

November 18, 2015
Curtis Hall

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

Staff present were Charlyn Battle, Human Resources Director; Christopher Clewell, Public Works Superintendent; Alyson Elliott, Assistant Township Manager; Michael Fleming, Public Works Coordinator; Nancy Gibson, Public Information Officer; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; 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 Simon.

Announcement: Mr. Portner asked for a Moment of Silence in memory of the terrorist attacks in Paris.

2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated October 21, 2015 and Special Meeting Minutes dated November 4, 2015, 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 October, 2015, 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 October, 2015, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.

5. Magisterial District Judge Christopher Cerski administered the Oath to new police Officers Officer Adam Heath and Officer Nicholas O'Connor.

6. Mr. Sharkey presented **Resolution No. 36-15** to Deputy Chief of Police Kevin O'Brien on the occasion of his retirement after 28-years of service to the Cheltenham Township Police Department (see attached).

7. Mr. Sharkey presented **Resolution No. 37-15** to Lt. Joseph Gruver on the occasion of his retirement after 34-years of service to the Cheltenham Township Police Department (see attached).

8. Mr. Sharkey presented **Resolution No. 31-15** to Sgt. James P. Slavin on the occasion of his retirement after 38-years of service to the Cheltenham Township Police Department (see attached).

9. Mr. Portner presented a Certificate and Pin to Lt. John Frye upon his achieving 20-years of service with the Cheltenham Township Police Department.

10. Mr. Portner presented a Certificate and Pin to Lawrence Lucas upon his achieving 20-years of service with the Cheltenham Township Public Works Department.

11. Review of the Public Works Committee Regular Meeting Minutes dated November 10, 2015:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously authorized the Township Manager to sign the amended report to DEP relating to the former manufacturing gas plant site (Glenside and Webster Avenues) in Wyncote, which will now include the environmental conditions for 165 Township Line Road.

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application W151-158, 141 Woodland Road, Wyncote, PA 19095, for repair of the roof and main gutters on the building as recommended by the Wyncote Board of Historical and Architectural Review.

c. Upon motion of Mr. Sharkey, the Board of Commissioners the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application W151-159 for the repair of the roof of the Fellowship House building as recommended by the Wyncote Board of Historical and Architectural Review.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application L15-161, 7322 Butcher Street, La Mott, PA 19027 for the restoration of the masonry façade, and the removal and replacement of existing windows, doors, and porch roof on the building as recommended by the La Mott Board of Historical and Architectural Review.

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 33-15** authorizing the filing of an Urban Waters Grant through the U.S. Environmental Protection Agency for a Pollution and Flood Reduction Fee Feasibility Study in an amount of \$60,000.00 (see attached).

f. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 34-15** authorizing a request for reinstatement of State Funding for Municipal Recycling at 100% (see attached).

g. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously awarded a Professional Consulting Services Contract to Wallover Associates in the amount of \$13,820.00 to manage the sandblasting project at Glenside and Conklin Pools being within budgetary limitations.

h. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 35-15** honoring Joseph Baxter, Parks Superintendent, upon the occasion of his retirement from the Public Works Department after more than 10 years of service. Said Resolution to be presented at a future meeting of the Board.

i. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Works Committee Meeting Minutes dated November 10, 2015.

12. Review of the Public Safety Committee Regular Meeting Minutes dated November 4, 2015:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2316-15** amending Chapter 285, thereof, entitled "Vehicles and Traffic" (see attached).

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 36-15** honoring Deputy Chief of Police Kevin O'Brien on the occasion of his retirement after 28-years of service to the Cheltenham Township Police Department (see attached).

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 37-15** honoring Sgt. Joseph Gruver on the occasion of his retirement after 34-years of service to the Cheltenham Township Police Department (see attached).

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2317-15** and authorized the issuance of a Promissory Note for the purpose of interest-free borrowing from Montgomery County for the purchase of emergency radio equipment (see attached).

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Safety Committee Meeting Minutes dated November 7, 2015.

13. Review of the Public Affairs Committee Regular Meeting Minutes dated November 4, 2015:

a. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 38-15** honoring Dr. W. Thomas London, Emeritus Professor at Fox Chase Cancer, for receiving a named Professorship for his contributions to the discovery and prevention of hepatitis B. Said Resolution to be presented at a future meeting of the Board

b. Upon motion of Mr. McKeown, the Board of Commissioners unanimously accepted the Public Affairs Committee Meeting Minutes dated November 4, 2015.

14. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Building and Zoning Committee Meeting Minutes dated November 4, 2015.

15. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Pension Board Meeting Minutes dated November 6, 2015.

16. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Finance Committee Meeting Minutes dated November 10, 2015.

17. Under Old Business: None.

18. Under New Business:

a. In accordance with the Code of the Township and Article XIII, Section 1302 of the Home Rule Charter, upon motion of Mr. Portner, the following individuals were appointed to citizen committees:

To the Economic Development Task Force: The Board of Commissioners unanimously appointed Sif Malik of Elkins Park, PA to the Economic Development Task Force for a term that expires on January 1, 2017.

To the Human Relations Commission: The Board of Commissioners appointed William Taylor III of Cheltenham, PA as an Ex-Officio Member (Ayes: Holland, McKeown, Norris, Portner, Sharkey, Simon; Abstain: Rappoport).

b. Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted the 2016 Preliminary Operating and Capital Budgets and the 2016 Liquid Fuels Budget (available as a link on the Homepage of the Township website: www.cheltenhamtownship.org).

19. Under Citizens' Forum:

a. Joseph Simone, 637 Custis Road, expressed concern about the Cheltenham School District as follows and distributed a comparative list of other school districts: performance scores report; comparison to other school districts; homebuyers are avoiding buying properties in the Township because of school taxes; it has the highest taxes in the state; \$22,000 per student cost that has nothing to do with the fiscal base of the Township and is higher than Baltimore; cost of \$52M for Cedarbrook; four elementary schools for over 4,000 students is gluttony; an independent facility study is needed; his visits to schools showed empty classrooms; the school district should be reviewed by an independent source; the school district is hurting the Township and residents; there is no development and a lot of open space.

b. Joe Lewis, 1408 Wistar Drive, thanked Staff for the new signage at Wistar Drive and Washington Lane. He asked for “Deer Crossing” signs and was told that he would be contacted for an exact location, and he asked if signs could be posted to educate people to get their cars off the street so that street cleaning, leaf pickup and snow plowing could be completed. Mr. Simon responded that the Township makes its best effort to inform people but that is the best it can do. Committee members discussed deer control methods. Chief Norris reported that there have been very few vehicular accidents resulting from deer.

c. David Wolfe, 436 Rices Mill Road, expressed his concerns and those of his neighbors with the derelict property owned by The Bank of New York Mellon at 422 and 430 Rices Mill Road that has been a source of contention in their neighborhood and frustration among neighbors. The sidewalks never get cleared or maintained; children/pedestrians have to walk in the street; high weeds; neighbors have contacted School District officials and the offices of State Representative McCarter, State Senator Haywood, and County Commissioner Josh Shapiro for help, and some neighbors have posted signs stating “The Bank of New York Mellon is not a good neighbor”.

Mr. Bagley reviewed the following: the Township’s long and ongoing legal process and actions against the bank, and in each matter, the courts have ruled in favor of the Township but the attorneys for the bank keep appealing the rulings; a recent meeting with a potential buyer when he showed them the Court Order and what has to be done, and attempted to get some verbal cooperation from them; the court has given the bank a ‘stay’ and is giving it an extension to December 9, 2015 to file a Brief; and Mr. Bagley stated that legally, the Township has done all it can do. Mr. Wolfe felt that any buyer should have an escrow account to cover expenses and no leniency should be granted to them by the Township.

Mr. Portner recommended that a letter be sent to The Bank of New York Mellon. Mr. Holland asked that the letter be very firm, aggressive and forceful in tone and indicate the frustration of the neighbors. The Board agreed.

Mr. Bagley stated that Mr. Wolfe was a good witness in court and always had an elegant and dignified approach. Mr. Wolfe asked that the Township remove the dangerous trees on the property and if the stench coming from the house could be investigated. Mr. Bagley responded that the trees are actually stumps, stumps are not considered dangerous, and advised against their removal. As for the stench, Mr. Bagley responded that it could be investigated only by court order. Ms. Rappoport asked if the Township could obtain warrant to get into the building, if the building could be razed, if there is any other legal recourse, and suggested that the Township Ordinance regarding fines be revisited. Mr. Bagley responded that the Township’s Code Official did enter the building, and the bank is appealing the court decision that the garage and accessory structures be razed; the Township is issuing additional citations; and when the bank files its brief on December 9, the Township has 30-days to respond, and the case would then be heard in Commonwealth Court.

There being no further business, upon motion of Mr. McKeown, the Board of Commissioners unanimously agreed to adjourn the meeting at 9:00 p.m.



Bryan T. Havir
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST



Board of Commissioners Meeting

Wednesday, November 18, 2015 @ 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
THOMAS ESTILAN	7423 BARCLAY RD	(267) 317-8281	VZE15439Y@ VERIZON.NET
TRU BROCKINGTON	7637 BROOKFIELD RD		I. BROCKINGTON © COMCAST.NET
BRAD FRANKS			
S STRUBS			CC
JAC LEWIS			
DAVID WOLFE	436 Rices mill Road		Davej wolf e aol.com
KAREN BRITTINGHAM	7740 Greer Vally Rd		
ALAN GABNIC			

*A Resolution No. 36-15
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 **KEVIN O'BRIEN** on the occasion of his retirement after more than 28 years of dedicated service with the Cheltenham Township Police Department; and

Whereas, After first serving with the SEPTA Transit Police, **KEVIN O'BRIEN** was appointed as a Cheltenham Police Officer on June 4, 1987, and quickly assigned to the Drug Task Force and Civil Affairs Unit. He was promoted to Corporal in 1991 and Operations Room Sergeant in 1993. In 1995, he was transferred to the Patrol Division, serving as Patrol Squad Supervisor. In 2001 he was promoted to Lieutenant and assigned to the Administrative Service Division. He also served as SWAT Commander, Detective Division Commander and Patrol Division Commander before his promotion to Deputy Chief of Police in 2007; and

Whereas, During his career, **KEVIN O'BRIEN** earned numerous official commendations, including Bravery, Heroism, Merit, Official Certificate of Commendation, a Combat Ribbon, a Unit Commendation and two Outside Jurisdiction Awards. His outstanding dedication, expertise and service to the community will be sorely missed after his retirement on December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Eighteenth Day of November A.D., 2015, does hereby officially honor **KEVIN O'BRIEN's** impressive career 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 Deputy Chief O'Brien.

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 sixteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: 
Harvey Portner, President


Attest: _____
Bryan T. Havir
Township Manager and Secretary

*A Resolution No. 37-15
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 **JOSEPH GRUVER** on the occasion of his retirement after more than 34 years of dedicated service with the Cheltenham Township Police Department; and

Whereas, After serving four years in the U.S. Coast Guard, **JOSEPH GRUVER** became a Cheltenham Police Officer on August 31, 1981, and was assigned to the Patrol Division. In 1986 he was promoted to Corporal and became a founding member of the Civil Affairs Unit the next year. In 1990, he was promoted to Sergeant and assigned first to the Patrol Division and then the Highway Safety Unit. He was promoted to Lieutenant in 2007 and assigned as the Detective Division Commander and then became Patrol Division Commander in 2011; and

Whereas, During his tenure **JOSEPH GRUVER** received an official commendation from the BNI Task Force, a Unit Commendation and numerous Letters of Commendation, as well as letters of appreciation from the community. After his retirement on December 31, 2015, he will continue his extraordinary service to the community as Deputy Emergency Management Coordinator as a volunteer.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Eighteenth Day of November A.D., 2015, does hereby officially honor **JOSEPH GRUVER** for his impressive and continuing public safety career 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 Lieutenant Gruver.

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 sixteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

Harvey Portner

By: _____
Harvey Portner, President

Bryan T. Havir

Attest: _____
Bryan T. Havir
Township Manager and Secretary

*A Resolution No. 31-15
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 **JOSEPH GRUVER** on the occasion of his retirement after more than 34 years of dedicated service with the Cheltenham Township Police Department; and

Whereas, After serving four years in the U.S. Coast Guard, **JOSEPH GRUVER** became a Cheltenham Police Officer on August 31, 1981, and was assigned to the Patrol Division. In 1986 he was promoted to Corporal and became a founding member of the Civil Affairs Unit the next year. In 1990, he was promoted to Sergeant and assigned first to the Patrol Division and then the Highway Safety Unit. He was promoted to Lieutenant in 2007 and assigned as the Detective Division Commander and then became Patrol Division Commander in 2011; and

Whereas, During his tenure **JOSEPH GRUVER** received an official commendation from the BNI Task Force, a Unit Commendation and numerous Letters of Commendation, as well as letters of appreciation from the community. After his retirement on December 31, 2015, he will continue his extraordinary service to the community as Deputy Emergency Management Coordinator as a volunteer.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Eighteenth Day of November A.D., 2015, does hereby officially honor **JOSEPH GRUVER** for his impressive and continuing public safety career 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 Lieutenant Gruver.

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 sixteenth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

Harvey Portner

By: _____
Harvey Portner, President

Bryan T. Havir

Attest: _____
Bryan T. Havir
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 33-15**

**A RESOLUTION AUTHORIZING THE TOWNSHIP
ADMINISTRATION TO PURSUE A GRANT UNDER THE U.S.
ENVIRONMENTAL PROTECTION AGENCY'S URBAN WATERS
GRANT PROGRAM TO HIRE A CONSULTANT TO DEVELOP A
FEASIBILITY STUDY ON THE IMPLEMENTATION OF A
POLLUTION AND FLOOD PREVENTION UTILITY FEE FOR THE
IMPROVEMENT OF THE TOWNSHIP'S STORMWATER
MANAGEMENT INFRASTRUCTURE**

WHEREAS, the Township of Cheltenham, Montgomery County, desires to apply for federal funding from the United States Environmental Protection Agency through its Urban Waters Grant program to financially aid the Township in hiring a consultant to study the feasibility of implementing a pollution and flood prevention utility fee to assist in the improvement of the Township's stormwater management infrastructure; and

WHEREAS, Cheltenham Township has a demonstrated need to address water quality and flooding issues throughout the Township; and

WHEREAS, Cheltenham Township is required by the U.S. Clean Water Act to manage and reduce the discharge of pollutants into the waters of the United States; and

WHEREAS, municipalities are granted the ability to implement a stormwater utility fee to fund stormwater infrastructure improvements that will help improve water quality and reduce flooding; and

WHEREAS, a feasibility study is the first step in determining whether a utility fee is appropriate for the Township.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, desires to file a FY 2016-17 Urban Waters Grant application to secure funds in an amount of \$60,000 based on the total project cost of \$100,000 for the purpose of hiring a consultant to complete a study to determine the feasibility of implementing a pollution and flood reduction utility fee.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cheltenham Township, Montgomery County does hereby designate the President of the Board of Commissioners and the Township Manager/Secretary as the officials to execute all documents and agreements between Cheltenham Township and the Pennsylvania Department of Transportation to facilitate and assist in obtaining the requested grant.

BE IT FURTHER RESOLVED, that the Township of Cheltenham will commit to the \$40,000 match as proposed in its 2016 Capital Budget as its local share of the project costs.

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, under my hand and the Seal of the Township of Cheltenham, this eighteenth day of November, A.D., 2015, in the year of the Township of Cheltenham the one hundred sixteenth.

Resolved and adopted this 18th day of November, A.D., 2015.

ATTEST:

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS



Bryan T. Havir
Township Manager and Secretary

By: _____
Harvey Portner, President

**CHELTENHAM TOWNSHIP
RESOLUTION NO. 34-15**

**REQUEST FOR REINSTATEMENT OF STATE FUNDING
FOR MUNICIPAL RECYCLING**

WHEREAS, Pennsylvania enacted a law in 1988 that established municipal recycling programs be established by September of 1990. This is ACT 101 "Municipal Waste Planning, Recycling and Waste Reduction Act"; and

WHEREAS, Cheltenham Township created and initially funded its integrated waste management program with State recycling grants; and

WHEREAS, funding for Act 101 grant programs has declined even while the costs to collect and transport recyclables have increased; and

WHEREAS, unfunded mandates create burdens upon this local government; and

WHEREAS, since Pennsylvania's enactment of Act 101 technologies, public behaviors, markets, capacity and composition of waste streams have changed. The result is a statute that no longer reflects the current state of waste management and recycling in Pennsylvania and will impede the ability of local governments to continue to carry this financial burden; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cheltenham Township hereby request reinstatement of state funding for municipal recycling at 100% this 18th day of November 2015.

TOWNSHIP OF CHELTENHAM

By: Harvey Portner

Harvey Portner, President,
Board of Commissioners

Attest:



Bryan T. Havir, Manager and Secretary

ORDINANCE NO. 2316-15

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING CERTAIN STREET AND PARKING REGULATIONS.

The Board of Commissioners of the Township of Cheltenham hereby ordains:

SECTION 1. The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **ADDING** the following:

SYCAMORE AVENUE (I) HANDICAPPED PARKING, east side, in front of
7307 Sycamore Avenue

SECTION 2. That in all other respects Chapter 285 of the Code of the Township of Cheltenham is hereby approved and accepted as amended, and shall continue in full force and effect.

SECTION 3. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an Ordinance this 18th day of November, 2015.

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM

Harvey Portner

By _____
Harvey Portner, President

Bryan T. Havir

ATTEST: _____
Bryan T. Havir, Township Manager

**ORDINANCE NO. 2317-15
OF THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF CHELTENHAM,
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE THAT APPROVES CERTAIN CAPITAL PROJECTS; AUTHORIZES A BORROWING BY THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY, PENNSYLVANIA (THE "TOWNSHIP") FROM THE COUNTY OF MONTGOMERY, PENNSYLVANIA (THE "COUNTY") AND THE ISSUANCE OF A PROMISSORY NOTE, 2015 SERIES (THE "2015 NOTE") IN THE MAXIMUM PRINCIPAL AMOUNT OF \$956,160.04; APPROVES THE SUBSTANTIAL FORM OF THE 2015 NOTE AND APPROVES THE EXECUTION OF THE 2015 NOTE AND DELIVERY OF THE 2015 NOTE TO THE COUNTY OF MONTGOMERY, PENNSYLVANIA (THE "COUNTY"); AUTHORIZES EXECUTION AND DELIVERY OF ALL OTHER NECESSARY DOCUMENTS; STATES THE AMORTIZATION SCHEDULE FOR THE 2015 NOTE; STATES THAT THE TOWNSHIP IS OBLIGATED TO MAKE PAYMENTS ON THE 2015 NOTE ONLY FROM FUNDS IF AND TO THE EXTENT APPROPRIATED FOR THE THEN CURRENT FISCAL YEAR OF THE TOWNSHIP; AUTHORIZES ANY PAYMENTS MADE ON THE 2015 NOTE TO BE MADE AS DIRECTED BY THE DELAWARE VALLEY REGIONAL FINANCE AUTHORITY WHICH HAS BEEN APPOINTED AS COLLECTION AGENT FOR THE COUNTY; AUTHORIZES ADVERTISEMENT OF ENACTMENT; AND REPEALS INCONSISTENT ORDINANCES.

WHEREAS, Township of Cheltenham, Montgomery County, Pennsylvania (the "Township") is a first class Township and a local government unit of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, the County of Montgomery, Pennsylvania (the "County") has entered into a Bulk Purchasing Agreement with Motorola Solutions, Inc. ("Motorola") with respect to emergency radio equipment and services; and

WHEREAS, the County has made available to municipalities within the County, the ability to purchase from Motorola emergency radio equipment at a discount, and has further agreed to provide an interest-free loan (the "Loan") from funds borrowed by the County from the Delaware Valley Regional Finance Authority ("DelVal") to any municipality that desires to purchase such emergency radio equipment through the County arranged Bulk Purchasing Agreement; and

WHEREAS, the Township desires to receive the Loan from the County and issue a Promissory Note, Series 2015 (the “2015 Note”) to the County to evidence its obligations under the Loan in order to: (i) purchase certain radio equipment and services for the Township police, fire and emergency personnel; and (ii) pay costs of issuance incurred by the Township in connection with the Bulk Purchasing Agreement and the 2015 Note (collectively, the “2015 Project”); and

WHEREAS, the payments due on the 2015 Note are subject to annual appropriation by the Township, will not constitute a debt or general obligation of the Township and will be a current expense solely payable from funds appropriated and lawfully available for such use during the then current fiscal year of the Township; and

WHEREAS, the 2015 Project will benefit the health and welfare of the residents of the Township; and

WHEREAS, the 2015 Project shall be for the benefit and use of the general public, and no private party shall have any special legal entitlement to the beneficial use of the 2015 Project, through a lease, management contract, or any other arrangement that would result in a private business use under the *Internal Revenue Code of 1986*, as amended; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF SAID BOARD OF COMMISSIONERS THAT:

SECTION 1. APPROVAL OF THE 2015 PROJECT AND AUTHORIZATION TO ISSUE THE 2015 NOTE

The Board of Commissioners (the “Board”) hereby authorizes and approves the 2015 Project. The Board hereby authorizes and approves the Loan from the County in the maximum principal amount of \$956,160.04 as evidenced by the issuance of the 2015 Note.

SECTION 2. APPROVAL OF THE FORMS OF THE 2015 NOTE AND AUTHORIZATION TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS

The substantial form of the 2015 Note attached hereto as Exhibit A is hereby approved. The President of the Board, and the Secretary (collectively, the “Authorized Officers”) are hereby authorized and directed to execute and deliver the 2015 Note, in the substantial form

attached hereto, but with such alterations, deletions and additions as the Authorized Officers may approve (such approval to be conclusively established by the execution of the 2015 Note by the Authorized Officers). The Authorized Officers also are hereby authorized and directed (i) to execute and deliver such other certificates, instruments, and agreements (including those required by DelVal or otherwise related to the 2015 Note) and (ii) to take all actions that may be necessary or beneficial to issue the 2015 Note.

SECTION 3. AMORTIZATION SCHEDULE

The indebtedness of the 2015 Note shall be a current expense subject to annual appropriation by the Township and payable solely from funds lawfully available for such use during the then current fiscal year of the Township and shall be evidenced by the 2015 Note in the maximum principal amount of NINE HUNDRED FIFTY-SIX THOUSAND ONE HUNDRED SIXTY AND 04/100 DOLLARS (\$956,160.04). The 2015 Note shall not bear interest. The 2015 Note shall be subject to optional redemption by the Township as set forth in the 2015 Note. The amortization schedule of the principal payments under the 2015 Note (the “Loan Principal”) are shown below:

**Promissory Note, 2015 Series
Principal Amortization Schedule**

<u>Payment Date</u>	<u>Amount</u>
January 26, 2016	\$191,232.01
January 26, 2017	\$191,232.01
January 26, 2018	\$191,232.01
January 26, 2019	\$191,232.01
January 26, 2020	\$191,232.00

SECTION 4. CURRENT EXPENSE

Payments due on the 2015 Notes are a current expense, subject to annual appropriation by the Township, payable solely from funds lawfully available to the Township for such purpose during the then current fiscal year of the Township. The obligations of the Township to pay the Loan Principal under the 2015 Note (and any other sums due thereunder) do not constitute a lien or charge upon the funds of the Township beyond the fiscal year for which the Township has appropriated money to pay the Loan Principal (and any other sums due thereunder) and that the obligations of the Township under the 2015 Note do not constitute a debt or general obligation of

the Township. Neither the full faith and credit nor the taxing power of the Township or of any other political subdivision of the Commonwealth has been or will be pledged to the payment of the Loan Principal (and any other sums due thereunder).

SECTION 5. ACH DEBIT AUTHORIZATION

The Township hereby authorizes payments on the 2015 Note to be made by ACH Debit Authorization to Wells Fargo Bank, N.A., acting as co-Trustee for DelVal, the collection agent of the County with respect to the 2015 Note. The Authorized Officers are hereby authorized and directed to execute and deliver the ACH Debit Authorization form, the IRS Form W-9 and such other certificates, instruments, and agreements as may be required for purposes of making payments on the 2015 Note.

SECTION 6. CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the Township of Cheltenham, Montgomery County, Pennsylvania.

ATTEST:



Dated: November 18, 2015



Name: Bryan T. Havir
Title: Secretary/Manager

Name: Harvey Portner
Title: President

[Seal]

EXHIBIT A
Form of 2015 Note

\$956,160.04

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

PROMISSORY NOTE, 2015 SERIES

The **TOWNSHIP OF CHELTENHAM** (the "Borrower"), existing by and under the laws of the Commonwealth of Pennsylvania, for value received, hereby acknowledges itself indebted and promises to pay to the order of the **COUNTY OF MONTGOMERY, PENNSYLVANIA**, a county of the second class A, its successors and assigns (the "County"), in lawful money of the United States of America, the principal amount of **NINE HUNDRED FIFTY-SIX THOUSAND ONE HUNDRED SIXTY AND 04/00 DOLLARS (\$956,160.04)**, without interest, on the dates and in the amounts set forth on **Schedule A** attached hereto (the "Borrower Note").

This Borrower Note evidences the payment obligation of the Borrower to repay the loan (the "Loan") made by County to the Borrower on the date hereof for the purposes of: (i) purchasing certain radio equipment and services for the Borrower police, fire and emergency personnel; and (ii) paying of costs of issuance incurred by the County in making the Loan or by the Borrower in connection with this Borrower Note (collectively, the "2015 Project").

The Borrower hereby certifies that all of the proceeds of the Loan will be used solely for payment of the costs of the 2015 Project and not for any other purpose. The County shall have no obligation to provide any additional amounts to the Borrower, whether by loan or otherwise, for the costs of the 2015 Project if the proceeds of this Borrower Note are not sufficient to pay all the costs of the 2015 Project, and all such costs shall be paid by the Borrower. The Borrower shall not be entitled to any reimbursement, abatement, diminution or postponement of the repayments of the principal amount of this Borrower Note if the Borrower cannot fund all of the costs of the 2015 Project.

The amounts payable under this Borrower Note are payable in immediately available funds on or before the 25th day of January of each year, commencing January 25, 2016, at the corporate trust office of Wells Fargo Bank, N.A. (the "Trustee"), account number _____, or any other account, designated by the Delaware Valley Regional Finance Authority ("DelVal"), which the County has appointed as the collection agent for payments due to the County hereunder. The Borrower agrees to execute an authorization for Wells Fargo Bank, N.A. to use the Automated Clearing House (the "ACH") System, or any successor to the ACH System that may be used by financial institutions in the future, to collect amounts payable hereunder.

The amounts payable under this Borrower Note are payable without deduction for any tax or taxes now or hereafter levied, or assessed thereon under any present or future laws of the Commonwealth of Pennsylvania, all of which taxes the Borrower assumes and agrees to pay.

This Borrower Note is issued pursuant to an Ordinance of the Board of Commissioners of the Township of Cheltenham duly enacted on November 18, 2015.

The Borrower represents that it is a first class Township of the Commonwealth of Pennsylvania and has all requisite power and authority to own and operate its properties, to carry on its activities as now conducted and as presently proposed to be conducted, to execute and deliver this Borrower Note and to carry out and consummate the 2015 Project. The execution and delivery of this Borrower Note and all other documents and instruments and the consummation of the 2015 Project and compliance by the Borrower with the provisions hereof, have been duly authorized, executed and delivered by the Borrower and constitute valid and binding obligations of the Borrower, enforceable against the Borrower in accordance with their respective terms.

The Borrower hereby certifies that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Borrower Note or in the creation of the obligation of which this Borrower Note is evidence, exist, have happened and have been performed in regular and due form and manner as required by law, and the Borrower is in compliance with all laws, ordinances, resolutions, governmental rules and regulations to which it is subject.

THE BORROWER AND THE COUNTY EACH ACKNOWLEDGE AND AGREE THAT PAYMENT OF THIS BORROWER NOTE IS SUBJECT TO ANNUAL APPROPRIATION OF FUNDS BY THE BORROWER FOR SUCH PURPOSE AND THAT THE BORROWER IS OBLIGATED TO MAKE PAYMENTS UNDER THIS BORROWER NOTE ONLY FROM FUNDS IF AND TO THE EXTENT APPROPRIATED FOR THE THEN CURRENT FISCAL YEAR OF THE BORROWER. THE OBLIGATION OF THE BORROWER TO MAKE PAYMENTS UNDER THIS BORROWER NOTE IS A CURRENT EXPENSE, PAYABLE SOLELY FROM FUNDS LAWFULLY AVAILABLE FOR SUCH USE DURING THE THEN CURRENT FISCAL YEAR OF THE BORROWER. THIS BORROWER NOTE AND THE OBLIGATIONS OF THE BORROWER HEREUNDER DO NOT CONSTITUTE A LIEN OR A CHARGE UPON THE FUNDS OF THE BORROWER BEYOND THE FISCAL PERIOD FOR WHICH THE BORROWER HAS APPROPRIATED MONEY TO MAKE SUCH PAYMENTS. THIS BORROWER NOTE AND THE OBLIGATIONS OF THE BORROWER HEREUNDER DO NOT AND WILL NOT CONSTITUTE A DEBT OR GENERAL OBLIGATION OF THE BORROWER.

This Borrower Note may be prepaid, in whole or in part, on the 25th day of each month (or if not a Business Day (hereinafter defined) the next date that is a Business Day) commencing January 25, 2018, upon not less than thirty (30) days prior written notice (the "Prepayment Notice") to the County and DelVal at the addresses provided by such parties. The Prepayment Notice shall specify (i) the amount to be prepaid; (ii) if a partial prepayment, the maturities or installments of the Loan to which such prepayment is to be applied, which shall be in inverse order of maturities or installments; and (iii) the date of the prepayment. No prepayment shall postpone the next installments of principal becoming due under this Borrower Note. The Borrower may withdraw a Prepayment Notice at any time at no penalty. Any partial prepayment shall not operate to abate or postpone repayments otherwise becoming due.

“Business Day” shall mean any day other than (a) a Saturday or Sunday, (b) a day on which commercial banks in New York, New York, or the city or cities in which the corporate trust office of the Trustee is authorized by law or executive order to close or (c) a day on which the New York Stock Exchange is closed.

It shall constitute an “Event of Default” hereunder if the Borrower fails to make any payment due hereunder after such payment due hereunder has been appropriated for in its annual budget.

If an Event of Default shall have occurred and be continuing, the County may declare all amounts due under this Borrower Note due and payable and may pursue any and all remedies now or hereafter existing at law or in equity to collect all amounts then due and thereafter to become due under this Borrower Note.

No remedy conferred upon or reserved to the County is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Borrower Note, or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair that right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle the County to exercise any remedy reserved to it herein, it shall not be necessary to give any notice, other than any notice required by law or for which express provision is made herein.

If an Event of Default should occur and the County should incur expenses, including attorneys’ fees and expenses, in connection with the enforcement of this Borrower Note or the collection of sums due hereunder, the Borrower shall reimburse the County for the expenses so incurred, upon demand.

No failure by the County to insist upon the strict performance by the Borrower of any provision hereof shall constitute a waiver of their right to strict performance and no express waiver shall be deemed to apply to any other existing or subsequent right to remedy the failure by the Borrower to observe or comply with any provision hereof.

No covenant or agreement contained in this Borrower Note shall be deemed to be the covenant or agreement of any officer, agent or employee of the Borrower in his or her individual capacity, and no official executing this Borrower Note shall be liable personally on this Borrower Note or be subject to any personal liability or accountability by reason of the issuance of this Borrower Note.

This Borrower Note may not be amended, modified, terminated or assigned by the Borrower without, in each case, the written consent of the County.

This Borrower Note and all matters arising hereunder shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

[Signature Page Follows]

IN WITNESS WHEREOF, we, the undersigned authorized officials, have hereunto set our signatures and affixed hereto the Seal of the Township of Cheltenham, Montgomery County, Pennsylvania.

ATTEST:



Dated: November 18, 2015



Name: Bryan Havir

Title: Secretary/Manager

Name: Harvey Portner

Title: President

[Seal]

Schedule A

**Township of Cheltenham
Promissory Note, 2015 Series
Principal Amortization Schedule**

<u>Payment Date</u>	<u>Amount</u>
January 25, 2016	\$191,232.01
January 25, 2017	\$191,232.01
January 25, 2018	\$191,232.01
January 25, 2019	\$191,232.01
January 25, 2020	\$191,232.00