

February 17, 2010
Curtis Hall

The postponed meeting from February 10, 2010, of the **Public Works Committee** was held tonight, Chairman Art Haywood, presiding. Members present were Commissioners Hampton, McKeown, Portner, Sharkey and Swavola. Also in attendance was ex-officio member Commissioner Simon. Staff members present were Assistant Township Manager Havar, Director of Engineering, Zoning and Inspections Lynch, Public Works Superintendent McDonnell, Public Works Coordinator Kasthuber and Township Manager Kraynik. Also in attendance was Joseph Bagley, Esq., Wisler Pearstine LLC. A copy of the Public Attendance Sheet is attached.

Mr. Haywood opened the meeting stating that the Board had just met in executive session to discuss pending ligation matters.

1. Upon motion of Mr. Sharkey, approved by the Committee, the Report of the Highway Department for the month of January 2010 was received.
2. Upon motion of Mr. McKeown, approved by the Committee, the Report of the Refuse Department for the month of December 2009 was received.
3. Upon motion of Mr. McKeown, approved by the Committee, the Report of the Parks Maintenance Department for the month of January 2010 was received.
4. Upon motion of Mr. McKeown, approved by the Committee, the Report of the Sewer Department for the month of January 2010 was received.
5. Upon motion of Mr. McKeown, approved by the Committee, the Report of the Code Administrator for the month of January 2010 was received.

6. Upon motion of Mr. Simon, approved by the Committee, it was recommended that a Professional Services Contract be awarded to Pennoni Associates, Inc., Philadelphia, PA, in the amount of \$69,429.00 to provide consultant services for Sanitary Sewer Manhole Inspections as recommended by Staff and being within budgetary limitations.

7. It was noted that there were no minutes of the January 28, 2010, Shade Tree Advisory Commission Meeting as it was cancelled.

8. Upon motion of Mr. Portner, approved by the Committee, it was recommended that the Board of Commissioners approve a Certificate of Appropriateness for Application No. L860 to Marjorie C. Hutchins, owner of premises known as 7404 Cedar Lane, LaMott, relating to the replacement of siding on the rear shed-roof addition and replacement of basement windows and a kitchen window as recommended by the LaMott Board of Historical and Architectural Review.

9. Upon motion of Mr. Portner, approved by the Committee, it was recommended that the Board of Commissioners approve a Certificate of Appropriateness for Application No. L862 to Maurizio Albala, owner of premises known as 23 Latham Parkway, LaMott, relating to the replacement of four windows on the back and side of the building as recommended by the LaMott Board of Historical and Architectural Review.

10. Upon motion of Mr. Portner, approved by the Committee, the LaMott Board of Historical and Architectural Review Meeting Minutes of February 1, 2010, were received.

11. Upon motion of Mr. Portner, approved by the Committee, it was recommended that the Board of Commissioners approve a Certificate of Appropriateness for Application No. W809 to Arica Nevraumont, owner of premises known as 151 Greenwood Avenue, Wyncote, relating to the replacement of windows throughout the house as recommended by the LaMott Board of Historical and Architectural Review.

12. Upon motion of Mr. Swavola, approved by the Committee, the Wyncote Board of Historical and Architectural Review Meeting Minutes of February 1, 2010, were received.

13. Cheltenham Township Development Application No. 09-07 Record Plan HVAC Units for One Washington Square was discussed. Mr. Lynch presented the plans. He told the Committee that the Applicant had submitted a letter accepting the Conditions and Waivers of his Report.

This Land Development proposal is for the documentation of two (2) new and five (5) existing exterior HVAC Units.

The Township Planning Commission reviewed this application at its January 25, 2010, meeting and recommends approval. The Shade Tree Advisory Commission has not reviewed this application as there are no landscape issues to be considered. The Review of the Montgomery County Planning Commission will be forwarded upon receipt. Township Staff reviewed this plan and recommends approval subject to the following Conditions and Waivers incorporated into the following motion.

Upon motion of Mr. Swavola, approved by the Committee, it was recommended that the Board of Commissioners approve Cheltenham Township Development Application 09-07 Record Plan HVAC Units for One Washington Square subject to the following Conditions and Waivers:

A. CONDITIONS

1. That the text "Cheltenham Township Development Application No. 09-07" be added to the lower right hand corner of all plan sheets.
2. That the following data be added to the plan:
 - a. A legend clearly denoting existing and proposed features. (CCS 260-32.B.(5))

- b. Names and address of the Owner. (CCS 260-32.C.(2))
 - c. Property Line Data
 - i. Symbol indicating Point of Curvature/Point of Tangency for Curves.
 - ii. Chord Bearing/Distance for Curves (CCS 260-32.D.(1))
 - d. North Point on Location Map (CCS 260-32.C.(5))
 - e. Graphic Scale (CCS 260-32.C.(5))
 - f. Names and widths of streets (CCS 260-32.D.(2))
 - g. Location of adjoining property lines and names of adjoining owners (CCS-260-32.D.(2))
 - h. State highway width, legislative and traffic route numbers (CCS 260-33.C.(1)(k))
3. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
4. That General Note 1. be replaced with the following:

The purpose of this plan is to show the approximate location of exterior HVAC Units on the property.

B. WAIVERS TO BE GRANTED BY THE BOARD OF COMMISSIONERS

- 1. That the requirement of CCS 260-15. for sidewalks be waived.
- 2. That the requirement of CCS 260-30. for an Environmental Impact Study be waived except for Subsection D. relating to noise.
- 3. That the requirement of CCS 260-32.C.(3) which requires that the plan be prepared by an Engineer or Surveyor be waived.
- 4. That the requirement of CCS 260-32.C.(6) for a note stating the elevation datum is based upon the Cheltenham Township Sanitary Sewer Datum be waived.
- 5. That the requirement of CCS 260-32.D.(1) for a property survey be waived.

6. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.
7. 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.
8. That the requirement of CCS 260-32.D.(5) for depiction of topography of the site and within 400' of the site be waived.
9. That the requirement of CCS 260-32.D.(6) for the location, species and size of large trees standing alone be waived.
10. That the requirement of CCS 260-32.D.(7) for proposed contours and for the elevations for the building floors be waived.
11. That the requirement of CCS 260-32.C.(4) and CCS 260-32.E.(3) for a notation on present Zoning Classification, Zoning Requirements and existing proposed setbacks be waived.

14. Consideration of recommending to the Board that the Township Manager be authorized to enter into an agreement with Arcadia University followed. Mr. Lynch said this is a standard agreement to commence site work before the plan is recorded with one difference; that is, the Applicant still needs a determination and/or approval from PADEP as to whether or not the proposed building expansion will require sewage planning. An agreement has been submitted to the Township Solicitor for his review. Mr. Lynch told the Committee that Hal Lichtman, the Applicant's Architect, was present. Mr. Haywood asked the Committee if the Township has ever previously entered into such an agreement. Mr. Bagley said he has discussed this with Mr. Lynch and in general, he did not endorse this concept. He realized it is done to expedite the process but Mr. Bagley thought it was a better practice to have the plan recorded first even though it causes some delay. Also, he added that he was not aware of any other municipality that enters into an agreement such as this one.

Mr. Lichtman addressed the Committee. He said this kind of request is not unusual. It has been approved in the past for Arcadia University and other land developers. This allows the land owner to begin the construction process prior to the Township Engineer giving final approval. Mr. Lichtman said the Township Engineer's report is quite specific and a lot of i's and t's have to be dotted and crossed before Arcadia University can have building permits and be released from any additional DEP requirements. Mr. Haywood asked Mr. Lichtman how much time it would take to have the plan recorded. Mr. Lichtman said he did not know. He said he is working diligently and meeting with Mr. Lynch to resolve any problems. Mr. Haywood asked what is the likelihood of construction before the plan can be recorded; would it be just site work and not construction. Mr. Lichtman said they will not be starting anything until they get a resolution from DEP.

Mr. Swavola stated that it would be nice if Arcadia University didn't have to request this agreement. Mr. Lichtman said these land development plans and the previous ones for the library and parking lot improvements were very complex. Mr. Swavola told him to tell Arcadia University to improve their plans. Mr. Sharkey asked Mr. Lynch if he had any concerns. Mr. Lynch said this is standard operating procedure. Mr. Sharkey stated that he thought the Committee should go ahead and recommend approval and extend this courtesy to Arcadia University.

Upon motion of Mr. Sharkey, approved by the Committee, it was recommended to the Board of Commissioners to enter into an Agreement with Arcadia University to commence site work and obtain building permits for the proposed improvements shown on CTDA No. 09-11 Record Plan Arcadia University Kuch Center Expansion prior to said plan being recorded subject to the Township Solicitor's review of same. See attached.

15. Mr. Lynch told the Committee that he received an email communication today from Thor Equities stating that Chick-fil-A, 2421 W. Cheltenham Avenue, is going to have the CTDA No. 09-12 Record Plan recorded prior to starting construction.

16. The Committee reviewed the Zoning Hearing Board's decision on Appeal No. 3357: Robert Warth and Adam Butler, 7 Walt Lane, Wyncote, PA 19095 for construction of an addition, measuring 18.35 feet by 24 feet (or approximately 440 square feet), as well as a 6 foot wide wrap-around porch, within the Steep Slope Conservation District and which expands a nonconforming structure.

The Zoning Hearing Board granted relief sought by Applicant.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, no action was taken.

17. The Committee reviewed the Zoning Hearing Board's decision on Appeal No. 3358: Reverend Kyung Soon Kim, 1001 W. Cheltenham Avenue, Melrose Park, PA 19027, for finding that the operation of a School for Acupuncture on the first floor of the premises is not a permitted use of the Property with 57 off-street parking spaces.

The Zoning Hearing Board granted relief sought by Applicant.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, no action was taken.

18. Continued discussion on various cost options for possible restoration of the Township's Transit Service followed.

Mr. Haywood referred to tonight's agenda containing the TransNet information provided by Nancy Gibson, Public Information Officer. Ms. Gibson was requested to approach the podium.

Ms. Gibson said the owners of Bux-Mont Transit, the service provider for TransNet, are present and she introduced Mr. Sam Valenza, owner and general manager. Mr. Haywood said Staff and the residents have a number of questions pertaining to this service; one of which relates to wait time. How much time will individuals have to wait for this service when they are to be picked up and when they wish to be returned to their residences?

Mr. Valenza addressed the Committee. He gave the history of his company and told the Committee what services Bux-Mont Transit have been providing in its Shared Ride Program to the region (Warrick Township to Cheltenham Township/Philadelphia to Route 202). Bux-Mont Transit services senior citizens, medical facilities, handicapped adults, school students, senior centers, adult centers, limos and are ADA compliant. This company has approximately 100 vehicles on the road every day and has provided closed loop services previously. Mr. Valenza said they began servicing Cheltenham Township in 1996. He told the Committee that the company has a half hour window which is required by PennDOT from the start time to pick up riders. He added that delays as long as fifteen minutes can occur because of weather, rush hour, etc., but it is not an issue 90% of the time. He said he cannot guarantee this half hour window. He distributed copies of Customer Satisfaction Surveys to the Committee. He said this survey is conducted every year. He pointed out that this service allows for door to door service giving seniors a greater sense of independence to get around. He went on to explain how appointments are made and the procedure for "will call" arrangements. Questions were asked about picking up on the quarter hour, buses that arrive earlier and then leave without the rider who made the arrangements and the availability of getting to the Acme in Jenkintown. Both Mr. Valenza, his brother and Nancy Gibson answered the numerous questions.

The Committee needed to clarify some of the scheduling times, various routes and the anticipated delays of return trips especially for riders who did not know when they would be free to return to their pick up. Different scenarios were explored. Lengthy discussion followed.

Mr. Sharkey stated that this transportation concept is an open door to everybody and is much more equitable. Mr. Haywood asked Mr. Valenza how many vehicles would he provide and was told there are different numbers of busses at different times of the day. For example, there could be as many as thirty vehicles between the hours of 10 and 2 while only six at 6:00 PM. Mr. Valenza said TransNet has a very good reputation in this part of the county with their volume of riders and their high level of scheduling their operations. He said his company will do the very best job for Cheltenham Township and its residents.

Ms. Brody, 7620 Front Street, Cheltenham, addressed the Committee. She wanted the Committee to know that Mr. Valenza neglected to say his company requires that the riders needed to make their pick-up reservations twenty-four hours in advance. She said there are times when this is not realistic. Ms. Brody asked about the limit to shopping bags allowed on the bus. Mr. Valenza said the limit is imposed by PennDOT. PennDOT's rule is the bags must be able to occupy the same space as the passenger carrying them. Shopping bags cannot take up another "share a ride" seat. If a person does this, the office calls that person to explain the rule. Mr. Haywood asked him what would be the bag limit tomorrow. Mr. Valenza said eight bags would not be a problem.

Discussion followed regarding past and anticipated ridership statistics.

Mr. Simon told the audience about the anticipated Route 611/263 corridor improvements and study that he has been involved in over the past few years which should have a positive influence and enhance transportation service in the future. He suggested that possibly a

presentation be made to Congressman Fattah to obtain federal monies for a joint transit venture with Abington Township and Jenkintown Borough.

Olga McHugh, 127 Hewett Road, Wyncote, asked Mr. Valenza what time should her mother request to be picked up if she had a doctor's appointment in Glenside at 10:30. Mr. Valenza asked where she would be coming from and when told Laverock, he said she should request to be picked up at 10:00. The driver would know that the doctor's appointment is at 10:30. Their goal is to be on time. Ms. Brody said when someone schedules a ride, they need to schedule the pick up forty-five minutes before the appointment.

Mr. Haywood said if Cheltenham were to have a "Cheltenham Only" route system, it will have an impact because it will improve the amount of time that people have to wait because the route will be limited. Ms. Brody said when she was gathering signatures for the petition, half of the signees, were unaware of this bus service. Ms. Brody stated that she hoped the Commissioners would find it in their hearts to renew the bus service.

Mr. Haywood asked if the Committee was ready to entertain a motion. Mr. Simon asked Mr. Valenza if a contract was required. Mr. Valenza said they need an agreement approved by appropriate state agencies and that is the reason the start date will be April 1, 2010. Discussion followed concerning the number of current Cheltenham seniors registered as TransNet users. Mr. Valenza was asked if TransNet had any agreements with other municipalities. Mr. Valenza said no. Mr. Portner pointed out if Cheltenham Township would be the first and only municipality to enter into an agreement with TransNet, it can offer no background or experience similar to Cheltenham's specific concerns.

Mr. Portner said if the service begins on April 1, when is the termination date. Mr. Bagley asked if TransNet would accept an agreement limited to \$10,000; over that amount, the service

would be terminated. Mr. Simon asked if there were any other providers in the area and Mr. Valenza told him that TransNet is the sole provider.

Mr. Haywood wanted to clarify the conditions. This agreement would be for all Cheltenham residents age 65 or older, would begin on April 1, 2010, the duration would be for six months, Monday, Wednesday and Friday from 9:00 AM until 3:30 PM, "Cheltenham Only" route (including the Acme in Jenkintown), would be fully funded by Cheltenham Township and the agreement is not to exceed \$10,000.

Ms. Hampton said she would suggest that if and when the money runs out, a Notice to the Public be issued forty-five days in advance of cancellation of services. Mr. Bagley said Staff must track the costs so it can clarify the issue.

Finance Officer Steve Burns, 145 Hewett Road, Wyncote, addressed the Committee. He stated he did not know why the Committee would approve transit to the Acme which is in Abington Township. He felt Cheltenham residents should be encouraged to shop in Cheltenham Township and keep its business privilege taxes in the Township.

Mr. Swavola asked Mr. Valenza if he would consider advertising this new service by adding advertisements on the vehicles. Mr. Valenza said it would cost approximately \$5000 to "wrap" advertising on each bus.

Upon motion of Mr. Sharkey, approved by Messrs. Simon, Haywood, Swavola and Sharkey, it was recommended that the Board of Commissioners enter into an agreement with TransNet (Suburban Transit Network, Inc.), Blue Bell, PA, to provide free transit service to Cheltenham residents age 65 or older, on Monday, Wednesday and Friday from 9:00 AM until 3:30 PM, within Cheltenham Township (includes transportation to and from Acme in Jenkintown pavilion) beginning April 1, 2010. This contract is not to exceed \$10,000 will be valid for six

months or until that amount has been expended. Ms. Hampton, Mr. McKeown and Mr. Portner voted nay.

19. Mr. Kraynik said the presentation by Drew Shaw, Section Chief of Environmental Planning for the Montgomery County Planning Commission on Pennsylvania Act 167 Stormwater Management Plan as it relates to the Tookany/Tacony Frankford Watershed was postponed until the March 10, 2010, Public Works Committee meeting.

20. Upon motion of Mr. Portner, approved by the Committee, it was recommended that the Board of Commissioners schedule a Public Hearing for April 21, 2010, at Curtis Hall, at which time the Board would consider the possible adoption of a new Stormwater Management Ordinance.

21. Discussion of bike racks in commercial districts was postponed until the March 10, 2010, Public Works Committee meeting.

22. Discussion of recycling containers at retail locations was postponed until the March 10, 2010, Public Works Committee meeting.

23. Consideration of various recommendations by the Environmental Advisory Council ("EAC") followed.

Bill Mettler, 131 Woodland Road, Wyncote, addressed the Committee.

He told the Committee he was a member of the EAC and at their last meeting a motion was made to recommend to the Public Works Committee that the Township send a letter of support to Ann Weaver Hart, President, Temple University, stating that the community garden at Cedar and Graham Lanes owned by Temple University which has been used by the citizens of Philadelphia and LaMott for the last 80 years be donated to the LaMott Community Garden Group. Mr. Mettler stated that the EAC wanted to back the LaMott Community Garden Group's

request that Temple donate this land. He then read a copy of the proposed letter (see attached). He said the letter would be signed by the members of the EAC who are also seeking the Commissioners' signatures. Mr. Mettler said he emailed copies of the proposed letter to each of the Commissioners last week and at Mr. Portner's request, he will do so again.

Mr. Portner said he was not aware that this property was up for sale and wondered how many people in the LaMott community actually used it.

Diane Williams, 1812 Beech Avenue, LaMott, and President, LaMott Citizens Association, addressed the Committee. She said she was approached by some people who had heard rumors about this property and they asked her if she could help them keep this community garden. She said she knew Temple University would not donate it to an individual so she spoke to and is working with the PA Horticulture Society, the Montgomery County Land Trust and different other organizations. Presently, she is in the process of researching Section 501(c)3 of the IRS tax code to learn what the criteria is for an organization to receive tax exemption status. Ms. Williams told the Committee that there are approximately 35 to 45 gardeners; 12 or 15 of whom are from the LaMott community. The other gardeners are from Elkins Park, Willow Grove and Philadelphia. There is a waiting list and a number of Township residents are included. Ms. Williams said she accepted and is looking forward to the challenge of this garden being donated by Temple University and remaining the way it is now.

David Scott, Chairman, Legal Redress Committee, Cheltenham NAACP, addressed the Committee and said he supports this effort to contact Temple University to request they donate this tract of land to be used as a community garden. He knows that this land has been used for 80 years and it is a tradition that brings the community together by teaching horticulture in

growing of fruits and vegetables. He said it would preserve green space and it is beneficial to the whole community.

Mary Beth Carroll, 123 Rices Mill Road, Wyncote, wanted the Committee to know that the EAC feels it is important to submit this letter and make this request to Temple University before the property enters into any kind of sale discussions.

Mr. Portner said the Township has discussed this property with Temple University in the past. At one time, it was thought that this piece of property would be an ideal location for a museum to be built dedicated to the history of LaMott.

Mr. Lynch said if Temple University were to subdivide its property and donate it to the Township, it is zoned R5 and would need to be reviewed by the Zoning Hearing Board for permitted uses. Ms. Williams said it does not matter who the land is sold to but what's important is that discussions to have Temple University donate this garden begin now. In regard to a museum, Ms. Williams said there is a museum in the old fire house that Mr. Triplett tried to open. She said the LaMott community, at large, does not support a museum being placed on the garden site. Mr. Haywood said this discussion is not about a museum, it's about the garden. Ms. Williams said she is only speaking on behalf of the people who came to her for help in keeping this garden.

Mr. Mettler reiterated that the request in the letter to Ms. Hart respectfully requests that Temple University donate this land in the same generous spirit as Stella Elkins Tyler did many years ago.

Mr. McKeown stated that he did not see any problem with Temple University donating this garden to the LaMott Community Gardening Group even though it would still have to go through zoning.

Mr. Mettler said he would hope that the 80 year use as a garden would have a "grandfather" influence over the zoning review.

Ms. Olga McHugh, 127 Hewett Road, Wyncote, asked the Committee why the officials of the Township did not speak up and try to acquire this land since its use would be non-profit and used educationally by schools and community groups. She asked why the people of Cheltenham were responsible to make this happen.

Denise Marshall, 1036 Rock Creek Lane, Wyncote, addressed the Committee. She said this garden is a benefit to the senior citizens and produces healthy products for the community and she supports keeping it.

Mr. Portner said he endorses that the EAC send the letter.

Ms. Hampton spoke to the audience. She said Mr. Kraynik has made it clear to her that he has had verbal conversations with Temple University in acquiring the property known as LaMott Gardens. Ms. Hampton said she believed Mr. Kraynik has attempted to give weight to this subject and he intends to continue his efforts with Temple University. Ms. Hampton just wanted the attendees to know that the Township Manager is still pursuing this acquisition and she complimented him.

Mr. Kraynik said this acquisition involves a complicated process which requires the passage of state legislation. The last three presidents of Temple University have been told by the Township of its desire to see the garden donated to the community.

Mr. Haywood said it would be a mistake if this property was donated to an organization that does not officially exist. He was not in favor of that.

Mr. Simon suggested the letter to President Hart, Temple University, be amended by the Township Manager to refer to prior discussions between the Township and Temple University

regarding any disposition of real estate involving this garden plot and that the Township be included in any sale negotiations with interested parties at that point in time.

Upon motion of Mr. Portner, approved by the Committee, it was recommended that the Township Manager write a letter to the President of Temple University requesting that the University donate the land known as the LaMott Community Garden and/or in keeping with past discussions, that Temple University allow Cheltenham Township to be included in any negotiations with buyers of the Tyler School of Art property as it pertains to the garden lot.

24. Upon motion of Mr. Sharkey, approved by the Committee, it was recommended that the Board of Commissioners submit a letter of support to State Representative. Curry for his proposed House Bill 221 regarding banning toxins from plastics in baby products.

25. Upon motion of Mr. Portner, approved by the Committee, the Environmental Advisory Council Meeting Minutes of January 25, 2010, were received.

OLD BUSINESS - NONE

NEW BUSINESS - NONE

CITIZENS' FORUM - NONE

26. There being no further business, upon motion of Mr. Portner, approved by the Committee, the meeting was adjourned.



David G. Kraynik
Township Manager

Per Mary Raab



PUBLIC ATTENDANCE LIST



**Public Works Committee
Board of Commissioners
Meetings**

Wednesday, February 17, 2010 @ 7:30 P.M.

Curtis Hall

Church Road & Greenwood Avenue, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
Sam Valenza	701 Lincoln Ave W6	215 659-0555	SAM-21@BusmatTRANS.com
Tony Valenza	701 Lincoln Ave	215 659 0555 EXT 121	
Marcia Brady	7620 Front	215 635 5921	
Dennis J. G. Sauer	PO Box B 19012	215 379 2754	
David Scott			DScott2450@AOC
Barb Duffy	8 Hewett Rd.	215 885-1506	beduffy@concast.net
FILL MEYER	131 WOODLAND	215 885 8936	
Joan Johnston-Stem Peter Stem	209 Fernbrook Ave		jopeter209@aol.com
Judith Gratz	Wyncote	215 896 7804	I am here to support acquiring the LaMott garage
Jesse N. Civello	Glenside		jcivello@verizon.net
Robert Miller	Wynsore Ave	215-635- 2444	mytrucks@aol.com
Alpa & Tom McHugh	127 Hewett Rd.		

AGREEMENT

AGREEMENT made this _____ day of _____ 2010,
by and between Cheltenham Township, a Township in Montgomery County,
Commonwealth of Pennsylvania ("TOWNSHIP"), and Arcadia University, 450 S. Easton
Road, Glenside, PA 19038 ("OWNER/DEVELOPER").

BACKGROUND

WHEREAS, OWNER/DEVELOPER intends to expand the existing Kuch Center
by the Construction of a three (3) storey, approximately 60,000 G.S.F. Addition with
Associated Site Improvements ("Land Development"); and,

WHEREAS, the TOWNSHIP Board of Commissioners approved
OWNER/DEVELOPER'S record plan for this Land Development, known as CTDA No.
09-11 at its January 20, 2010 meeting, and said approval is set forth in a letter from
TOWNSHIP to OWNER/DEVELOPER dated January 21, 2010 ("Approval Letter");
and,

WHEREAS, the Approval Letter requires that certain conditions be met before
the record plan can be recorded in Norristown, Montgomery County, PA, and before the
TOWNSHIP issues the necessary building permits and other permits (together "Permits")
to enable OWNER/DEVELOPER to commence and construct the Land Development as
set forth in CTDA No. 09-11; and,

WHEREAS, the Approval Letter requires that the record plan cannot be
recorded, nor can the aforementioned Permits be issued, until the Conditions and Notes
contained in the Report of the Director of Engineering, Zoning & Inspections for the
Public Works Committee Meeting on January 13, 2010, as amended by the Public Works
Committee on January 13, 2010, and as approved by the Board of Commissioners on
January 20, 2010 ("Director's Report Conditions and Notes") have been complied with
and certain Escrows have been set-up and funded; and,

WHEREAS, at the time of execution of this Agreement OWNER/DEVELOPER
has not submitted a record plan complying with the Director's Report Conditions and
Notes; and,

WHEREAS, OWNER/DEVELOPER has requested the TOWNSHIP to issue the
necessary Permits to allow OWNER/DEVELOPER to commence construction of the
improvements depicted on CTDA No. 09-11, despite the fact that the Director's Report
Conditions and Notes have not been complied with; and,

WHEREAS, at the time of this Agreement the Pennsylvania Department of Environmental Protection ("PADEP") has not made a determination as to whether or not the Proposed Building Expansion will require Sewage Planning; and,

WHEREAS, the TOWNSHIP will not issue any Building Permits for the Proposed Building Expansion until PADEP makes a determination that the Proposed Building Expansion does not require Sewage Planning; and,

WHEREAS, in the event PADEP makes a determination that the proposed Building Expansion does require Sewage Planning the TOWNSHIP will not issue a Building Permit for Proposed Building Expansion until and unless PADEP approves a Sewage Facilities Planning Module therefor and the Owner/Developer pays the Township the appropriate Tapping Fee therefor; and,

WHEREAS, Owner/Developer acknowledges and takes no exception to the preceding three (3) paragraphs; and,

WHEREAS, the TOWNSHIP has agreed to issue to OWNER/DEVELOPER the Permits allowing the commencement of construction of the improvements depicted on CTDA No. 09-11, subject to the Proposed Building Expansion and Proposed Site Improvements being in compliance with all Township Codes notwithstanding the fact that the Director's Report Conditions and Notes have not been complied with, and thus the record plan is not yet able to be recorded, provided that OWNER/DEVELOPER agrees it will bear the full and absolute risk that if the Director's Report Conditions and Notes are not complied with, the TOWNSHIP will not issue Certificate of Occupancy for, nor permit the use and occupancy of the Building Expansion shown on the record plan; and further, that OWNER/DEVELOPER agrees that it will in no manner whatsoever make any claim against the TOWNSHIP for the fact that the Certificate of Occupancy and permission to use and occupy the Building Expansion has not been issued, and OWNER/DEVELOPER will not make any claim of vested rights, reliance, or estoppel against the TOWNSHIP by virtue of the TOWNSHIP'S permission to commence and construct any of the improvements as provided for herein.

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, agree as follows:

1. All of the provisions of the Background section of this Agreement, above, are incorporated herein by reference as if set forth in full; and,
2. OWNER/DEVELOPER agrees and consents that the TOWNSHIP will not issue any Building Permits for the Proposed Building Expansion until PADEP makes a determination that the Proposed Building Expansion does not require Sewage Planning or until PADEP approves the Sewage Facilities Planning Module for the Proposed Building Expansion.

3. The Township will issue the Permits Allowing Construction of the Improvements covered by the Record Plan except for any Building Permits for the Proposed Building Expansion pending PADEP's determination that no sewage planning is required or PADEP's approval of a Sewage Facilities Planning Module for the Proposed Building Expansion Project upon Execution of this Agreement, payment of all required fees and Establishment and funding of all required Escrow Accounts provided that the construction plans are in Compliance with all Township Building and Fire Codes;

4. The OWNER/DEVELOPER, for itself, successors and assigns, hereby agrees to pay a Tapping Fee of \$1550 per new EDU (if any) of Sanitary Sewage Flow generated by the Proposed Buildings Expansion; said Tapping Fee to be due and payable at the time of issuance of Building Permit(s) for said Proposed Building Expansion.

5. OWNER/DEVELOPER, for itself, its successors and assigns, hereby agrees: (a) to stop all work and secure the site and (b) acknowledges and acquiesces in the revocation of all building permits granted hereby, if the record plan is not recorded in Norristown, Montgomery County, PA within nine (9) months of the date of execution of this Agreement; and,

6. OWNER/DEVELOPER, for itself, its successors and assigns, hereby irrevocably releases and holds the TOWNSHIP, its Commissioners and employees harmless, and agrees to indemnify the TOWNSHIP, its Commissioners and employees of and from all claims, costs, and damages, including reasonable legal fees and court costs, arising from OWNER/DEVELOPER'S inability to occupy or use, or permit others to occupy and use, the Proposed Building Expansion which is being renovated and/or constructed hereunder or arising from the revocation of any construction permit(s) for same because of the fact that the Director's Report Conditions and Notes have not been complied with or because the Record Plan has not been recorded in Norristown, Montgomery County, PA within nine (9) months of the date of execution of this Agreement; and,

7. OWNER/DEVELOPER, for itself, its successors and assigns, hereby irrevocably releases and holds the TOWNSHIP, its Commissioners and employees, harmless and agrees to indemnify the TOWNSHIP, its Commissioners and employees, of and from all fines, penalties, expenses, and damages, including reasonable attorney's fees, if any fines, penalties, expenses, or damages are levied on or incurred by the TOWNSHIP, its Commissioners and employees, by reason of the issuance of the Permits prior to the recording of the record plan;

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties have set their hands as of the date first written above.

OWNER/DEVELOPER: ARCADIA UNIVERSITY

Attest:

By: _____
Signature

Signature

Printed Name and Title

Printed Name

TOWNSHIP OF CHELTENHAM

Witness:

By: _____
President Morton J. Simon, Jr.
Board of Commissioners

David G. Kraynik
Township Manager

Ann Weaver Hart, President
Temple University
1801 N. Broad St.
Philadelphia, PA 19122

70 %
1:1000
26:10-9-7

lean energy resilient

Dear President Hart:

The Tyler Art School of Temple University has been a prestigious, creative and fun tradition in Cheltenham Township since the 1930s.

We are proud that one of our citizens, Stella Elkins Tyler, donated her estate to Temple to create a school for the advancement of the fine arts and progressive education. The Tyler Art School has graduated 70 years of artists, designers, architects and art historians—our family members and neighbors have been among them. Cheltenham Township has offered an aesthetic and tax-free home to Tyler—both parties have enjoyed a rewarding relationship and tradition.

There is another tradition, the LaMott Community Garden (at Cedar & Graham) that Temple University has allowed to flourish. The LaMott elders say that the garden has been nourishing the community for 80 years. Thirty families each year have grown and shared their produce with family and neighbors. Also, students from Tyler Art School and Cheltenham School District have collaborated on horticultural projects at the garden.

Community and family gardens are becoming more and more important because the long supply chains in the world economy are growing more fragile as both access and use of oil become more dangerous and expensive. The Cheltenham Environmental Advisory Council is encouraging an increase in local food production. The LaMott Community Garden is an exemplary working model for this and an essential part of our community's food security future.

Appealing to the same generous spirit of Stella Elkins Tyler, we respectfully request that Temple University donate the land of the LaMott Community Garden to the LaMott Community Garden Group for its continued use in providing locally grown food.

Respectfully,

The Cheltenham Township Environmental Advisory Council (names)
The Cheltenham Township Commissioners (names)

congruent w/ Township Revitalization Plan

