

April 21, 2010  
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Morton J. Simon, Jr. presiding. Members present were Commissioners Hampton, Haywood, 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 Superintendent; John J. Norris, Chief of Police; Ruth Littner Shaw, Main Street Manager; ShaVon Y. Savage, Esq., Wisler, Pearlstine, LLP; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

1. President Simon opened the meeting with the Pledge of Allegiance being led by Commissioner Portner.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated March 17, 2010, upon motion of Mr. Haywood, 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 March, 2010, 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 March, 2010, 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. Sharkey presented a **Resolution No. 10-10** honoring the Cheltenham Achievers Network for mentoring and encouraging youth in the Township.

*Resolution No. 10-10*  
*of the Board of Commissioners of Cheltenham Township*

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with great admiration and respect, salutes the **CHELTENHAM ACHIEVERS NETWORK**; and

*Whereas,* The **CHELTENHAM ACHIEVERS NETWORK** was founded in 2000 and launched a pilot six-week summer enrichment program the following year with assistance from Elkins Park School and Cedarbrook Middle School teachers. The pilot was a success and since then **CHELTENHAM ACHIEVERS NETWORK** has offered a Saturday-morning educational enrichment program from October through March to help students in grades six through eight prepare for the Pennsylvania System of School Assessment tests; and

*Whereas,* In addition, **CHELTENHAM ACHIEVERS NETWORK** has twice sponsored “Eyes on the Prize – History of the Civil Rights Movement” discussion groups at Cheltenham High School and has granted scholarships to graduating participants who demonstrate the **CHELTENHAM ACHIEVERS NETWORK** motto “a sound mind in a sound body.”

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twenty-First Day of April, A.D., 2010, does hereby honor the **CHELTENHAM ACHIEVERS NETWORK** for its contributions to the Cheltenham School District and its students. 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 Michael Morton, President of the Cheltenham Achievers Network.

IN WITNESS WHEREOF, I, MORTON J. SIMON, JR., 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 eleventh.

**BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP**

By: Morton J. Simon, Jr.  
President

Attest: David G. Kravitz  
Township Manager and Secretary

6. PUBLIC HEARING: To receive any and all comments and suggestions from the public regarding the proposed amendment to Chapter 295 of the Cheltenham Zoning Code repealing Subsection 295-80.C. governing religious use permitted by Special Exception in the Class M-2 Multiple Dwelling Zoning Districts.

Mr. Simon reviewed the proposed Ordinance to amend the Code, and he asked for comments from the Board and the public. Karin Helstrom, 7904 Anselm Road, had comments. (*see Notes of Testimony*). There were no other comments.

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

7. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Ordinance No. 2200-10** repealing Subsection 295-80.C. governing religious use permitted by Special Exception in the Class M-2 Multiple Dwelling Zoning Districts.

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

**ORDINANCE NO. 2200-10**

**“Repeal of Subsection 295-80.C. of the Zoning Code”**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295 THEREOF, ENTITLED “ZONING”, BY REPEALING SUBSECTION 295-80.C. GOVERNING RELIGIOUS USE PERMITTED AS A SPECIAL EXCEPTION IN THE CLASS M-2 MULTIPLE DWELLING ZONING DISTRICTS**

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The Board of Commissioners of Cheltenham Township does hereby enact and ordain:

**SECTION I. - Repeal of Subsection 295-80.C. of the Codified Ordinances of Cheltenham Township**

Subsection 295-80.C. of the Codified Ordinances of Cheltenham Township is hereby repealed in its entirety and shall be considered null and void.

**SECTION II. - Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the 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 even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION III. - Effective Date**

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

**SECTION IV. - Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 21<sup>st</sup> day of April, 2010.

CHELtenham TOWNSHIP  
Board of Commissioners

By: Morton J. Simon, Jr.  
Morton J. Simon, Jr., President,

Attest: David G. Kraynik  
David G. Kraynik, Township Manager/Secretary

8. Upon motion of Mr. Haywood, the Board of Commissioners unanimously concurred with the Montgomery County Consortium Contract made by the Abington Township Board of Commissioners at its April 8, 2010, meeting for Furnishing Street Sign Posts and Material Unit Prices, for a one year period from May 15, 2010 through May 15, 2011, to Garden State Highway Products and U.S. Municipal Supply Company.

9. Upon motion of Mr. Haywood, the Board of Commissioners unanimously concurred with the Montgomery County Consortium Contract Award made by the Upper Merion Township Board of Supervisors for Furnishing Vehicle Fuel from March 15, 2010 through March 14, 2011, to Conectiv dba/Petron Oil, Exton, PA, for Diesel Gasoline and to Mansfield Oil Company, Gainesville, GA for Unleaded 87 Octane and Premium 93 Octane gasoline. These prices are in addition to the weekly OPIS index price per gallon.

10. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a contract for Furnishing Bituminous Materials, F.O.B. Plant to Glasgow, Inc., Glenside, PA 19038 as follows:

Item No. 1 – Approx. 125 Tons Base Course	\$41.50/TN	\$ 5,187.50
Item No. 2 – Approx. 250 Tons Wearing Course	\$50.50/TN	\$ 12,625.00
Item No. 3 – Approx. 25 Tons FJ-1	\$58.50/TN	\$ 1,462.50
Item No. 4 – Approx. 25 Tons Cold Patch	\$85.00/TN	\$ 2,125.00

being the lowest responsible bidders meeting Township specifications and being within budgetary limitations.

11. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded Contracts for Furnishing Equipment at an Hourly Rental Rate to the following contractors:

**Leary Trucking & Paving, Inc., Ardsley, PA 19038 (\$2000 Bank Check)**

<u>GENERAL EQUIPMENT</u>		<u>TIME/HR.</u>	<u>O.T./HR.</u>	<u>HOL./HR.</u>
TRI-AXLE TRUCK	@	\$ 75.00	\$ 75.00	\$ 85.00
BOBCAT LOADER	@	\$ 80.00	\$ 80.00	\$ 90.00

SNOW REMOVAL EQUIPMENT

TRI-AXLE TRUCK WITH SNOW PLOW	@	\$ 135.00	\$ 135.00	\$ 145.00
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(EXCLUDES ALL FEDERAL EXCISE AND STATE SALES TAXES)

**Glasgow, Inc., Glenside, PA 19038 (\$2000 Bid Bond)**

<u>GENERAL EQUIPMENT</u>		<u>TIME/HR.</u>	<u>O.T./HR.</u>	<u>HOL./HR.</u>
20 TON TRUCK CRANE	@	\$ 277.00	\$ 364.00	\$ 450.00
10 TON, 3 C.Y. CRAWLER CRANE	@	\$ 274.00	\$ 361.00	\$ 447.00
20 TON CRAWLER CRANE	@	\$ 274.00	\$ 361.00	\$ 447.00
GRADALL	@	\$ 206.00	\$ 256.00	\$ 307.00
ROAD GRADER (MOTOR PATROL)	@	\$ 154.00	\$ 201.00	\$ 248.00
CAT-977	@	\$ 191.00	\$ 238.00	\$ 285.00
ROADWAY MILLING MACHINE, MAX 18" MILLING WIDTH	@	\$ 162.00	\$ 209.00	\$ 256.00

SNOW REMOVAL EQUIPMENT

ROAD GRADER, MODEL 12	@	\$ 216.00	\$ 263.00	\$ 310.00
ROAD GRADER, MODEL 14	@	\$ 254.00	\$ 301.00	\$ 348.00

(EXCLUDES ALL FEDERAL EXCISE AND STATE SALES TAXES)

**Reilly Sweeping, Inc., Fairless Hills, PA 19030 (10% Bid Bond)**

<u>GENERAL EQUIPMENT</u>		<u>TIME/HR.</u>	<u>O.T./HR.</u>	<u>HOL./HR.</u>
HIGHWAY STREET SWEEPER	@	\$ 119.00	\$ 139.00	\$ 154.00

(EXCLUDES ALL FEDERAL EXCISE AND STATE SALES TAXES)

**Summit Restoration LLC, Feasterville, PA 19053 (\$2000 Bank Check)**

<u>GENERAL EQUIPMENT</u>		<u>TIME/HR.</u>	<u>O.T./HR.</u>	<u>HOL./HR.</u>
CAT-926, RUBBER TIRE, 1 1/2 C.Y. BUCKET	@	\$ 145.00	\$ 180.00	\$ 220.00
BOBCAT LOADER WITH MILLING ATTACHMENT	@	\$ 150.00	\$ 195.00	\$ 230.00
D7 TRACK DOZER	@	\$ 200.00	\$ 240.00	\$ 285.00
BACKHOE WITH EXTENDA BOOM	@	\$ 130.00	\$ 170.00	\$ 215.00
BACKHOE WITH STANDARD BOOM	@	\$ 120.00	\$ 160.00	\$ 205.00

SNOW REMOVAL EQUIPMENT

RUBBER TIRE LOADER, # 966 2-1/2 TO 3 C.Y. BUCKET	@	\$ 190.00	\$ 190.00	\$ 190.00
PICK-UP TRUCK W/SNOW PLOW (F-250 OR EQUIVALENT)	@	\$ 115.00	\$ 115.00	\$ 115.00
5 CUBIC YARD MIN. DUMP TRUCK W/SALT/CINDER SPREADER AND PLOW	@	\$ 135.00	\$ 135.00	\$ 135.00
BACKHOE - STANDARD	@	\$ 130.00	\$ 130.00	\$ 130.00

(EXCLUDES ALL FEDERAL EXCISE AND STATE SALES TAXES)

being the lowest responsible bidders meeting Township specifications and being within budgetary limitations.

12. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved the revised 2010 Liquid Fuels Budget (see attached).

13. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L865 to Thomas Johnston, owner of 7315 Butcher Street, LaMott, relating to replacing the existing roof, windows, siding and porch roof with exterior trim as recommended by the LaMott Board of Historical and Architectural Review.

14. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L866 to New Cingular Wireless PCS, LLC d/b/a AT&T Mobility Applicant for Philadelphia Suburban Water Company a/k/a/ AQUA Pennsylvania owners of premises known as 7309 Butcher Street, LaMott, relating to the installation of twelve panel style telecommunication antennas on the existing water tank, a radio equipment shelter at the base of the water tank and the construction of a landscape buffer, in accordance with the conditions placed by the Zoning Hearing Board at its meeting on April 12, 2010.

15. Cheltenham Township Development Application No. 10-0520 Record Plan Gale Property Subdivision – 711 Limekiln Pike was considered.

Upon motion of Mr. Haywood, the Board of Commissioners unanimously granted a Continuance of Cheltenham Township Development Application No. 10-0520 Record Plan Gale Property Subdivision – 711 Limekiln Pike to June 16, 2010.

16. Cheltenham Township Development Application No. CTDA NO. 10-0350

Record Plan Melrose Shopping Center was discussed.

In response to questions from Mr. Swavola regarding the amendments to the land development plan, Mr. Lynch explained that the applicant made suggested changes to the Conditions and Notes, to which he [Mr. Lynch] has no objection. Mr. Lynch did not know if the applicant has accepted the condition to start work in 20 days but indicates that they are accepting his report with the modified conditions.

Mr. Swavola asked for a review of the changes. Mr. Lynch explained that the applicant wants to remove extraneous issues, i.e. strike Notes 3 and 4 about new utilities; strike Note 7 on exterior lighting fixtures; change Note 8 on landscaping; acceptance of Note 9 on HVAC; change Note 10 on the hours of operation, which sets the same hours as the Dunkin Donuts hours, and the applicant does not want the Dunkin Donuts hours applied to the entire shopping center. The applicant wants clarification on the eastern parcel fencing since the applicant misinterpreted the plan. They want more time to look at the plan to make sure everything on it exists. Mr. Lynch advised that he has not yet received a letter of acceptance from the applicant to the modified report.

Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved Cheltenham Township Development Application No. 10-0350 Record Plan Melrose Shopping Center, as amended by the Township Engineer, and subject to the receipt of its acceptance by the applicant of the Conditions, Notes and Waivers contained therein as follows:

A. CONDITIONS

1. That the Township is in receipt of the Montgomery County Planning Commission Review and Approval of this Subdivision/Land Development.

B. NOTES TO BE ADDED TO THE PLAN VERBATIM

1. Except as may be otherwise set forth in this Record Plan, this land development shall be constructed in accordance with all Cheltenham Township ordinances.
2. 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).
3. No open burning shall be permitted.
4. This plan supersedes (in part) the Cheltenham Township Plan No. U-505.1. and U-505.2 dated December 23, 2003, Rev. thru January 26, 2005 and recorded on September 23, 2005, in the Office of the Recorder of Deeds in and for Montgomery County, Pennsylvania, in Plan Book No. 00025, Page No. 0255.
5. The landscaping installed in accordance with this plan set shall be subject to the following requirements:
  - a. No plantings shall be removed permanently without written permission from the Township Engineer;
  - b. The property owner shall appropriately maintain the plantings; the Township may direct the property owner to take appropriate measures to maintain the plantings if the Township deems it necessary;
  - c. If any of the plantings die, the property owner shall replace same on a one for one basis with the same plantings or other plantings acceptable to the Township Engineer.
6. All existing, proposed and/or future HVAC 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.

7. Cheltenham Code Section 260.52, entitled "Compliance with Approved Plan(s) after recording," follows in its entirety:

Compliance with Approved Plan(s) after Recording

Except as otherwise set forth in Section 260.51, all construction, demolition and other work on a property that is the subject of a final approved subdivision or land development plan(s), shall fully comply with all approved and recorded subdivision and or land development plan(s) for said property.

Any and all existing planimetric elements, including but not limited to curbing, driveways, fences, lighting standards, parking fields layout (striping), storm drainage facilities, storm water management facilities, underground utilities, etc. shown on the recorded plan shall not be altered or removed unless subject to a subsequent subdivision or land development plan.

Any and all recorded planimetric elements shall be maintained, renewed, and repaired by the property owner. The maintenance, renewal, and repair shall be in accordance with the Township Code and recorded plans.

8. Eastern parcel fencing

The Eastern Parcel Fencing is white vinyl approximately 5'-7" panel height; shadow box fencing.

Fence No. 4 runs approximately 378 L.F. from Front street to a tie-in to the Northeast side of Space "A"; Fence No. 4's average height is approximately 6'-1" high.

Fence No. 5 runs approximately 47' along Dewey Road from the Northeast corner of space "A" to Bellmawr Road. Fence No. 5's average height is approximately 6'-4".

See Detail A.

9. Western side fencing

Fence No. 1

Owner shall replace or position behind current fence a new 100± LF, slatted chain link fence that will, by itself or in combination with the current fence, extend between 15' and 16' above the

ground surface. Fence No. 1 shall have either green or white slats for visual screening.

Fence No. 2

Owner shall install an auxiliary fence or fencing, approximately 460 L.F., for the purpose of preventing pedestrian passage and obstructing litter along the bottom course of the existing white vinyl shadowbox fencing surrounding the Sav-A-Lot store. Fence No. 2 shall be green or white in color, preferably white, which fencing shall not be slatted.

See Details B and C.

10. Owner shall install vegetative screening the length of the fencing along the Dewey Road frontage of the western parcel. The vegetative screen shall consist of 600 liriopie plants (liriopie muscari) planted in a professional and workmanlike manner in two evenly staggered rows, 12" – 14" on centers, or such modified pattern as the Owner's landscaper believes is appropriate given the expected potential growth of the plants, subject to the Township's reasonable approval.
11. All improvements noted as "proposed" on the Dunkin' Donuts parcel (Tax Map Block 87E – Unit 92) have been constructed.
12. The property boundary and planimetric data for this plan have been taken from Joseph M. Estock, P.E., P.L.S. plan entitled "Cheltenham Township Development Application No. 03-11, Melrose Shopping Center...", 5 sheets, dated 12-23-03, revised thru 01-26-05.

C. WAIVERS TO BE GRANTED BY THE BOARD OF COMMISSIONERS

1. That the requirement of CCS 260-30. for an Environmental Impact Study be waived.
2. That the requirement of CCS 260-32.D.(1) for a property survey be waived.
3. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.
4. 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.

5. That the requirement of CCS 260-32.D.(5) for depiction of topography of the site and within 400' of the site be waived.
17. Upon motion of Mr. Haywood, and unanimously approved by the Board, the Public Works Committee Regular Meeting Minutes dated April 14, 2010, were accepted.
18. Upon motion of Mr. Sharkey, and unanimously approved by the Board, the Public Affairs Committee Regular Meeting Minutes dated April 7, 2010, were accepted.
19. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Ordinance No. 2201-10** amending Chapter 285, thereof, entitled "Vehicles and Traffic".

**CHELTENHAM TOWNSHIP  
ORDINANCE NO. 2201-10**

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:

ELM AVENUE            E.            HANDICAPPED PARKING at 112 Elm 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:

ELM AVENUE            E.            NO PARKING HERE TO CORNER, west side,  
Cottman Street to 34 feet south.

MILL ROAD            (30)            HANDICAPPED PARKING at 7645 Mill Road. This  
addition is effective for the duration period that this  
resident is eligible for a reserved handicapped parking  
space.

**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 of April, A.D., 2010.**

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM

By   
Morton J. Simon, Jr., President

ATTEST:

  
David G. Kraynik, Secretary

20. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Resolution No. 15-10** amending the Police Civil Service Rules and Regulations regarding written and oral promotional examinations.

**CHELTENHAM TOWNSHIP**

**RESOLUTION NO. 15-10**

**BE IT RESOLVED** this 21<sup>ST</sup> day of April, 2010 that the Cheltenham Township Police Civil Service Personnel Rules and Regulations shall be amended as follows:

**WHEREAS**, a change in Civil Service Rules and Regulations has been recommended by the Police Chief and the Township Manager; and

**WHEREAS**, this change affects the Civil Service Rules and Regulations Section 5.04D, Promotional Examinations.

**NOW THEREFORE**, the Cheltenham Township Police Civil Service Personnel Rules and Regulations shall be amended as follows:

1. Police Department promotional examinations will consist of an oral and written portion.
2. This change will make each portion of the examination equal in importance and will better determine knowledge, judgment and critical decision making in a stressful situation.
3. An Officer must pass the written portion of the examination with a minimum of seventy percent (70%) to be eligible to take the oral examination. The written portion will count as fifty percent (50%) of the total grade.
4. An Officer must pass the oral portion with a minimum of seventy percent (70%) to be eligible to be certified. The oral portion will count as fifty percent (50%) of the total grade.
5. All prior resolutions, ordinances, rules and policies which contradict this Resolution or the Act, are hereby superseded accordingly.

ADOPTED this 21<sup>st</sup> day of April, 2010.

CHELTENHAM TOWNSHIP  
BOARD OF COMMISSIONERS

By: Morton J. Simon, Jr.  
Morton J. Simon, Jr. President

Attest: David G. Kraynik  
David G. Kraynik, Secretary

21. Mr. Haywood noted that at the Public Safety Committee Meeting on April 7, 2010, he requested that the Township Manager and Chief of Police review the administration of the police oral exams, which is not reflected in the meeting minutes and asked that the minutes be amended to include this request.

22. Upon motion of Mr. Portner, and unanimously approved by the Board, the Public Safety Committee Regular Meeting Minutes dated April 7, 2010, were accepted, as amended.

23. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Stipulated Settlement Agreement between the Township and CJK Development LLC (see attached).

24. Upon motion of Mr. Swavola, and unanimously approved by the Board, the Building and Zoning Committee Regular Meeting Minutes dated April 7, 2010, were accepted.

25. Upon motion of Ms. Hampton, the Board of Commissioners unanimously approved **Resolution No. 16-10** authorizing a grant application for exterior renovations at the Cheltenham Art Center.

**TOWNSHIP OF CHELTENHAM**

**RESOLUTION NO. 16-10**

**A RESOLUTION AUTHORIZING THE FILING OF A FY 2010 GRANT APPLICATION TO THE NATIONAL TRUST FOR HISTORIC PRESERVATION (NTHP) AND THE LOWE'S CHARITABLE AND EDUCATIONAL FOUNDATION (LCEF) FOR THE GEORGE K. HELLER SCHOOL (A/K/A CHELTENHAM CENTER FOR THE ARTS)**

**WHEREAS**, the NTHP and the LCEF have funding available through the Lowe's Charitable and Educational Foundation Preservation Fund to help municipalities rehabilitate and restore municipally-owned historic school buildings listed on the National Register of Historic Places; and

**WHEREAS**, the Township of Cheltenham along with its historic architect consultant, Preservation Design Partnership, completed an "Architectural Assessment and Preservation Checklist," dated August 2007 for exterior rehabilitation and restoration of the George K. Heller School (a/k/a Cheltenham Center for the Arts); and

**WHEREAS**, the Township of Cheltenham is desirous of completing a Phase II scope of work involving exterior rehabilitation and restoration to the building's stone wall elevations, foundations and ornamental metal work; and

**WHEREAS**, the Township Board of Commissioners, upon consultation with its historic architect consultant, and upon the recommendation of the Historical Commission, is desirous of applying to the LCEF for up to \$50,000 in matching funds to help the Township offset the costs associated with a prioritized scope of exterior rehabilitation and restoration work to George K. Heller School, recommended in the "Architectural Assessment and Preservation Checklist," dated August 2007, totaling \$125,000, as identified in Attachment "A" made a part hereto;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Cheltenham, of Montgomery County, Pennsylvania, hereby authorizes the Township Administration to file a Lowe's Charitable and Educational Foundation Preservation Fund grant application on or before April 30, 2010 to the NTHP and the LCEF for FY 2010.

**BE IT FURTHER RESOLVED**, that the Board of Commissioners of the Township of Cheltenham will assume the provision of the full 50% local matching share of project costs.

**BE IT FURTHER RESOLVED**, that the Township Manager/Secretary of the Township of Cheltenham is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to the NTHP and the LCEF.

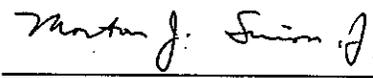
**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095 on Wednesday, April 21, 2010.

BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP

ATTEST:



\_\_\_\_\_  
David G. Kraynik  
Township Manager/Secretary

By:   
\_\_\_\_\_  
Morton J. Simon, Jr.  
President

**Attachment "A"**

DESCRIPTION OF WORK	QUANTITY	UNIT	UNIT COST	AMOUNT
<b>I. Bonds, Insurance, Mobilization, General Conditions</b>				
	1	EA	\$ 16,272.00	\$ 16,272.00
<b>II. Construction Work</b>				
- Mortar Analysis for Appropriate Mortar Repointing (9 Ea)	1	LS	\$ 5,000.00	\$ 5,000.00
- Repoint Walls at Building 1893 & 1906	475	SF	\$ 25.00	\$ 11,875.00
- Repoint Walls at Building 1883	370	SF	\$ 25.00	\$ 9,250.00
- Repoint Foundation Water Table at Building 1883	462	SF	\$ 25.00	\$ 11,550.00
- Reset Stone Arch Under 1893 East Exit Stair	1	LS	\$ 3,500.00	\$ 3,500.00
- Clean Exterior Walls	13,200	SF	\$ 1.25	\$ 16,500.00
- Remove Window Mounted Air Conditioners	1	LS	\$ 1,500.00	\$ 1,500.00
				\$ 59,175.00
Escalation & Mark Up's (15% Contingency)				\$ 19,084.00
				\$ 78,259.00
<b>III. Exterior Metalwork</b>				
- Evaluate Fire Escape for Capacity & Code Compliance	1	LS	\$ 3,500.00	\$ 3,500.00
- Wire Brush & Repaint Fire Escape	1	FLT	\$ 1,750.00	\$ 1,750.00
- Remove/Replace Wire Mesh at Areaways	336	SF	\$ 7.50	\$ 2,520.00
- Scrape Underlying Grate at Areaways & Repaint	336	SF	\$ 10.00	\$ 3,360.00
				\$ 11,130.00
Escalation & Mark Up's (15% Contingency)				\$ 3,589.00
				\$ 14,719.00
<b>IV. Architectural Fees</b>				
- Preparation of Plans/Bid Specs.			\$ 11,000.00	\$ 11,000.00
- Bidding			\$ 500.00	\$ 500.00
- Construction Observation			\$ 4,250.00	\$ 4,250.00
				\$ 15,750.00
			<b>TOTAL PROJECT ESTIMATE</b>	<b>\$125,000.00</b>
			<b>50/50 FUNDING SCENARIO - LCEF GRANT REQUEST</b>	<b>\$ 50,000.00</b>
			<b>MUNICIPAL MATCH</b>	<b>\$ 75,000.00</b>
			<b>TOTAL</b>	<b>\$ 125,000.00</b>

26. The Board considered the award of a professional services contract for the LaMott and Rowland Community Centers. Mr. Simon noted that the low bid amount was \$1,330 over the budgeted amount, and asked if the bidder could adjust his bid price. Mr. Kraynik reported that the bidder has advised that due to additional required state reporting requirements and administration, he cannot reduce his price but Staff will work with him to try to come under the budgeted amount, and the Township may be getting some PECO credits as part of its energy program that could offset the \$1,330.

27. Upon motion of Ms. Hampton, the Board of Commissioners unanimously awarded a Professional Services Contract for Design and Engineering Services for retrofitting existing mechanical and electrical systems at the LaMott and Rowland Community Centers in the amount of \$19,830.

28. Upon motion of Ms. Hampton, and unanimously approved by the Board of Commissioners the Parks and Recreation Committee Regular Meeting Minutes dated April 14, 2010, were accepted.

29. Under New Business:

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

<u>Library Board</u>	<u>Term Expiration</u>
Tracey D. Carter	January 1, 2013
Benjamin J. Ginsberg	January 1, 2013

Upon motion of Mr. Simon, the Board of Commissioners unanimously approved the appointments as submitted by the Board President.

b. Upon motion of Mr. Portner, the Board of Commissioners unanimously appointed Neil Sklaroff, Esq., Spahr Andrews & Ingersoll, LLP, as Solicitor for the Construction Code Board of Appeals at an hourly rate of \$150.

c. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Resolution No. 17-10** approving the Fiscal Affairs Director's Bond for the new Director of Fiscal Affairs.

**CHELTENHAM TOWNSHIP**

**RESOLUTION NO. 17-10**

BE IT RESOLVED that the Director of Fiscal Affairs secure a Bond in the amount of \$1,000,000 conditioned upon faithful performance of his duties, the premium for said Bond to be paid by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Cheltenham hereby authorizes the acquisition of the aforementioned Bond.

RESOLVED AND ENACTED by the Board of Commissioners this **21st** day of **April**,  
**A.D., 2010.**

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM

BY: Morton J. Simon, Jr.  
Morton J. Simon, Jr.  
President

ATTEST: David G. Kraynik  
David G. Kraynik,  
Township Manager and Secretary

d. Upon motion of Mr. Portner, the Board of Commissioners unanimously approved the rescheduling of a Public Hearing on a new Stormwater Management Ordinance to May 19, 2010 to allow for advertising of the Hearing. Mr. Simon noted that DEP has approved the reschedule of said Public hearing.

e. Mr. Portner distributed information to the Board regarding Tanicha Workman, a student at Cheltenham High School, who was the victim of an auto accident. He asked that the Board consider honoring her in the future. She was an excellent student at the high school.

f. Mr. Simon reported that Federation Housing is going to closing with its lenders next week for its project on Ashbourne Road. The Pennsylvania Department of Environmental Protection ("DEP") has created issues relating to underground sewage storage tanks. To enable the closing to occur, the Township Solicitor has drafted an Escrow Agreement incorporating the provisions of various other agreements that the Board has approved and creating a new agreement regarding underground facilities, and Federation Housing has agreed to provide and protect the Township against any problems that may arise and allow the Township to use its escrows, if necessary.

Mr. Kraynik advised that in addition to the agreements, Mr. Lynch prepared an amendment to the land development plan to provide language for the holding tank system. Mr. Leapson, the engineer for Federation Housing, was present and stated that he has authority from Federation Housing to accept the amendment as drafted by Mr. Lynch.

Mr. Lynch explained the amended land development plan including two (2) conditions, which will be added as Notes to the Record Plan. He explained that they are quite detailed and technical and were drafted in consultation with DEP. The owner/developer shall be responsible for all costs associated with the holding tank, including maintenance and operation costs. There

is an existing mansion on the property with eight (8) units, which is sewerred to Park Avenue and will be disconnected from the Township's sanitary sewer system until DEP releases the EDU's specifically for the mansion, which could take several years, and the developer/owner agrees to this.

Mr. Haywood asked if the agreement included indemnification provisions. Mr. Simon reviewed certain specific provisions, which implied indemnification but the word "indemnify" or "indemnification" was not used specifically. Mr. Hayward asked that the agreement be amended to include the words "indemnify" or "indemnification".

The following motions were made relative to CTDA No. 09-06 Record Plan Federation Housing Age Restricted Housing Complex – 1509 Ashbourne Road, Elkins Park.

a. Upon motion of Mr. Portner, the Board of Commissioners unanimously approved a Wastewater Holding Tank Operations Agreement as drafted by the Township Solicitor for CTDA No. 09-06: Record Plan Federation Housing Age Restricted Housing Complex – 1509 Ashbourne Road, Elkins Park, relating to underground wastewater holding tanks, contingent upon the addition of a clause that specifically utilizes the words "indemnify" or "indemnification" of the Township.

b. Upon motion of Mr. Portner, the Board of Commissioners unanimously approved an Escrow Agreement for CTDA No. 09-06: Record Plan Federation Housing Age Restricted Housing Complex – 1509 Ashbourne Road, Elkins Park.

g. Mr. Swavola stated that Joshua Fattal, a Township resident, is one of three (3) Americans who, while hiking in Iran, were taken captive, and have been held for more than 250 days. He asked that the Board direct Staff to contact the Fattal family and draft an appropriate request to appeal for the release of Joshua Fattal and the other hikers. Mr. Swavola also asked

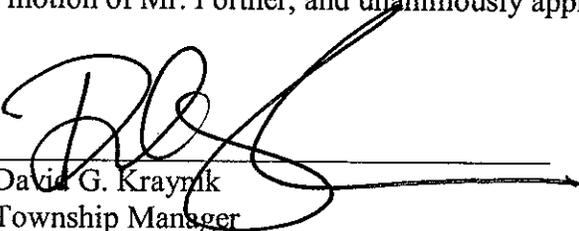
that Staff contact the Township's twin city of Cheltenham, England, and ask them to join in support with the Township. The Board unanimously agreed.

h. Ms. Hampton advised that on Thursday, April 29, 2010, at 7 p.m., at Curtis Hall, she will have a community meeting to hear the remarks by SEPTA's consultant regarding the Parking Demand Study for the proposed Wyncote/Jenkintown Train Station Parking Garage. Also present will be the representatives of the organization 'Transition Town' who will discuss their organization's objectives to help communities deal with changes.

30. Under Citizens' Forum

Bob Sharp, 7859 Mill Road, reviewed his e-mails to the Township from March 24 through April 12, 2010. For a period of 31-days, they had no access to water/sewer. The Sharps now have limited access. Mr. Simon responded that the Commissioners are familiar with the Sharp's issues and have reviewed their e-mails. Mr. Sharp stated that Township Staff has reviewed certain short-term and long-term solutions with them. This is not the quality of life or services they expect in Cheltenham. He hoped permanent solutions would be implemented and urged the Township to give the sewer system problem top priority. He asked the Commissioners to consider his e-mail request for a tax rebate for the period of time they could not use their home.

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

  
David G. Kraynik  
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST



# Board of Commissioners Meeting

Wednesday, April 21, 2010 @ 7:30 P.M.

*Curtis Hall*

1250 W. Church Road, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
Bob Sharp	7859 Mill Rd. ELKINS PARK 19027	215-782-3654	sharperdude@comcast.net
Jennifer Sharp	7859 Mill Rd Elkins Park PA 19027	215 782 3875	Tanjent@comcast.net
Karin Helstrom	7904 Anselm Rd EP, 19027	215-782-1233	
CAROL SIEGEL	7905 Ronaele E.P. 19027	215-782-1367	
Phil Crane	7740 WAShtown	215-572-9163	
Jose N. Civello	148 Mt. Laurel Ave Glenside, PA	-	jcivello@verizon.net
ROBERT HYSLOP	211 HARRISON 19038	886-0813	
David Schmitz	2500 W. Jersey Rd.		
Angela Proctor	1412 Glenside	215-514-0110	Simply Message of glenside@gmail.com
Steven Tolliver	1005 Serpentine Ln	(215) 887-0831	stevetolliver@comcast.net

APPROPRIATION BY YEAR

DEPARTMENT NAME: LIQUID FUELS  
 COST CENTER: 13

DESCRIPTION	LINE ITEM #	ACTUAL 2008	ACTUAL 2009	BUDGETED 2010
Signs & Markings	200	46,454	57,941	75,000
Maintenance of Streets	201	213,147	204,007	215,135
Snow Removal	202	42,723	160,240	319,442
Construction & Reconstruction of Streets	203	386,833	347,298	344,785
Surface Water Drains	204	0	0	0
Equipment Purchases	206	1,074	11,781	5,600
Unappropriated	208	60,226	0	0
<b>Total Expense</b>		<b>750,457</b>	<b>781,267</b>	<b>959,962</b>

State Liquid Fuels  
Cost Center: 13

Revised 4/10

Line Item Number	Expense Number	Project Number	Description	Budgeted 2010
200	1344	433	Signs and Markings	75,000
201			Maintenance of Streets	
	1320	438	Salaries - Highway Schedule	9,435
	1321	438	Wages - Maint. of Streets	165,000
	1322	438	Wages - Streets Over-time	
	1327	438	Longevity	4,700
	1341	438	Maint. Materials-Bituminous, etc.	<u>36,000</u>
				215,135
202			Snow Removal	
	1321	432	Wages - Full-time	50,000
	1322	432	Wages - Over-time	75,000
	1341	432	Materials: Salt, Cinders, Mag. Chloride	135,442
	1351	432	Equipment Rental	<u>59,000</u>
				319,442
203	1341	439	Construction and Recon. of Streets	344,785
204	1341	436	Surface Water Drains	0
206	1365	430	Equipment Purchases	2,600
		430	Diamond Cutter Asphalt Saw	3,000
			Misc. Sign Shop Tools	5,600
208			Unappropriated	0
				0
			Balance 12-31-09	\$292,394.43
			Liquid Fuels Grant	<u>\$667,567.76</u>
			Total	\$959,962.19
<b>DEPARTMENT TOTAL</b>				<u>959,962</u>

## SETTLEMENT AGREEMENT

**CJK DEVELOPMENT, LLC**, with offices located at 11 Summer House Hill Road, Holmdel, NJ 07733 (hereinafter "CJK") and **TOWNSHIP OF CHELTENHAM**, with an office located at 8230 Old York Road, Elkins Park, PA 19027 (hereinafter "Township"), enter into this Agreement to resolve disputed claims and terminate litigation.

**WHEREAS**, Township instituted a civil complaint against CJK in Magisterial District Court No. 38-1-02 (hereinafter "Litigation") regarding a certain fence located on CJK's parcel at Dewey Road between Brief Road and Belmar Avenue and further identified as Block 87D, Unit 48 and Block 87E, Unit 1, commonly known as the "Melrose Shopping Center"; and

**WHEREAS**, CJK filed a certain application with the Township Zoning Hearing Board from the issuance of a municipal notice of violation and from the revocation by the Township of a building permit issued to CJK on May 8, 2008 (hereinafter "Zoning Appeal"); and

**WHEREAS**, the parties hereto wish to amicably resolve the Litigation and the Zoning Appeal.

**NOW THEREFORE**, the parties hereto, incorporate by reference the background set forth above and exchange the following mutual promises and obligations:

1. **Fence No. 1**. CJK shall replace or position behind the current fence, which has a point of origin at Front Street and extends to Brief Road for a length and distance of approximately 100 feet along Dewey Road, a new, slatted chain link fence that will, by itself or in combination with the current fence, extend between 15 feet and 16 feet high above the ground surface (hereinafter " Fence No. 1"). Fence No. 1 shall either have green or white slats for visual screening.

2. **Fence No. 2.** CJK shall install an auxiliary fence or fencing for the purpose of preventing pedestrian passage and obstructing litter (hereinafter "Fence No. 2"), along the bottom course of the existing white fence surrounding the Sav-A-Lot store (excluding Fence No. 1 previously referenced). Photographs of an example of Fence No. 2 are attached hereto collectively as Exhibit "A". Fence No. 2 shall be green or white in color, preferably white.

3. **Screening.** CJK shall install vegetative screening the length of the fences along Dewey Road north of Front Street, comprised of Fences Nos. 1 and 2. CJK shall plant six hundred (600) liriop plants (liriop muscari) in a good and workmanlike manner, in two (2) evenly staggered rows, 12"-14" on centers, or such modified pattern as CJK's landscaper believes is appropriate given the expected potential growth of the plants, subject to the Township's reasonable approval.

4. **Maintenance.** CJK shall keep Fence No. 1, Fence No. 2 and the plantings in good and workmanlike repair and condition. Any damaged part of either fence shall be repaired in a good and workmanlike manner within sixty (60) days of it being damaged.

5. **Township's Contribution.** The Township's total contribution towards the cost of all replacement fencing, slats and vegetative screening shall be \$8,000.00. The Township's contribution shall be paid to CJK as follows: 33 1/3% contemporaneous with the execution of this Agreement; 33 1/3 upon approval by the Board of Commissioners of a Revised Land Development Plan (defined below); and 33 1/3% on or before the later of (i) 30 days after completion of the fence construction and plantings referred to herein in accordance with the Revised Land Development Plan (discussed below) and (ii) 20 days after a post-construction/installation invoice has been delivered to the Township for its review.

6. **Termination of Litigation.** Within ten (10) days after erection of Fence No. 1 and Fence No. 2 and the placement of vegetative screening in accordance with the foregoing paragraphs, the Township shall file the documents necessary to terminate the Litigation in Magisterial District Court 38-1-02 with prejudice, unless CJK fails to completely fulfill its obligations set forth herein. The Township shall take all appropriate steps for there to be no further proceedings regarding such Litigation during the activities to implement this Settlement Agreement, unless CJK fails to completely fulfill its obligations set forth herein.

7. **Termination of Zoning Appeal.** Within ten (10) days after payment of the Township's total contribution to CJK described above, CJK shall take all steps necessary to withdraw the Zoning Appeal, unless the Township fails to completely fulfill its obligations set forth herein. CJK shall take all appropriate steps for there to be no further proceedings regarding such Zoning Appeal during the activities to implement this Settlement Agreement, unless the Township fails to completely fulfill its obligations set forth herein.

8. **Revised Land Development Plan.** Prior to the erection of any of the replacement fencing and the placement of vegetative screening reference to above, CJK shall file with the Township, and obtain approval of, a revised land development application and plan in conformity with the obligations set forth herein (hereinafter "Revised Land Development Plan"). Notes on the Revised Land Development Plan specifically referencing this Agreement and detailed descriptions of the new fencing configurations amending the existing land development plan will be submitted for approval under the Township's Subdivision and Land Development Ordinance. Both CJK and the Township acknowledge that such new plan constitutes a land development plan within the meaning of the Township's Subdivision and Land Development Ordinance, upon its approval. The Revised Land Development Plan shall also include a detailed

description of the plantings described in paragraph 3 above. Township shall waive the application fee for the Revised Land Development Plan and all review fees. CJK shall not be responsible for the ordinary professional services escrow required of every land development applicant. CJK's Revised Land Development Plan shall be approved by the Township if it complies with all applicable Township Subdivision and Land Development Ordinance provisions, as well as the mutual agreements set forth herein. CJK covenants to diligently pursue approval of the Revised Land Development Plan.

9. **Installation.** CJK shall commence construction of the Fences screening within twenty (20) days of Board approval of the Revised Land Development Plan and, the installation of the vegetative screening within the same time frame, weather permitting.

10. **Each Party to Bear its Own Costs.** Except as otherwise set forth herein, the parties shall bear their own respective costs.

11. **Successors and Assigns.** This Agreement shall inure to the benefit of, and shall be legally binding upon, all parties hereto and upon their successors and assigns.

12. **No Admission.** This Agreement is a compromise of disputed claims, and pursuant hereto, it is not to be construed as an admission for any purpose other than as necessary to enforce the terms of this Agreement.

13. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and the terms are contractual and not merely a recital. There are no written or oral undertakings or agreements directly or indirectly related to this Agreement that exist without being incorporated in this Agreement. Further, this Agreement shall not be modified except through written agreement signed by both parties hereto.

IN WITNESS WHEREOF, the parties set their respective hands and seals.

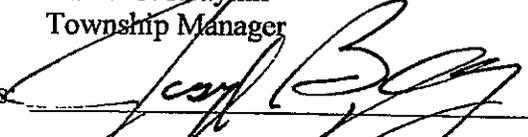
**CJK DEVELOPMENT, LLC**

**TOWNSHIP OF CHELTENHAM**

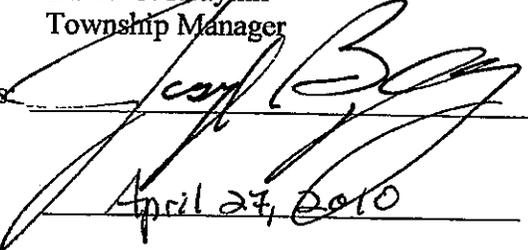
By: \_\_\_\_\_  
Manager

By:   
\_\_\_\_\_  
David G. Kraycik  
Township Manager

Witness: \_\_\_\_\_

Witness:   
\_\_\_\_\_

Date: \_\_\_\_\_

Date:   
\_\_\_\_\_  
April 27, 2010

APPROVED BY THE COURT

\_\_\_\_\_  
M.D.J.

2008-11-25

