Record Plan for the Subdivision of 7325 Keenan Street, LaMott, Pennsylvania." (Cheltenham Code Section ("CCS") 260-32.C.(1)).
2. That the text "Cheltenham Township Development Application No. 09-10" be added to the lower right hand corner of all plan sheets.
3. That the Zoning Relief granted by the Cheltenham Township Zoning Hearing Board under Appeal No. 3324 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 the following data be added to the plan:
 - a. An appropriate legend clearly denoting existing features. (CCS 260-32.B.(5))
 - b. Names and address of the Owner and the Developer. (CCS 260-32.C.(2))
 - c. Name and address of the Surveyor who prepared the plan. (CCS 260-32.C.(3))
 - d. North Point (True) (CCS 260-32.C.(5))
 - e. North Point on Location Map (CCS 260-32.C.(5))
 - f. Graphic Scale (CCS 260-32.C.(5))
 - g. Right-of-Way width and cartway width of streets (CCS 260-32.D.(2))
 - h. Location of adjoining property lines and names of adjoining owners. (CCS 260-32.D.(2))
 - i. Building setback lines (Lot 1) (CCS 260-32.E.(8))
7. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
8. That the total number of trees on the property and the number of trees to be removed be noted on the plans. (CCS 280-9.A.(1)(a))

9. That the Surveyor's Certificate of Accuracy be added to the plans.
10. That the following boxed purpose note be added to these plans:

PURPOSE NOTE

The purpose of this Record Plan is to subdivide 7325 Keenan Street into two (2) lots.

11. That the following concerns with the "Code Information:" notation be addressed:
 - a. In "Lot Area" row, under "Lot 2" column, replace text "3400 sq. ft." with the text "3400 sq. ft.*" and add following note at bottom of "Zoning Requirements" tabulation:

*Zoning Relief granted under ZHB Appeal No. 3324;
See General No. _____.
 - b. In "Building Area" row, under "Lot 1" column, replace text "822" with text "823."
 - c. In "Building Coverage" row, under "Lot 1" column, replace text "35%" with text "22.9%."
 - d. In "Side Yard a) Aggregate" row, under "Lot 1" column, replace text "15 ft." with text "13.60 ft."
 - e. In "Side Yard b) Minimum" row, under "Lot 1" column, replace text "7 ft." with text "2.42 ft."
12. That the Graphic Scale be replaced with one that scales 1" = 10' (Graphic Scale on plan scales 1" = 10.7').
13. That the "Certificate of Accuracy" notation for Harold Lichtman, Licensed Architect, be struck from the plan.
14. That the duplicate "Recording Notation" be struck from the plan.
15. That the following concerns with the property boundary be addressed:
 - a. Show bearings on all property lines.
 - b. Show R/W lines for both Butcher Street and Keenan Street; label as both R/W line and property line.
 - c. Show bearings and distances on R/W lines.
 - d. Show component distances along side lines.
(Title line to R/W to rear line)
 - e. Re-label property lines along street center lines as "Title Line(s)."
 - f. Show lot area data as follows:

	<u>Lot 1</u>	<u>Lot 2</u>
Gross Lot Area to Title Line	4200 SF	3800 SF
Less Area within Legal R/W	(600 SF)	(400 SF)
Net Lot Area	3600 SF	3400 SF

16. That no subsequent development on Lot 1 occur without a Land Development Plan on same being submitted to the Township for its review and approval. (Planning Commission and Shade Tree Advisory Commission Condition)
17. That the following concerns with the "General Notes" ("GN") be addressed:
 - a. Replace GN. 4. with the following:
 4. No additional impervious areas (decks, additions, patios, sheds, walkways, etc.) from that shown on this plan for Lot 1 shall be added to Lot 1 without mitigating stormwater management measures approved by Township Engineer to ensure no additional stormwater runoff occurs.
 - b. Strike the following General Notes: 3, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36.
 - b. Re-number General Notes.

B. NOTES TO BE ADDED TO THE PLAN VERBATIM

1. No construction is being proposed on either Lot 1 or Lot 2 by this plan.
2. No subsequent development on Lot 2 shall be permitted until and unless a Land Development Plan depicting said development is submitted to the Township for its review and approval.
3. No existing trees on Lot 2 shall be removed without the written permission of the Township Engineer.

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 or populations 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.(4) for the location, size and ownership of all underground utilities and any rights-of-way within the property be waived.
4. That the requirement of CCS 260-32.D.(5) for depiction of topography of the site and within 400' of the site be waived.
5. That the requirement of CCS 260-32.D.(7) for proposed contours and for the elevations for the building floors be waived.

16. Upon motion of Mr. Swavola, the Board of Commissioners unanimously granted an extension to Thor Equities for the payment of a Transportation Assessment Fee in the amount of \$209,487.05 for Cheltenham Township Development Application No. 07-06, Record Plan Cheltenham Square Mall – Commercial Renovations 2007-2008 – 2385 Cheltenham Avenue in the following manner:

One-third due December 31, 2009
One third due December 31, 2010 and
One third due December 31, 2011

plus the Township's borrowing interest rate will be included from one payment to the next.

17. Upon motion of Mr. Swavola, the Board of Commissioners unanimously adopted **Resolution No. 36-09** applying for matching grant funds for a meadow restoration project at High School Park.

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 36-09**

**AUTHORIZING THE FILING OF A GRANT APPLICATION UNDER THE FY 2009-10
COASTAL NONPOINT POLLUTION INITIATIVES OF THE COASTAL ZONE
MANAGEMENT (CZM) PROGRAM ADMINISTERED BY THE PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Township of Cheltenham is desirous of seeking State funding in the amount of \$50,000 under the Pennsylvania Department of Environmental Protection's CZM to undertake a sustainable restoration project to enhance the Meadow Community with new native vegetation at High School Park based on the prioritized list of implementation strategies identified in the High School Park and Ogontz Park Master Plan for Ecological Restoration, adopted by the Board of Commissioners on March 17, 2009; and

WHEREAS, the general public, including community stakeholders, representatives and members of the Tookany-Tacony/Frankford Watershed Partnership, the Tookany Creek Watershed Steering Committee, the Friends of High School Park and the Cheltenham Township Environmental Advisory Council, all had the opportunity to comment on the proposed project; and

WHEREAS, the Township of Cheltenham understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the Township and the Department if the Township is awarded a grant; and

WHEREAS, the Township of Cheltenham understands that, by signing the "Signature Page for Grant Application and Grant Agreement" and submitting it to the Department as part of the grant application, the applicant 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 and local funds, in order to make up the necessary fifty (50%) percent match of the total project cost, based on the attached Project Consultant's 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 2009-10 CZM Coastal Nonpoint Pollution Program funding in the amount of \$50,000 for the project described herein, and furthermore that:

1. The official with the title of Township Manager or his designee be authorized to sign the "Signature Page for Grant Application and Grant Agreement," including any amendments made a part thereof and attached hereto on behalf of the

Township of Cheltenham, in accordance with the provisions of the Cheltenham Township Home Rule Charter, enacted November 2, 1976.

2. If this official signed the "Signature Page for the Grant Application and Grant Agreement," prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the Township of Cheltenham is awarded a grant, the "Signature page for Grant Application and Grant Agreement," including any amendments made a part thereof and attached hereto, signed by the above official, will become the grantee's executed signature page for the Grant Agreement, and the grantee will be bound by the Grant Agreement.

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 West Church Road, Wyncote, Pennsylvania 19095 on October 21, 2009.

TOWNSHIP OF CHELTENHAM



Paul R. Greenwald, President
Board of Commissioners

ATTEST



David G. Kraynik, Secretary/Manager

(SEAL)

18. Upon motion of Mr. Swavola, the Board of Commissioners unanimously adopted **Resolution No. 37-09** acknowledging closing-out the DCNR grant agreement that helped fund the preparation of an ecological restoration master plan for High School and Ogontz Parks.

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 37-09**

**RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS
GRANT PROJECT (BRC-TAG-13-180) ADMINISTERED BY THE PENNSYLVANIA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

WHEREAS, the Township of Cheltenham prepared a Ecological Restoration Master Site Plan for the municipally-owned High School and Ogontz Parks in Elkins Park, Pennsylvania in accordance with planning and technical assistance grant guidelines of the Pennsylvania Department of Conservation and Natural Resources; and

WHEREAS, the purpose of the plan is to identify and prioritize the implementation strategies of the ongoing planting and native landscape restoration, and maintenance of both parks in an environmentally sound manner; and

WHEREAS, the plan also identifies the levels of community support, programmatic needs, evaluates the existing amenities on the sites, and provides recommendations for new amenities, public relations and marketing needs for conducting environmental awareness, programs for community outreach, implementation strategies, cost estimates, maintenance schedules and financial needs to carry out the implementation of the proposed recommendations; and

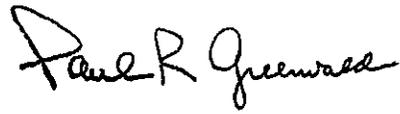
WHEREAS, the plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TAG-13-180.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, that:

- a. The project was completed in accordance with the Grant Agreement;
- b. All project expenditures have been made and were in accordance with the Grant Agreement;
- c. The Plan and related materials are acceptable to the Township of Cheltenham;
- d. The Plan and related materials will be used to guide future recreation, park, open space and conservation acquisition, development, operations and maintenance.

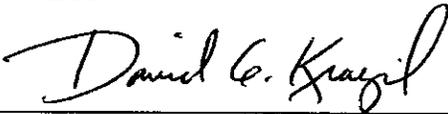
I HEREBY CERTIFY that the foregoing resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania 19095 on the fourteenth day of October, 2009.

TOWNSHIP OF CHELTENHAM



Paul R. Greenwald, President
Board of Commissioners

ATTEST



David G. Kraynik, Secretary/Manager

(SEAL)

19. Upon motion of Mr. Swavola, the Board of Commissioners unanimously adopted **Resolution No. 38-09** supporting a new review by regional planning officials and agencies to reinstate regional rail service between Fox Chase and Newtown Borough.

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 38-09**

**RESOLUTION SUPPORTING A NEW REVIEW BY THE PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION, MONTGOMERY COUNTY PLANNING
COMMISSION, DELAWARE VALLEY REGIONAL PLANNING COMMISSION, AND
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY, OF THE
REINSTATEMENT OF REGIONAL RAIL SERVICE TO POINTS BETWEEN FOX
CHASE AND NEWTOWN BOROUGH**

WHEREAS, reinstatement of regional rail service on the SEPTA route R8 North of Fox Chase will help to insure the continued use, maintenance, rider security and viability of the Cheltenham, and Lawndale Stations located on the Eastern border of Cheltenham Township; and

WHEREAS, the rate of development throughout the Newtown R8 Rail Line corridor has consistently been among the highest in Pennsylvania for over forty years and is expected to continue into the future; and

WHEREAS, exceptionally high growth rates of housing development and population in areas of Montgomery and Bucks Counties formally serviced by the R8 Rail Line North of Fox Chase has caused crowded trains and a severe lack of parking for riders forced to use stations of the R2 and R3 Rail Lines that run through the Glenside, Jenkintown-Wyncote, Elkins Park, and Melrose Park Stations in Cheltenham Township, as well as the remaining R8 trains through Fox Chase, Ryers, Cheltenham and Lawndale Stations servicing the Eastern portion of Cheltenham Township; and

WHEREAS, traffic congestion and travel delays in the suburban areas of Southeastern Pennsylvania adversely affect the movement of people and goods throughout the region; and

WHEREAS, sound planning principles indicate a growing need to expand the use of regional commuter rail systems to improve mobility and overall air quality; and

WHEREAS, the March 2009 DVRPC Green House Gas (GHG) Emissions Study has determined that per capita GHG emissions are significantly higher in the outer suburbs due to increased use of automobiles as compared to the inner suburbs; and

WHEREAS, the existing R8 right-of-way, recognized as an asset to our regional transportation system, has been allowed to deteriorate over time and even be dismantled by other parties for purposes other than regional commuter rail at a time when energy costs and environmental concerns have led local, state and federal leaders to call for reduced vehicle miles traveled (VMT) and increased use of regional commuter rail;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania that the Board of Commissioners hereby publicly states its support for cooperative effort with other municipalities in the region, the County of Montgomery, and the business community, for the Southeastern Pennsylvania Transportation Authority, the Montgomery County Planning

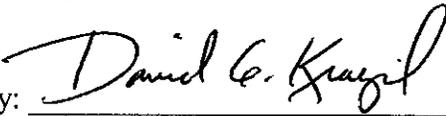
Commission and the Pennsylvania Department of Transportation to conduct a new review of the plans for and benefits of reinstatement of regional rail service on the existing right-of-way of the R8 Line north of Fox Chase to Newtown, Pennsylvania.

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 October, 2009.

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

By: 
Paul R. Greenwald, President

ATTEST:

By: 
David G. Kraynik, Secretary and
Township Manager

20. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved to retain the services of Mark L. Freed, Esq. of the law firm of Zarwin, Baum, DeVito, Kaplan, Schaer and Toddy of Philadelphia, as it pertains to the installation of a sanitary sewer diversion value by the City of Philadelphia in conjunction with the Pennsylvania Department of Environmental Protection and in accordance with an engagement letter provided to the Township by Mr. Freed dated October 13, 2009.

21. Diane Williams, 1812 Beech Avenue, stated that on page 15 of the Public Works Committee Meeting Minutes there is a sentence that is a misrepresentation of what she said regarding a conversation with Mr. Havir about a fee for the LaMott Homeowners Rehabilitation Manual . She claimed that said Minutes are inaccurate in this respect, and she asked that said sentence be stricken from the record.

22. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated October 14, 2009, were received, as amended.

23. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated October 7, 2009, were received.

24. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated October 7, 2009, were received.

25. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Resolution No. 39-09** honoring the Auxiliary Police Unit on the occasion of its 55th Anniversary. Said Resolution will be presented to the Unit at its banquet on October 24, 2009.

A Resolution No. 39-09
of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with deep appreciation and tremendous respect, salutes the **CHELTENHAM TOWNSHIP AUXILIARY POLICE** on the occasion of its 55th Anniversary; and

Whereas, The **CHELTENHAM TOWNSHIP AUXILIARY POLICE** was established in 1954, as a reinvention of the Civil Defense Council concept employed during World War II. Well-trained volunteer **AUXILIARY POLICE** Officers routinely provide traffic and crowd control at emergency scenes and community events to enable full-time officers to maintain their assigned patrols and investigative duties. They also handle special functions throughout the year, including fingerprinting for the Detective Division and working with the Driving Under the Influence (DUI) Task Force; and

Whereas, In total, the sworn **AUXILIARY POLICE** Officers, who are on call 24/7, volunteer over 3,500 hours each year in service to the community. Each member of the **CHELTENHAM TOWNSHIP AUXILIARY POLICE** personifies the unit's motto: "Dedication, Service, Honor."

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twenty-First Day of October, A.D., 2009, does hereby officially recognize and honor the **CHELTENHAM TOWNSHIP AUXILIARY POLICE** for its 55 years of distinguished service to the community and gratefully anticipates its continuing contributions for many more years to come. 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 the Auxiliary Police at its 55th Anniversary Dinner at the Union League of Philadelphia on Saturday, October 24, 2009.

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

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: Paul R. Greenwood
President

By: Morton J. Swain, Jr.
Vice President

By: Michael J. Linnaman
Commissioner

By: Charles D. McKeown
Commissioner

By: Jeffrey A. Muldrew
Commissioner

By: Harry Portman
Commissioner

By: Don Sturdy
Commissioner

Attest: David G. Krazil
Township Manager and Secretary

26. Upon motion of Mr. Simon, the Board of Commissioners adopted **Resolution No. 40-09** approving the following transfers within the 2009 Operating Budget:

RESOLUTION NO. 40-09

<u>From</u>		<u>To</u>	
<i>Administration</i>			
01-007-00 Advertising & Printing	\$ 7,000	01-005-00 Office Supplies & Postage	\$ 6,700
		01-010-00 Assoc Dues & Expenses	\$ 300
 <i>Building and Zoning</i>			
01-131-70 Other Expenses	\$ 3,900	01-133-70 CLG Expenses	\$ 3,900
 <i>Finance Office</i>			
01-112-50 Earned Income Tax Collection	\$ 2,500	01-113-50 Local Services Tax	\$ 2,500

27. Regarding discussion about the 2010 Budget as reflected in the Finance Committee Minutes, Diane Williams, 1812 Beech Avenue, stated that she agreed with Mr. McKeown's comments and did not mention Mr. Sharkey, when Mr. McKeown referenced a recent Philadelphia Inquirer article and suggested how tax dollars might be saved regarding cost efficiency of employees' use of Township vehicles. She agreed that we should consider the many government vehicles that are in use and that vehicles for volunteers could be done away with. She supported the reduction of the general fleet and use of vehicles by Township employees.

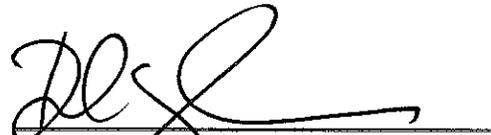
28. Upon motion of Mr. Simon, and unanimously approved by the Committee, the Finance Committee Regular Meeting Minutes dated October 14, 2009, were received.

29. Under Citizens' Forum:

- o Diane Williams, 1812 Beech Avenue, stated that Mr. Portner mentioned that government vehicles are kept for between 10-12 years. If this is true, she felt that old vehicles may not be efficient and may be costly. She suggested this be reviewed. Mr. Greenwald responded that the Public Works Department maintains the Township fleet, and vehicles are constantly evaluated for cost effectiveness.

- Vincent Santarelli, asked about the status of trees that were to be planted along Route 309 by the Cedarbrook. Mr. Kraynik responded that he will check with Township Engineer David Lynch when Mr. Lynch returns from vacation.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Board, the meeting was adjourned, and the Commissioners commenced an Executive Session regarding real estate matters.



David G. Kraynik
Township Manager

as per Anna Marie Felix

STATEMENT AT COMMISSIONERS' MEETING OCTOBER 21, 2009
by Commissioner Morton J. Simon, Jr.

1. My number one aim is to defeat the proposed amendment in some fashion.
2. Although the petition grew out of the SEPTA Jenkintown issue, they are different issues altogether as the petition has been written, with the petition being far broader than the SEPTA issue and with far-reaching potential effects. A vote against the petition is not a vote for or against the SEPTA project.
3. The petition is illegal, invalid and void on its face as the Montgomery County Election Board recognized. The decision by Judge Albright did not grant to the petitioners a victory on the merits. Rather his court order specifically said that it related only to the question of what he perceived to be the mere ministerial duties of the Election Board. Judge Albright's preceding sentence states, and I quote, "the Court does not intend, in any way, to preclude an interested third party with proper standing from addressing the Board's underlying substantive concerns that the proposed charter amendment is illegal."

I am concerned that the petitioners write at the very beginning of the Plain English Statement that being a home rule township means the township, and I quote, "can create its own laws on any topic not exclusively regulated by the state or federal government" but has filed a petition under the Pennsylvania Home Rule Charter and Optional Plan Law which by its own terms specifically prohibits home rule charters from acting in certain specific areas including "municipal planning under the Municipalities Planning Code" while the petition, knowingly or not, tramples all over that Code.

Notwithstanding that quote in the Plain English Statement the petition, in this case clearly knowingly, flies in the face of the Pennsylvania and United States Constitutions.

These are among the questions on which Judge Albright refused to rule at that time but they are still open, and I am concerned that the petitioners are asserting that Judge Albright in effect made everything nice and clean and legal when in fact he did not.

I am concerned that, based on all of the multiple legal opinions we and our representatives have received, the voters of Cheltenham are being lead down a futile path.

I am concerned that if this ballot title should pass that its mere passage would harm Cheltenham Township and its potential development even if the ballot title is ruled invalid at a later time.

I have concerns that this very process now confronting Cheltenham Township voters may well be pitting neighbor against neighbor and neighborhood against neighborhood, unnecessarily and with continuing negative impact regardless of the result of a vote.

I believe that the ballot title is so vague, general and overarching that is not reasonably possible even to know what it means, while knowing with certainty that what it intends is illegal and invalid, and therefore, I believe that if it were to pass it would create such confusion and potential uncertainty that the citizens of Cheltenham Township would be best served if the petition failed to be passed by the voters.



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, October 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
A. CARLAN	217 W, CHURCH RD	215 886 1761	
Joyce Caplan	217 W Church Rd	215 886 1761	
B. Cataldi	46 Limekiln		
Miane Williams	1812 Beech Cv 19027	267 253 6949	debmwilliams @msn.com
Elaine Hynd	249 Cypress Cheltenham	215-635-8519 (c)	
ATRES HEAVENY	519 LINCOLN 19038	215 887-4610	
Margia M. C... Wyncote	232 N Bent Wyncote	215 886 9276	
Barbara Shop	1 JOHN RD 19012	215-635-5205	bshop@ rbh211.com
HERSCHEL ELIAS	50A SPRING ELMS PARK, PA. 19027	215-635-2814	
RON DUNBAR	105 HEWITT RD	215-887-5633	admin@dunbar7.nj.net
Fredericka Waugh	7315 Keenan St	215 635-1146	
TED CERCHI	300 MAPLE AVE WYNCOTE, PA	215-885-8573	



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, October 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
Ann Rappoport			
Allen Lundy	188 Cliff T. Wync		
Tom McHugh	127 Hewett		
Jeff Blawski	127 Webster		
Bell Wansel	201 Brooks Rd.		
Jane Beaton	118 Webster Ave., Wyncote		bentoneditoria@mon.com
Natalie Hursky	17 Lawnside Rd	215-635-9072	nhurskoy@yahoo.com
Jesse Civallo	148 Mt. Carmel Ave Glenside PA		jcivallo@overtonnes
Jeremy Herr	8256 Newssecond St	215-870-3040	jeremy@jeremyherr.com
Jennie Brantner	220 Hewett Rd, Wyncote	215-884-4018	JBrantner@aol.com
Catherine Walto	10 Waverly Rd Wyncote	215-887-9354	cwalto@verizon.net
Mary Walto	150 Fernbrook Wyncote Ave	215-887-3432	fernberga@comcast.net

