

August 18, 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 Haywood, McKeown, and Swavola. Staff present were Charlyn Battle, Human Resources Coordinator; Joseph L. Galdo, Jr., Director of Fiscal Affairs; 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; Mark McDonnell, Public Works Superintendent; John J. Norris, Chief of Police; Ruth Littner Shaw, Main Street Manager; Joseph M. Bagley, 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 McKeown.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated July 21, 2010, upon motion of Mr. Swavola, 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 July, 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 July, 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. Simon presented **Resolution No. 34-10** to Dr. William N. Kiefer upon the occasion of his retirement as Superintendent of the Cheltenham School District.

A Resolution No. 34-10

of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with great respect and admiration, salutes **DR. WILLIAM N. KIEFER** on the occasion of his retirement as Superintendent of the School District of Cheltenham Township; and

Whereas, **DR. WILLIAM N. KIEFER** joined the School District on September 1, 2006. During his tenure, he helped raise students' standardized test scores, increase advancement placement courses and restructure the "Twilight School" instructional program. From an organizational point of view, he reduced the amount of contracted services and restructured debt through bond refinancing to save the School District close to \$3 million, while improving overall operational accountability; and

Whereas, **DR. WILLIAM N. KIEFER** served as coach, mentor and inspiration for the School District staff, while simultaneously promoting learning, knowledge and high academic standards for all students. His leadership, experience and caring will be greatly missed by co-workers and students alike after his official retirement on August 31, 2010.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Eighteenth Day of August, A.D., 2010, does hereby officially honor **DR. WILLIAM N. KIEFER** for his dedicated service to the community and wishes him the best of luck in all his future endeavors. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be presented to Dr. Kiefer.

IN WITNESS WHEREOF, I, MORTON J. SIMON, JR., President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands and caused the Seal of the Township of Cheltenham to be made a part thereof. DONE AT ELKINS PARK, PENNSYLVANIA, in the year of the Township of Cheltenham, the one hundred and eleventh.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: Morton J. Simon, Jr.
President

Attest: David G. Kravitz
Township Manager and Secretary

After the presentation, Dr. Kiefer remarked that he was pleased to be honored and that he will continue living in the Township and hopes to be a good neighbor and citizen.

6. Upon motion of Mr. Haywood, the Board of Commissioners unanimously adopted **Resolution No. 35-10** authorizing the filing of a \$1,500,000 state grant application for the Elkins Park East Streetscape and Traffic Calming Improvements.

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 35-10**

**RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATION TO PURSUE
STATE TRANSPORTATION FUNDING TO SUPPORT THE IMPLEMENTATION
OF STREETScape AND TRANSPORTATION ENHANCEMENTS IN THE
ELKINS PARK EAST COMMERCIAL DISTRICT**

WHEREAS, the Township of Cheltenham, Montgomery County, Pennsylvania is desirous of applying for state funding from the Pennsylvania Department of Transportation via the Pennsylvania Community Transportation Initiative (PCTI) to financially aid in the Township's implementation of streetscape and transportation enhancements in the Elkins Park East Commercial District; and

WHEREAS, the proposed physical enhancements will address the state's smart transportation policies and initiatives by integrating land use and transportation decisions to improve the Township's commercial district of Elkins Park East by providing traffic calming measures, enhanced pedestrian access and bicycle connections to public transit facilities, pedestrian safety and physical site improvements that require the removal of barriers to ADA, and way-finding signage to benefit economic growth and stabilization, both of the commercial core and the surrounding neighborhood that primarily supports the businesses.

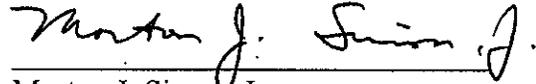
NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, is desirous of filing a FY 2010 PCTI application to secure funds from the Department in an amount up to \$1,500,000 based on the total project cost per the attached Cost Estimates (Exhibit A) for the purpose of a variety of streetscape and traffic calming improvements in the Elkins Park East Commercial District on the surrounding streets of High School Road, Montgomery, Harrison and Park Avenues in Elkins Park, and will be used for the construction of such elements as pedestrian sidewalk and curb improvements, ADA compliant curb cuts, planters, benches, ornamental street lighting, illuminated bollards, pedestrian crosswalks and mid-block crossings, and other traffic calming improvements, transit bus shelters, bicycle amenities, kiosks, community gateway plantings and other vital amenities and visual elements, which are part of the Cheltenham Township Commercial District Enhancement Plan and Comprehensive Plan.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cheltenham Township will reimburse the Commonwealth for the State's share of any expenditure found by the Department to be ineligible.

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 Department of Transportation.

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, August 18, 2010.

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS



Morton J. Simon, Jr.
President

ATTEST



David G. Kraynik
Township Manager/Secretary

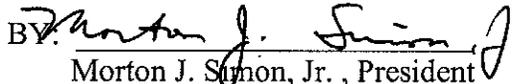
(SEAL)

7. Upon motion of Mr. Haywood, the Board of Commissioners adopted **Resolution No. 36-10** authorizing the Township Manager to sign a reimbursement agreement with PADOT totaling \$1,400,000 for the Easton Road Phase III Project.

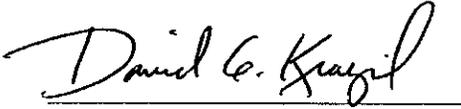
**CHELTENHAM TOWNSHIP
RESOLUTION NO. 36-10**

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 on the Township's behalf to execute all contracts and agreements with the Pennsylvania Department of Transportation under the Pennsylvania Community Transportation Initiative (PCTI) Funding Program, 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: 
Morton J. Simon, Jr., President

ATTEST:

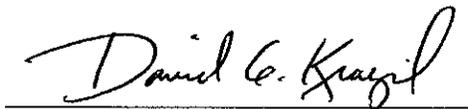


David G. Kraynik
Township Manager

(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 18th day of August, 2010.

DATE: August 18, 2010



David G. Kraynik
Township Manager/Secretary

8. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a contract for the LaMott Pedestrian Street Lighting Project to Mirarchi Bros., Inc., Warminster, PA, totaling \$556,316 (Base bid \$396,050) and Alternatives 9, 12, 14 and 15 (\$160,266) being the lowest responsible bidder meeting Township specifications and being within budgetary limitations.

9. Upon motion of Mr. Haywood, and unanimously approved by the Board, the Public Works Committee Regular Meeting Minutes dated August 11, 2010, were accepted.

10. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Cooperation Agreement between the Tax Collector's office and the Greater Cheltenham Avenue Business Improvement District (BID) (see attached).

11. Upon motion of Mr. Swavola, and unanimously approved by the Board, the Public Affairs Committee Regular Meeting Minutes dated August 4, 2010, were accepted.

12. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 37-10** updating the Township's Emergency Management Plan.

**CHELTENHAM TOWNSHIP
RESOLUTION NO. 37-10**

**AUTHORIZING THE FILING OF AN EMERGENCY OPERATIONS PLAN
IN ACCORDANCE WITH THE PENNSYLVANIA EMERGENCY MANAGEMENT
SERVICES CODE, 35 PA. C.S. SECTION 7101 OF THE PENNSYLVANIA
EMERGENCY AGENCY**

BE IT RESOLVED, that the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania, hereby authorizes its Staff to implement the components of its Emergency Operations Plan; and

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. Section 7101 et seq. mandates that Cheltenham Township prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within Cheltenham Township; and

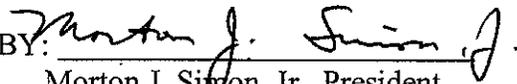
WHEREAS, in response to the mandate stated above, Cheltenham Township has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, Cheltenham Township has also prepared an emergency operations plan in order to reduce the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of Cheltenham Township.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners at its regularly scheduled meeting on August 18, 2010, duly authorizes the Township Staff to implement this Emergency Operations Plan to reduce the potential affects of a major emergency or disaster and to protect the health, safety, and welfare of the residents of the Township. This Plan shall be reviewed every two years to make certain that it conforms with the requirements of the Montgomery County Emergency Operations Guideline.

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 **August 18, 2010**.

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

BY: 
Morton J. Simon, Jr., President

ATTEST:



David G. Kraynik
Township Manager/Secretary

13. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 38-10** authorizing the Emergency Management Coordinator to execute all necessary documents related to reimbursement for the February 2010 snow event (see attached).

14. Upon motion of Mr. McKeown, and unanimously approved by the Board, the Public Safety Committee Regular Meeting Minutes dated August 4, 2010, were accepted.

15. Upon motion of Mr. Swavola, and unanimously approved by the Board, the Building and Zoning Committee Regular Meeting Minutes dated August 4, 2010, were accepted.

16. Mr. Haywood reported that at the Pension Board meeting on August 6, 2010, the Township's pension plan advisor recommended new allocation mixes for the Township's four (4) pension plans. He encouraged all the Commissioners to attend the November meeting of the Pension Board when the advisor will submit a proposal for reallocating the mix of all the pension plans.

Upon motion of Mr. Haywood, and unanimously approved by the Board, the Pension Board Regular Meeting Minutes dated August 6, 2010, were accepted.

17. Citizens' Forum: Sandy Wayson, 1519 Wistar Drive, was concerned about the temporary bus loop that SEPTA is planning for Shoppers Lane at the Cheltenham Mall. She was concerned about it becoming permanent, additional traffic, dirt, trash, and she inquired as to alternative locations and if the Township would receive tax revenues.

Mr. Haywood explained that there was a community meeting with residents and Septa. The application was heard by the Zoning Hearing Board, and said board will render a decision in the near future. He explained that said loop is temporary and will be necessary while the permanent bus depot at Cheltenham and Ogontz Avenues is reconstructed, which SEPTA anticipates will be about eight (8) months; if relief is granted, SEPTA has agreed to hold a

monthly community meeting with residents; SEPTA explored other locations but they were not feasible. He explained SEPTA's agreement to certain concessions regarding safety improvements, and the buffering noise and visibility.

Regarding tax revenue, Mr. Kraynik stated that SEPTA has a lease agreement with the mall, and the Township taxes on that lease agreement via either a mercantile or business privilege tax.

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



David G. Kraynik
Township Manager

as per Anna Marie Felix

COOPERATION AGREEMENT

between

THE OFFICE OF TAX COLLECTOR OF CHELTENHAM TOWNSHIP

and the

GREATER CHELTENHAM AVENUE BUSINESS IMPROVEMENT DISTRICT, INC.

This Cooperation Agreement (“Agreement”), is made this day of 2010, between the OFFICE OF TAX COLLECTOR OF THE TOWNSHIP OF CHELTENHAM on behalf of the Township of Cheltenham (“Township”) and the GREATER CHELTENHAM AVENUE BUSINESS IMPROVEMENT DISTRICT, INC., a Pennsylvania nonprofit corporation with its primary place of business located at 8230 Old York Road, Elkins Park, PA 19027-1589.

Background:

A. In accordance with the Community and Economic Improvement Act, 53 P.S. §18101 *et seq.* (“Act”), Township-enacted Ordinance No. 2147-07 on December 18, 2007 (“Ordinance”), which: 1) established the Greater Cheltenham Avenue Business Improvement District (“District”); 2) designated the Greater Cheltenham Avenue Business Improvement District, Inc. as the Neighborhood Improvement District Management Association for the District; 3) approved the “Final Plan for the Greater Cheltenham Avenue Business Improvement District” (“Final Plan”); 4) authorized the Greater Cheltenham Avenue Business Improvement District, Inc. to assess property owners within the District a special property assessment fee and to use such fees in accordance with the Final Plan and the provisions of the Act; and 5) authorized the Township Tax Collector to enter into this Agreement.

B. This Agreement between the Greater Cheltenham Avenue Business Improvement District, Inc. and the Township (collectively the “Parties”) is required, pursuant to the Ordinance and the Act, to set forth the respective duties and responsibilities of the Parties with respect to the District as provided in the Final Plan.

NOW, THEREFORE, in consideration of the mutual promises and undertakings of the parties set forth herein, and with the intention of being legally bound hereby, the parties hereto agree as follows:

1. Incorporation of Background and Exhibit “A ”

The Background as set forth and described above are hereby incorporated by reference herein.

2. Duties of the Township

The Township shall be responsible to perform the following:

(a) Maintaining the same level of municipal programs and services within the District that were provided within the District before its designation as a neighborhood improvement district; and

(b) Filing any necessary liens for nonpayment of property assessment fees as set forth in the Act at 53 P.S. §18107(a)(10).

3. Duties of the Greater Cheltenham Business Improvement District, Inc.

The Greater Cheltenham Business Improvement District, Inc. shall fulfill all the duties and responsibilities of a Neighborhood Improvement District Management Association as set forth in the Act and as set forth in the Final Plan, including, but not limited to:

(a) Administering programs, improvements and services within the District;

(b) Preparing planning or feasibility studies or contracting for the preparation of such studies to determine needed capital improvements or administrative programs and services within the District;

(c) Collecting all property assessment fees levied within the District, including any interest due thereon as provided in Section 10 of the Final Plan, and soliciting in-kind services and/or financial contributions from tax-exempt property owners within the District in lieu of such assessment fees;

(d) Hiring additional off-duty police officers or private security officers to support existing municipal and volunteer efforts aimed at reducing crime and improving security in the District;

(e) Designating an advisory committee for the District;

(f) Submitting an audit of all income and expenditures to the Department of Community and Economic Development and the Township Board of Commissioners, within 120 days after the end of each fiscal year; and

(g) Submitting a report, including financial and programmatic information and a summary of audit findings, to and the Township Board of Commissioners, and to all assessed property owners located in the District.

4. Amendment

This Agreement may only be amended by a written document signed by all parties hereto.

5. Term of Agreement Sunset Provision

In accordance with Section 5 of the Ordinance, the District and this Agreement shall terminate at 11:59 PM on April 21, 2015 ("Termination Date"). This Agreement and the

District may be continued beyond the Termination Date only if the Township Board of Commissioners reenacts the Ordinance following a review of the District and the programs and services provided by the Greater Cheltenham Avenue Business improvement District, Inc. within the District.

6. Notice

All notices from either party to the other shall be in writing and sent by United States registered or certified mail, return receipt requested, postage prepaid, or by hand delivery with receipt obtained, and addressed as follows:

If to Township: Office of the Township Manager
Township of Cheltenham
8230 Old York Road
Elkins Park, PA 19027

with a copy to: Chief Clerk's Office
City of Philadelphia City Council
City Hall, Room 402 Philadelphia, PA 19107
Attn: Chief Clerk

and to: Office of Tax Collector
Township of Cheltenham
8230 Old York Road
Elkins Park, PA 19027

If to Greater Cheltenham Avenue Business Improvement District, Inc.:

Greater Cheltenham Avenue Business Improvement District, Inc.
8230 Old York Road
Elkins Park, PA 19027-1589
Attn: Brian Havir

or to such other address as the party to receive the notice, demand, request, consent or waiver may hereafter designate by written notice to the other party.

IN WITNESS WHEREOF, the Office of Tax Collector of Township of Cheltenham and the Greater Cheltenham Avenue Business Improvement District, Inc. have executed this Agreement as of the date first written above.

**OFFICE OF TAX COLLECTOR OF
TOWNSHIP OF CHELTENHAM**

: _____
Witness

By: _____

**GREATER CHELTENHAM AVENUE
BUSINESS IMPROVEMENT DISTRICT, INC.**

By: _____

Print Name and Title:

RESOLUTION NO. 38-10
DESIGNATION OF AGENT RESOLUTION

FOR: FEBRUARY 2010 SNOW EVENT
(Enter Name of Disaster or Number)

BE IT RESOLVED BY Board of Commissioners **OF** Cheltenham Township
(Governing Body) (Public Entity)

THAT Kenneth H. Hellendall, Emergency Mgt.Coordinator
(Name of Applicant Agent) (Title)

IS HERBY AUTHORIZED TO EXECUTE FOR AND IN BEHALF OF
Cheltenham Township, _____ County,
(Public Entity) (County)

a public entity established under the laws of the Commonwealth of Pennsylvania, all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707).

Passed and approved this 18th day of August, 20 10.

Morton J. Simon, Jr. President
(Name) (Title) (Signature)

Harvey Portner Vice President
(Name) (Title) (Signature)

(Name) (Title) (Signature)

(Name) (Title) (Signature)

(Name) (Title) (Signature)

CERTIFICATION

I, David G. Kraynik, duly appointed and Township Manager
(Name) (Title)

of Cheltenham Township, do hereby certify that the above is a true and correct copy of
(Public Entity)

a resolution passed and approved by the Board of Commissioners
(Governing Body)

of Cheltenham Township on the 18th day of August 20 10.
(Public Entity)

(Signature) Township Manager 8/18/10
(Official Position) (Date)