

August 20, 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 Charlyn Battle, Director of Human Resources; Brian Hinson, Acting Director of Parks and Recreation; Mark McDonnell, Public Works Superintendent; Kevin O'Brien, Deputy Chief of Police; Joseph O'Neill, Fire Marshal; Bruce Rangnow, Director of Fiscal Affairs; Henry Sekawungu, Director of Planning and Zoning; 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 Sharkey.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated July 16 and Special Meeting Minutes dated August 5, 2014, upon motion of Mr. McKeown, the Minutes were unanimously approved.
3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of July, 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 July, 2014, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
5. Mr. Portner announced that the Board of Commissioners held an Executive Session prior to the meeting to discuss pending litigation.
6. Mr. McKeown presented **Resolution No. 24-14** to Mark S. McDonnell on the occasion of his retirement as Superintendent of Public Works after 33-years of service (see attached).
7. **PUBLIC HEARING:** To receive any and all comments and suggestions from the public and to consider the adoption of a Resolution regarding an Inter-municipal Liquor License Transfer from Horsham Township to Cheltenham Township for the operation of a proposed restaurant at 6 Roberts Block, Glenside, PA 19038.

Present were John Conroy, owner of the restaurant and license holder and his attorney Edward McHugh, Esq. Mr. Portner opened the Hearing.

[Details of the Public Hearing are available as *Notes of Testimony*]

Mr. Sharkey closed the Hearing.

Mr. Bagley reviewed the conditions of the proposed Resolution for the liquor license transfer and pertinent exhibits.

Mr. Sharkey supported the transfer of the liquor license. The building has been vacant for years and has been blight on the community. He believed this restaurant could be instrumental in revitalizing Glenside. Mr. Sharkey commended Staff for its perseverance over the years to help make development of the building a reality.

Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 25-14** authorizing a Liquor License Transfer from Horsham Township to Cheltenham Township for a proposed restaurant at 6 Roberts Block, Glenside (see attached).

8. Review of the Public Works Committee Meeting Minutes dated August 13, 2014:
  - a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 26-14** approving a Sewage Facilities Planning Module for Midgard Properties, LLC, owners of Roberts Block, Glenside (see attached).
  - b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application L14-121 to Deborah Napper, owner of 1825 Chelsea Road, La Mott, relating to the construction of an exterior deck at the rear of the property.
  - c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved condition a Certificate of Appropriateness for Application L14-122 to Mr. & Mrs. Odinel Casseus, owner of 1801 Erlen Road, La Mott, relating to the construction of an exterior deck at the rear of the property, with a condition.
  - d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application W14-123 to Mr. George Gaul, co-owner representing applicant, Ms. Teresa L. Dunn for the premises at 174 Fernbrook Avenue, Wyncote, for installation of a six (6) foot high wooden divider fence with shadow box panels within the zoning guidelines of the R4 zoning district.
  - e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved of a Certificate of Appropriateness for Application W14-124 to Mr. Jay Tornetta, leasee of the premises at 109 Greenwood Avenue, Wyncote, for replacement of the existing light box sign plate, with a new sign plate to read "Main Street Pizzeria & Grille, Est. 1995".
  - f. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Professional Services Contract in the amount of \$25,000 to Munro Ecological Services, Inc. for the Rock Creek Greenway streambank stabilization work and invasive exotic plant eradication, subject to concurrence by PA Department of Conservation and Natural Resources, the funding provider.

g. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved Change Order No. 2 in the amount of \$20,000 to Gilmore & Associates for Professional Services related to the Sewer Rate Implementation.

h. Mr. Simon noted certain misstatements in the Minutes and asked that they be corrected.

i. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously received the Public Works Committee Regular Meeting Minutes dated August 13, 2014 as amended.

9. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously received the Public Safety Committee Regular Meeting Minutes dated August 6, 2014.

10. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted Resolution No. 24-14 honoring the retirement of Public Works Superintendent Mark S. McDonnell (see attached).

11. Upon motion of Mr. McKeown, the Board of Commissioners unanimously received the Public Affairs Committee Regular Meeting Minutes dated August 6, 2014.

12. Upon motion of Mr. Simon, the Board of Commissioners unanimously received the Building and Zoning Committee Regular Meeting Minutes dated August 6, 2014.

13. Upon motion of Mr. Portner, the Board of Commissioners unanimously received the Pension Board Regular Meeting Minutes dated August 1, 2014.

14. Under New Business:

a. Board President Portner announced that he was appointing Aimee Farrell, Esq., to the Draft Zoning Amendment Sub-Committee. In response to a question from Mr. Simon about a possible conflict since she is Chair of the Zoning Hearing Board, Mr. Bagley stated that since the Board of Commissioners adopts Ordinances and not the Zoning Hearing Board, there is no conflict. Ms. Rappoport asked why Ms. Farrell's appointment was occurring now and not when the committee was formed. Mr. Portner replied that there is no female on the committee, and she is a land-use attorney.

b. Upon motion of Mr. Portner, the Board of Commissioners unanimously approved the Township's Manager's request to appoint Christopher J. Clewell as Superintendent of Public Works in accordance with the Home Rule Charter, Article VII, Section 702(b). He official start date is September 2, 2014. Mr. Clewell was introduced.

c. Mr. Portner recommended that Staff, specifically Mr. Havir and Mr. Rangnow, review the requests by the Township's bond attorney and financial advisor for additional fees associated with the refinancing of certain bonds and a new bond issue. It was Mr. Portner's opinion that the fees are substantial, and he did not want to rush a decision.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted Resolution No. 27-14 honoring the New Life Church in Glenside on the occasion of its 40<sup>th</sup> Anniversary.

15. Citizens' Forum:

Present were members of the public with comments about the proposed Wawa in the vicinity of Ogontz Avenue and Limekiln Pike that recently received approval from the Zoning Hearing Board but said decision is under appeal by certain residents of the nearby Wyngate community and a proposed Ordinance that would amend the Township's Zoning Code to permit fueling stations and regulate related signage.

Abbey Shuster was concerned about high taxes; the lack of maintenance of the former Ashbourne Country Club property that is an eyesore; lack of new commercial development in the Township; commercial development brings revenue; difficulty of retirees to afford to stay in their homes; residents working two (2) jobs to afford to live in Cheltenham; she supported Wawa as a step to help homeowners and the community and stated that many residents want it also, Wawa would be a benefit to the community, to the Township and its departments that need equipment, and to the School District that is desperate for revenue; Wawa is a positive move forward; residents want their taxes decreased; she understood the differing opinions but the community needs the revenue.

Inez Reyes supported the Wawa; the Township needed to move with the times; residents find it difficult to live here during retirement and residents are working two jobs; varying opinions needed to be put aside for the good of the community; the community needs to work together; she noted Atlantic City where casinos are closing and property taxes are increasing.

Donna Powell lives in Wyngate and stated: Wyngate residents were assured there were no hazardous conditions, and Wawa is a violation of this; this type of economic development is not wanted; Wawa is bulldozing its way into the community, the developer will not consider other options; she reviewed the history of the opposition to Wawa including the Wyngate conditions of sale, the Zoning Hearing Board process, stipulations put on residents, and the danger of the nearby school bus stop, the proposed Ordinance would not give the developer reason to listen to residents; the widening of Limekiln Pike that was in the Zoning Hearing Board's decision is deleted in the proposed Ordinance is to the advantage of the developer and is spot zoning.

Mr. Bagley responded that said Ordinance is not spot zoning since spot zoning consists of a small island of commercial zoning surrounded by residential zoning.

Earl Stamm believed that Wawa would not give much savings in taxes; according to his calculations, it would save residents \$1 out of \$144 Million combined Township and School District budgets; he supported 55+ townhomes; Wawa's entrances and exits will go through Wyngate, and without these, the Wawa could not be developed, he resented the Ordinance that would deprive Wyngate residents the appeal process; Wawa's attorney wants to go around the Zoning Hearing Board appeal process.

Angel Hall asked about the status of the proposed Ordinance to which Mr. Bagley responded that the Board President removed it, and it is his decision if, and when, it will be reconsidered.

Ms. Hall stated that when Wyngate residents purchased their homes, they were told certain types of businesses would not go there; residents have a right to follow an appeal process in court; a developer should not disregard residents and elected officials. She asked about the criteria for residents to submit a proposed Ordinance. Mr. Bagley responded that it would be possible.

Lisa Freeman lives near the Ashbourne Country Club and would not want a super Wawa near her; she would be concerned about littering, loitering, and fuel trucks; she was concerned about the danger to children crossing Rt. 309 and being near schools.

Ms. Cerebi opposed the way the proposed Ordinance was introduced; she supported the way some Commissioners opposed it; she asked when it will be reconsidered. Mr. Bagley responded that reconsideration of said Ordinance was not yet determined but if it is, it will be listed on an agenda and be considered via a Public Hearing. Ms. Cerebi felt that the Commissioners have made up their minds, and there should be a better way of notifying residents.

Teri Yago-Ryan felt a balance needed to be reached and a continuing effort to bring more businesses to the Township.

Vaughn Tinsley spoke on another topic, i.e. the need for mentoring students; he went to the Cheltenham schools; he organized the organization Founding Fatherz, which promotes mentoring of students by their fathers; there is a lack of fatherhood in the community; children need to be helped with academics.

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There being no further business, upon motion of Mr. Portner, the Board of Commissioners unanimously approved adjournment of the meeting at 9 a.m.

  
\_\_\_\_\_  
Bryan T. Havar  
Township Manager

as per Anna Marie Felix

*A Resolution No. 24-14  
of the Board of Commissioners of Cheltenham Township*

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with tremendous admiration and respect, honors **MARK S. MCDONNELL** on the occasion of his retirement after more than 33 years of dedicated service with the Township; and

*Whereas,* **MARK S. MCDONNELL** first worked in the Public Works Department as temporary summer help on a trash truck in 1977. He later served as a part-time Supervisor at the Rowland Community Center before becoming a full-time Laborer in Public Works on May 4, 1981. He steadily advanced to Skilled Laborer, Driver/Operator, Heavy Equipment Operator, Highway Foreman and Highway Superintendent before becoming Superintendent of Public Works on September 1, 2007; and

*Whereas,* During his extensive tenure, **MARK S. MCDONNELL** worked numerous holidays and weekends to deal with extreme weather conditions, sometimes for days at a time. His first crucible was Hurricane Floyd in 1999, when he led the Public Works response as the top available supervisor. That was followed by Irene, Lee and Sandy as well as countless major snow events. He also implemented a smooth transition to automated recycling collection in 2013 and has prepared the way for semiautomatic refuse collection in 2015. His experience, expertise and good humor will be sorely missed by all his friends and colleagues after his official retirement on August 29, 2014.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of August, A.D., 2014, does hereby officially honor **MARK S. MCDONNELL** for his dedicated service to the Cheltenham community and wishes him good fortune 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 Mr. McDonnell.

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  
BOARD OF COMMISSIONERS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 25-14**

**RESOLUTION ACCEPTING THE PROPOSED INTERMUNICIPAL  
TRANSFER OF A LIQUOR LICENSE**

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**WHEREAS**, the Board of Commissioners of Cheltenham Township has received a request for intermunicipal transfer of a liquor license; being more specifically identified as Restaurant Liquor License No. R-19945 (“Liquor License”) currently owned by Edibles Family Restaurant & Pizzeria, Inc. and licensing a premises located at 561 Horsham Square Shopping Center, Horsham Road, Horsham, Pennsylvania; and

**WHEREAS**, the Petitioner Roberts Block, LLC (“Petitioner” or “Applicant”) desires the Board of Commissioners to approve an intermunicipal transfer of the Liquor License from its present location to Cheltenham Township in order to license Petitioner’s restaurant to be located at 6 Roberts Block, Glenside, Pennsylvania; and

**WHEREAS**, the Board of Commissioners of Cheltenham Township has held a public hearing (the “Hearing”) pursuant to proper notice to solicit public comment regarding the intermunicipal transfer of the Liquor License into Cheltenham Township in accordance with 47 P.S. §1-102 and 47 P.S. §4-461(b.3); and,

**WHEREAS**, upon holding the Hearing, the Board of Commissioners have determined that the intermunicipal transfer of the Liquor License will not adversely affect the health, safety, welfare or morals of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cheltenham Township hereby approves the proposed intermunicipal transfer of Restaurant Liquor License No. R-19945 subject to the further approval of said transfer by the Pennsylvania Liquor Control Board.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that Petitioner shall pay to Cheltenham Township all fees and costs associated with the application, the required public Hearing and the publication of Notice of said Hearing.

**RESOLVED and ADOPTED** this 20<sup>th</sup> day of August, 2014.

**CHELtenham TOWNSHIP**

By: Harvey Portner  
**Harvey Portner, President**

Bryan T. Havir  
**Bryan T. Havir, Township Manager  
and Secretary**

### RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

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 Midgard Properties has proposed the development of a parcel of land identified as  
land developer

Roberts Block, 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.

\_\_\_\_\_, Secretary, \_\_\_\_\_  
(Signature)

Township Board of Supervisors (Borough Council) (City Councilmen), hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # \_\_\_\_\_, adopted, \_\_\_\_\_, 20\_\_\_\_.

Municipal Address:

8230 Old York Road  
Elkins Park, PA 19027-1589  
\_\_\_\_\_  
Telephone 215 687-1000

Seal of  
Governing Body



PUBLIC ATTENDANCE LIST



# Board of Commissioners Meeting

Wednesday, August 20, 2014 @ 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
Juliana Veronica Turner	Wyncote	(215) 279-8626	
Ed McHugh	325 Chestnut St. Phila	(215) 985-5474	
Maggie Holsten	2015 Eden Cheltenham	267-625-3130	
Abby Shuster	4938 W. Hawthorn Rd. Cheltenham	215-280-6437	
Bill England	Chapel Rd E P		
Lisa Freeman	Cheltenham		lfreeman320@gmail.com
Nykesha Thompson	249 McDonald Ave Wyncote, PA 19095	(215) 778-2894	
Robert Gillics	213 W. 2nd St Glenside PA		
Bernard Williams	1114 Rock Creek Dr	215-257-9566	
Tom GAG-CENESI	300 Maple Ave	8	SIRBEE@COMCAST.NET
Bruce Ragan			
Ines Reyes	1100 Valley Rd	215-740-6244	



