

July 16, 2014
Curtis Hall

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

Staff present were Michael Fleming, Public Works Coordinator; Nancy Gibson, Public Information and Complaint Officer; Brian Hinson, Acting Director of Parks and Recreation; Daniel Lannutti, Community Services Officer; John J. Norris, Chief of Police; Bruce Rangnow, Director of Fiscal Affairs; Henry Sekawungu, Director of Planning and Zoning; and Bryan T. Havir, Township Manager. Also present was Joseph M. Bagley, Esq., Township Solicitor. A Public Attendance List is attached.

1. The meeting commenced at 7:30 p.m. with the Pledge of Allegiance being led by Commissioner Haywood.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated June 18, 2014, upon motion of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners.
3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of June, 2014, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
4. Each member having received a copy of the Accounts Paid Report for the month of June, 2014, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
5. Mr. Sharkey presented **Resolution No. 22-14** to Barbara Duffy in recognition of her efforts on behalf of the Environmental Advisory Council and Sustainable Cheltenham (see attached).
6. Review of the Public Works Committee Regular Meeting Minutes dated July 9, 2014:
 - a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the proposed reconstruction of an existing traffic island located at the intersection of High School Road, Harrison Avenue and Park Avenue in the Elkins Park East Commercial District.
 - b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the Montgomery County Consortium Contract made by the Upper Merion Township for the 2014-2015 Consortium Fuel Contract with Petroleum Traders Corporation for the supply and delivery of gasoline and diesel fuel for the period July 1, 2014 through June 30, 2015.

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application W-14-120, 313 Bent Road, Wyncote, for various exterior improvements, as recommended by the Wyncote Board of Historical and Architectural Review.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved Cheltenham Township Development Application No. 14-0513-03, Arcadia University Elevators, 450 South Easton Road, Glenside.

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution 23-14** approving a Sewage Facilities Planning Module for 1333 Cheltenham Avenue, Elkins Park (see attached).

f. Upon motion of Mr. Sharkey, the Committee unanimously recommended to the Board of Commissioners approval of the adopted **Ordinance No. 2284-14** establishing a Sewer Fee Rate Structure Change for Year 2015 (see attached).

g. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Works Committee Regular Meeting Minutes dated July 9, 2014.

8. Review of the Public Safety Committee Regular Meeting Minutes dated July 2, 2014:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 24-14** supporting Senate Bill 1340 and House Bill 1272, which would allow municipal Police Departments to use the same motor vehicle speed timing equipment as the Pennsylvania State Police (see attached).

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Safety Committee Regular Meeting Minutes dated July 2, 2014.

9. Review of the Public Affairs Committee Regular Meeting Minutes dated July 2, 2014:

a. Ms. Rappoport asked that said Minutes be corrected since she noted the number of hits on the Township website and not "Facebook" as stated in the Minutes.

b. Upon motion of Mr. McKeown, the Board of Commissioners unanimously accepted the Public Affairs Committee Regular Minutes dated July 2, 2014, as amended.

10. Review of the Building and Zoning Committee Regular Meeting Minutes dated July 2, 2014:

a. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved the scheduling of a Public Hearing on August 20, 2014, at 7:30 p.m., at Curtis Hall, to consider an Inter-Municipal Liquor License Transfer from Horsham Township to Cheltenham Township for a proposed restaurant at 6 Roberts Block, Glenside.

b. Upon motion of Mr. Haywood, the Board of Commissioners unanimously accepted the Building and Zoning Committee Regular Minutes dated July 2, 2014.

11. Review of the Finance Committee Regular Meeting Minutes dated July 9, 2014:

a. Upon motion of Mr. Simon, the Board of Commissioners unanimously approved procedures for compliance with continuing disclosure requirements of the Municipal Bond Industry and the Securities and Exchange Commission.

b. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Finance Committee Regular Meeting Minutes dated July 9, 2014.

12. **Under Old Business** – None.

13. **Under New Business**: Mr. Bagley reported that a resident living in the vicinity of Bent and Hewett Roads has filed a Right-to-Know request for documentation about the vacant property at 140 Hewett Road. One (1) particular document requested is exempt from the provisions of said law, and Mr. Bagley asked the Board to consider waiving the exemption.

Upon motion of Ms. Rappoport, the Board of Commissioners unanimously approved a waiver for documentation under a Right-to-Know request for the property known as 140 Hewett Road, Wyncote, as requested by the Township Solicitor.

There being no further business, upon motion of Mr. Portner, the Board of Commissioners unanimously approved adjourning the meeting at 7:45 p.m.



Bryan T. Haver
Township Manager

as per Anna Marie Felix

*A Resolution No. 22-14
of the Board of Commissioners of Cheltenham Township*

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with great admiration and respect, honors **BARBARA DUFFY** of Wyncote for her longstanding, extensive efforts on behalf of environmental issues in the community; and

Whereas, **BARBARA DUFFY** has been a diligent advocate for the ecological and environmental health of our Township since 1999 when she helped with the development of the Township's pedestrian trail master plan. She also helped develop our open space and watershed plans, spearheads tree planting and invasive plant removal projects in our parks, and currently serves on the steering committee for the Tookany Creek Flood Damage Reduction Feasibility Study; and

Whereas, **BARBARA DUFFY** was also a founding member of the Township's Environmental Advisory Council and served as its first chair. She currently heads its Water and Ecology Committee, where she helped draft ordinances relating to riparian buffer and native plant protection. She also helps organize and promote nearly a dozen Earth Day cleanups and plantings every year and was co-founder and organizer of the community's Earth Day Festival from 2007-2013.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Sixteenth Day of July, A.D., 2014, does hereby officially recognize and honor **BARBARA DUFFY** for her past exceptional service to the Cheltenham community and looks forward to many more years of invaluable contributions in support of Sustainable Cheltenham. 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 Ms. Duffy.

IN WITNESS WHEREOF, I, HARVEY PORTNER, 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 fifteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: Harvey Portner
Harvey Portner, President

Attest: Bryan T. Havir
Bryan T. Havir
Township Manager and Secretary

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2284-14**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 238 THEREOF, ENTITLED "SEWERS", TO CHANGE THE RATES FOR THE SANITARY SEWER CHARGE AS SET FORTH IN SECTION 238-23 THEREOF.

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM HEREBY ORDAINS;

SECTION 1. The Code of the Township of Cheltenham, Chapter 238 thereof, entitled "Sewers" is hereby amended by deleting existing Subsection 238-23, entitled "Sewer Rates", in its entirety and replacing it with the following new Subsection 238-23 as follows:

§238-23. Sewer Rates.

- A. All owners of properties connecting with the Township's Sanitary Sewer System shall pay an Annual Sewer Service Charge.

For Year 2015, the Annual Sewer Service Charge shall be \$250.68 per Equivalent Dwelling Unit (EDU). Each residential unit shall be considered to be one (1) EDU. Non-residential EDUs shall be calculated using 219.6 gallons per day/EDU from the actual or projected annual water usage, as determined by Cheltenham Township.

- B. The Sewer Rate Charge shall also, and in addition, be based on water consumption for the prior year as provided by AQUA Pennsylvania (or its successor entity(s)).

For Year 2015, the Sanitary Sewer Usage Charge shall be \$3.91 per each 1,000 gallons of water.

- C. The Annual Sewer Service Charge and the Usage Charge shall be paid annually in advance and will be included as charges on the Township's Real Estate Tax Bill.

In the case of new connections to the Township's Sanitary Sewer System made after January 1 of any year, the Annual Sewer Service Charge and the Usage Charge shall be prorated for the portion of the year remaining and be paid in advance upon receipt of an invoice from the Township. For these new connections, the prorated Usage Charge will be based on an annual average of 60,000 gallons of water per year. Non-residential connections will be evaluated on a case by case basis.

- D. Subsequent to the adoption of this Subsection, the Annual Sewer Service Charge and the Sanitary Sewer Usage Charge shall be as established from time to time by Resolution of the Board of Commissioners.

SECTION 2. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 3. In all other respects, the Code of the Township of Cheltenham, Chapter 238 thereof, entitled "Sewers", is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this ordinance.

SECTION 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Township of Cheltenham Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION 5. This Ordinance shall take effect and be in force from and after it is approved as required by law. **ENACTED** into **ORDINANCE** this 16th day of July 2014.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Harvey Portner

By: _____
Harvey Portner, President

Bryan T. Havir

ATTEST: _____
Bryan T. Havir, Township Manager

CHELTENHAM TOWNSHIP

RESOLUTION NO. 24-14

**A RESOLUTION SUPPORTING THE USE OF RADAR
BY LOCAL MUNICIPAL POLICE DEPARTMENTS**

WHEREAS, the Board of Commissioners of Cheltenham Township, Montgomery County, Commonwealth of Pennsylvania, supporting Senate Bill 1340, introduced by Senator Randy Vulakovich (R – Allegheny/Butler), and House Bill 1272, introduced by Representative Harry Readshaw (D – Allegheny), enabling all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police; and

WHEREAS, public protection is a principal reason why municipalities are established and exist; and

WHEREAS, municipal police and the Pennsylvania State Police are statutorily authorized to protect the public primarily through the enforcement of the Crimes Code (Title 18) and Motor Vehicle Code (Title 75); and

WHEREAS, all of the tools of law enforcement available to the Pennsylvania State Police are also available to municipal police, with one notable exception, that being radar; and

WHEREAS, Pennsylvania is the only state in the United States of America that gives its municipal police a law enforcement mandate and then prohibits them from using a common and effective piece of speed-timing equipment that the Pennsylvania State Police are permitted to use; and

WHEREAS, the inability of municipal police to use radar has resulted in uneven enforcement of the maximum speed laws across Pennsylvania, as well as contributed to Pennsylvania's distinction as the state with the third highest number of speed-related vehicle fatalities and the second highest percentage of speed-related vehicle fatalities in the country; therefore be it

RESOLVED, that the Board of Commissioners of Cheltenham Township on this ____ day of July, 2014, calls upon the Members of the Senate and House of Representatives of the General Assembly of Pennsylvania, and specifically, Senator LeAnna Washington and Representative Steven McCarter to support Senate Bill 1340 and House Bill 1272 which bills would enable all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police.

ADOPTED this 16th day of July, 2014.

CHELTENHAM TOWNSHIP
BOARD OF COMMISSIONERS

Harvey Portner

Harvey Portner, President

Bryan T. Havir

Attest: _____
Bryan T. Havir, Township Manager
And Secretary

RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

RESOLUTION NO. 23-14

RESOLUTION OF THE ~~(SUPERVISORS)~~ (COMMISSIONERS) ~~(COUNCILMEN)~~ of Cheltenham
(TOWNSHIP) ~~(BOROUGH)~~ ~~(CITY)~~, Montgomery COUNTY, PENNSYLVANIA (hereinafter "the municipality").

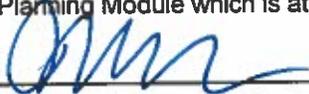
WHEREAS Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS More Shopping, LP has proposed the development of a parcel of land identified as
land developer
1333 Cheltenham Avenue, and described in the attached Sewage Facilities Planning Module, and
name of subdivision

proposes that such subdivision be served by: (check all that apply), sewer tap-ins, sewer extension, new treatment facility, individual onlot systems, community onlot systems, spray irrigation, retaining tanks, other, (please specify) _____

WHEREAS, Cheltenham Township finds that the subdivision described in the attached
municipality
Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the ~~(Supervisors)~~ (Commissioners) ~~(Councilmen)~~ of the (Township) ~~(Borough)~~ ~~(City)~~ of Cheltenham hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

I , Secretary, Bryan T. Haver
(Signature) Commissioners

Township Board of ~~Supervisors~~ ~~(Borough Council)~~ ~~(City Councilmen)~~, hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # 23-14, adopted, July 16, 2014.

Municipal Address:

Township of Cheltenham
8230 Old York Road
Elkins Park, PA 19027
Telephone (215) 887-1000

Seal of
Governing Body

