

March 16, 2016  
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Morton J. Simon, Jr. presiding. Members present were Commissioners Brockington, Holland, Norris, Pransky, Rappoport, and Sharkey.

Staff present were Charlyn Battle, Human Resources Coordinator; Alyson Elliott, Assistant Township Manager; Christopher Clewell, Superintendent of Public Works; Nancy Gibson, Public Information and Complaint 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 Bagley, Esq., Wisler Pearlstine, LLP. A Public Attendance List is attached.

1. The meeting commenced at 7:30 p.m. with the Pledge of Allegiance being led by Commissioner Norris.
2. Mr. Simon announced that prior to the meeting the Commissioners held an Executive Session to discuss potential and pending litigation.
3. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated February 17, 2016, upon motion of Ms. Rappoport, the Minutes were unanimously approved by the Board of Commissioners.
4. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of February, 2016, upon motion of Mr. Brockington, the Report was unanimously approved by the Board of Commissioners.
5. Each member having received a copy of the Accounts Paid Report for the month of February, 2016, upon motion of Mr. Brockington, the Report was unanimously approved by the Board of Commissioners.
6. Mr. Simon presented a Community Service Award to Louis A. Picone, owner of Luigi's Pizzarama II, Elkins Park, for his help in providing meals to Township employees during the blizzard of January 22-24, 2016.

#### **PUBLIC HEARINGS**

[All notes of Public Hearings are taken by a court reporter as "*Notes of Testimony*" and are available upon request at the office of Planning and Zoning].

7. **PUBLIC HEARING:** Mr. Bagley opened a Public Hearing to receive any and all comments regarding the adoption of an Ordinance to create the "Off Premises Advertising Sign Overlay District" to regulate the installation and operation of off-premises advertising signs or billboards and amend the Township's Zoning Map accordingly (see attached).

8. Upon receiving all public comments, upon motion of Mr. Pransky, the Public Hearing was closed, and upon motion of Mr. Pransky, Board of Commissioners unanimously adopted **Ordinance No. 2323-16** amending the Township Zoning Code, Chapter 295 and the Township's Zoning Map creating an "Off Premises Advertising Sign Overlay District" (see attached).

9. **PUBLIC HEARING:** Mr. Bagley opened a Public Hearing to receive any and all comments regarding the adoption of a Resolution approving an inter-municipal liquor license transfer to Brown's Wyncote, LLC at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote (see attached).

10. The Public Hearing was closed, and upon motion of Mr. Holland, the Board of Commissioners unanimously adopted **Resolution No. 62-16** approving an inter-municipal liquor license transfer to Brown's Wyncote, LLC at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote (see attached).

11. Review of the Public Works Committee Regular Meeting Minutes dated March 6, 2016:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the implementation of PennDOT's suggested interim improvements to the traffic signal at the intersection of Church Road and Greenwood Avenue. This would include PennDOT's interim proposal for the installation of a left turn arrow on westbound Church Road to help facilitate the heavy volume of traffic turning left onto southbound Greenwood Avenue with the estimated cost of \$2,500 being the responsibility of the Township.

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 63-16** authorized the Township Manager, pending review by the Solicitor, to enter into a Guaranteed Savings Agreement with Johnson Controls, Inc. to prepare an Investment Grade Audit for lighting infrastructure improvements as part of the Township's participation in the Regional Street Light Procurement Program ("RSLPP") for LED upgrades (see attached).

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 64-16** authorizing signature authority to affix names to the Reimbursement Agreement for Supplement C for Construction, and Construction Inspection Services for Ashmead Road Bridge over Tookany Creek (Agreement No. 067417) (see attached).

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously awarded a Professional Services Contract to CHRS, Inc. in the amount of \$8,568.12 for archeological and geomorphological services for the Phase IA Scope of Work associated with the Interceptor A Sewer Replacement Project.

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Works Committee Regular Meeting Minutes dated March 9, 2016.

12. Review of the Public Safety Committee Regular Meeting Minutes dated March 2, 2016:

a. Upon motion of Mr. Norris, the Board of Commissioners unanimously adopted **Ordinance No. 2324-16** amending Chapter 285 of the Code entitled "Vehicles and Traffic" (see attached).

b. Upon motion of Mr. Norris, the Board of Commissioners unanimously accepted the Public Safety Committee Regular Meeting Minutes dated March 2, 2016.

13. Review of the Public Affairs Committee Regular Meeting Minutes dated March 2, 2016:

a. Upon motion of Ms. Rappoport, the Board of Commissioners unanimously authorized the publication of a Legal Notice indicating their intent to consider and possibly adopt an Ordinance amending the Township Code, Chapter 5, to consolidate the Parks and Recreation Committee powers and duties into the Public Affairs Committee (see attached).

b. Upon motion of Ms. Rappoport, the Board of Commissioners unanimously adopted **Resolution No. 65-16** dissolving the Parks and Recreation Committee per Section 401.B of the Home Rule Charter (see attached).

c. Upon motion of Ms. Rappoport, the Board of Commissioners unanimously accepted the Public Affairs Committee Regular Meeting Minutes dated March 2, 2016.

14. Review of the Building and Zoning Committee Regular Meeting Minutes dated March 2, 2016:

a. Upon motion of Mr. Simon, the Board of Commissioners unanimously authorized the publication of a Legal Notice for the rescheduling of a Public Hearing on Wednesday, April 20, 2016, at 7:30 p.m., at Curtis Hall, to consider and possibly adopt an Ordinance amending the Zoning Code as it relates to the M4 Zoning District (available on the Township website).

b. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Building and Zoning Committee Regular Meeting Minutes dated March 2, 2016.

15. Review of the Parks and Recreation Committee Regular Meeting Minutes dated March 9, 2016:

a. Upon motion of Ms. Rappoport, the Board of Commissioners unanimously awarded a Contract for the Sandblasting and Repainting Project at Glenside Pool to Stoneridge, Inc. in the amount of \$73,600.

b. Upon motion of Ms. Rappoport, the Board of Commissioners unanimously approved a Community Service Award for Philip Washington, Jr. for his Eagle Scout project.

c. Upon motion of Ms. Rappoport, the Board of Commissioners unanimously accepted the Parks and Recreation Regular Meeting Minutes dated March 9, 2016.

16. Review of the Finance Committee Regular Meeting Minutes dated March 9, 2016:

a. Upon motion of Mr. Norris, the Board of Commissioners by a majority adopted **Resolution No. 66-16** authorizing the preparation for the incurrence of non-electoral debt through the issuance of Township of Cheltenham General Obligation Bonds, Series of 2016 (the "2016 bonds") for the purpose of financing improvements to the Township's sanitary sewer system and certain miscellaneous other capital projects (see attached) (Ayes: Brockington, Holland, Norris, Pransky, Rappoport, Simon; Abstain: Sharkey).

b. Upon motion of Mr. Norris, the Board of Commissioners unanimously adopted **Ordinance No. 2325-16** authorizing Portnoff Law Associates to collect delinquent sewer and refuse payments and approving the collection procedures and adopting interest and schedule of attorney fees and charges (see attached).

c. Upon motion of Mr. Norris, the Board of Commissioners unanimously accepted the Finance Committee Regular Meeting Minutes dated March 9, 2016.

17. Review of the Sinking Fund Commission Regular Meeting Minutes dated February 24, 2016:

Upon motion of Mr. Norris, the Board of Commissioners unanimously accepted the Sinking Fund Commission Regular Meeting Minutes dated February 24, 2016.

18. Old Business: None.

19. New Business:

a. Public Works Superintendent Christopher Clewell advised of an Aqua PA pipe that collapsed that afternoon on Ashbourne Road between Haines and New Second Street. He reviewed the incident and its affect on the repaving schedule for Ashbourne Road.

b. Mr. Holland reported witnessing an environmental truck pumping water from a hose into the ground in front of Wendy's Restaurant on Cheltenham Avenue. Mr. Clewell responded that at this time of year, it is a normal process but he would investigate.

c. Mr. Simon acknowledged the retirement of Anna Marie Felix, Assistant to the Township Manager. He and all of the Commissioners thanked Ms. Felix for her 19-years of service and for all the help and work that she did for them during her tenure. They presented Ms. Felix with flowers and a gift in appreciation.

20. Citizens' Forum: None.

There being no further business, upon motion of Mr. Simon, the Board of Commissioners unanimously agreed to adjourn the meeting at 8:30 p.m.



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Bryan T. Haver  
Township Manager

as per Anna Marie Felix



1 BOARD OF COMMISSIONERS  
2 CHELTENHAM TOWNSHIP  
3 MONTGOMERY COUNTY, PENNSYLVANIA  
4 - - -  
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6 A. PUBLIC HEARING: To receive any and all comments  
7 regarding the adoption of an Ordinance to create the "Off  
8 Premises Advertising Sign Overlay District" to regulate  
9 the installation and operation of off-premises advertising  
10 signs or billboards and amend the Township's Zoning Map  
11 accordingly (see attached and the Township website).

12 B. Consider adoption of an Ordinance amending the  
13 Township Zoning Code, Chapter 295 and the Township's  
14 Zoning Map creating an "Off Premises Advertising Sign  
15 Overlay District" (see attached and Township website).

16 - - -  
17  
18 Wednesday, February 17, 2016  
19 Commencing at 8:25 p.m.  
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24 Curtis Hall  
25 Greenwood Avenue and Church Road  
Wyncote, Pennsylvania

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28 VERITEXT LEGAL SOLUTIONS  
29 MID-ATLANTIC REGION  
30 1801 Market Street - Suite 1800  
31 Philadelphia, PA 19103

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BEFORE: MORTON J. SIMON, JR., President, Ward 6  
DANIEL B. NORRIS, Vice President, Ward 5  
BARON B. HOLLAND, Board Member, Ward 2  
BRAD M. PRANSKY, Board Member, Ward 3  
ANN L. RAPPAPORT, Board Member, Ward 4  
IRV BROCKINGTON, Board Member, Ward 7  
HENRY SEKAWUNGU, Director of Planning & Zoning

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APPEARANCES:

JOSEPH BAGLEY, ESQUIRE, Solicitor

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IN RE: PUBLIC HEARING

PRESIDENT SIMON: The next item, item two is a proposed public hearing on off premises advertising sign overlay district.

Mr. Bagley?

MR. BAGLEY: There was a technical issue with the posting of the properties affecting the proposed advertising sign overlay district ordinance.

I recommend that we table tonight's hearing and entertain a motion to reschedule the hearing to the March 16th meeting of the board of commissioners.

PRESIDENT SIMON: I'll move that we table tonight's hearing and I'll move to reschedule the hearing to the March 16th meeting of the board of commissioners.

Any discussion?

- - -

(No response.)

PRESIDENT SIMON: All in favor?

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(All members of the Board respond aye.)

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(At 8:30 p.m., proceedings were

IN RE: PUBLIC HEARING

concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.



Anita Russo Huber  
Official Court Reporter

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Commonwealth of Pennsylvania Rules of Civil  
Procedure

Title 231, Chapter 4000  
Depositions and Discovery

Rule 4017

(c) When the testimony is fully transcribed a copy of the deposition with the original signature page shall be submitted to the witness for inspection and signing and shall be read to or by the witness and shall be signed by the witness, unless the inspection, reading and signing are waived by the witness and by all parties who attended the taking of the deposition, or the witness is ill or cannot be found or refuses to sign. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the person before whom it was taken with a statement of the reasons given by the witness for making the changes. If the deposition is not signed by the witness within thirty days of its submission to the witness, the person before whom the deposition was taken shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the refusal to sign together with the reason, if

any, given therefor; and the deposition may then be used as fully as though signed, unless the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2323-16  
"Off-Premises Advertising Sign Overlay District"**

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AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO CREATE THE "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS IN CHELTENHAM TOWNSHIP; AND AMENDING THE CODIFIED ORDINANCES OF CHELTENHAM TOWNSHIP, CHAPTER 295 (ZONING) TO AMEND ARTICLE I (OBJECTIVES AND TERMINOLOGY), SECTION 2 (DEFINITIONS AND WORD USAGE) TO DELETE THE TERM "BILLBOARD" IN ITS ENTIRETY AND REPLACE WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AMEND ARTICLE XXV (SIGNS), SECTION 193 (DEFINITIONS) TO DELETE THE EXISTING DEFINITION OF "ADVERTISING SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AND ADD A NEW ARTICLE XXXVI ENTITLED "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT FOR OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; LIGHTING REGULATIONS; MINIMUM LOT SIZE REQUIREMENTS; LANDSCAPING REQUIREMENTS; AND MAINTENANCE REQUIREMENTS.

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The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

**SECTION I: Zoning Map Amendment.**

The Cheltenham Township Zoning Map is hereby amended to identify the Off-Premises Advertising Sign Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A."

**SECTION II: Amendment to Code.**

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article I (Objectives and Terminology), Section 2 (Definitions and word Usage), Paragraph C is hereby

amended to delete the existing term and definition of "Billboard" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

**SECTION III: Amendment to Code.**

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXV (Signs), Section 193 (Definitions), Paragraph B(1) is hereby amended to:

1. Delete the existing term and definition of "Advertising Sign" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

2. Amend the existing definition of "Billboard" to read "—See "Off-Premises Advertising Sign or Billboard."

**SECTION IV: Amendment to Code.**

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), is hereby amended to add the following new Article XXXVI, entitled "Off-Premises Advertising Sign (OPAS) Overlay District":

**Article XXXVI. Off-Premises Advertising Sign (OPAS) Overlay District.**

A. Purpose and intent. The purpose of this Section is to provide an area for the placement of off-premises advertising signs or billboards in the Township. The goals of this Section are to:

- (1) Provide clear guidelines and regulations for the placement of off-premises advertising signs or billboards.
- (2) Provide standards for construction of off-premises advertising signs or billboards.
- (3) Provide for the location of off-premises advertising signs or billboards so that such signs are not adverse to the health, safety and welfare of the public.

B. General regulations.

- (1) Billboards Permitted. Billboards may be permitted by special exception in the OPAS Overlay District subject to the requirements contained in this Section and §295.209 and §295.209.1. All Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance shall be deemed a permitted use. For all Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance, no special exception shall be required unless there is a change or alteration of the Billboard of a dimension or other characteristic which is regulated by this Ordinance.
- (2) Size of Billboard Face. A Billboard face may not exceed 380 square feet per side in area.
- (3) Height. Billboards shall not exceed 40 feet, 6 inches feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the Billboard is oriented to the highest part of the Billboard.
- (4) Location of Billboard. Subject to the last sentence of this Section B(4), Billboards shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet from any street or road measured from the ultimate right-of-way of such street or road. Billboards shall not be closer than 500 feet from another billboard measured linearly regardless of whether one of the signs is located in another municipality. No billboard or portion thereof shall be permitted within the clear sight triangle at any intersection of a driveway with a street. No billboard shall be erected within a 100 foot radius of the nearest property line of any of the following: historic site, school, church or other religious institution, retirement or nursing home, cemetery, government building, community center or public park, playground or recreational area. No billboard shall be located within 600 feet of any existing residential dwelling regardless of whether the residence is located in Cheltenham Township or any surrounding municipality.
- (5) Number of Billboards Per Lot. There shall be no more than one (1) Billboard per lot.
- (6) Content. No Billboard shall advertise any adult or sexually-oriented businesses or materials, contain any obscene or profane language, emit any sound, or, otherwise display any content prohibited by 18 Pa. C.S.A. §5903. Billboards shall not advertise alcohol or tobacco products.

- (7) Mechanical Billboards. No part of the Billboard shall revolve, rotate, oscillate, or otherwise move.
- (8) Lighting. Illumination of Billboards shall follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval of the Township. To the extent that there is a conflict between a standard and/or requirements of the IESNA and the provisions of this Section B(8), the provisions of this Section B(8) shall control. Illumination of all Billboards shall be by external illumination or Light Emitting Diode (LED) only. Flashing, scrolling, fading, brightening or animated text or video is prohibited. The copy or image on an LED Billboard shall not change more than eight (8) times per minute. All copy or image changes shall be instantaneous and shall not fade in or out of the digital active area. Any external illumination shall be shielded as necessary to direct light onto the Billboard without spill over on any side of the Billboard. External illumination shall not flash, strobe or otherwise move. Any resulting glare generated by a Billboard shall not exceed 1/8 foot-candle, as measured on the ground at the curb line or shoulder, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle. A Billboard or its structure may be illuminated 24 hours per day.
- (9) Luminance. At no point shall the luminance of any Billboard exceed the following:
- (a) Billboards using external illumination shall not exceed 1.75 watts per square foot of board face.
  - (b) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 75 nits per Billboard between sunset and sunrise.
  - (c) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 500 nits per Billboard between sunrise and sunset.
- (10) Lot size.
- (a) For all Billboards erected within the Township prior to the enactment of this Ordinance, there shall be no minimum lot size.
  - (b) For all Billboards erected after the enactment of this Ordinance, the minimum lot size for a property on which a Billboard may be located is 10,000 sq. ft.
- (11) Construction and Maintenance of Billboard. All Billboards shall be constructed in accordance with industry-wide standards established by

the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All Billboards shall be structurally sound and maintained in good condition. If the Billboards are not structurally sound or maintained in good condition, the Billboards shall be immediately removed at the sole cost and expense of the owner of the Billboard. If a Billboard is determined by the Township Engineer to be a public safety hazard, the Township shall notify the owner of the property on which the Billboard is located and provide the owner written notice by certified mail, sent to the owner's last known address, to immediately repair or remove the Billboard. If the Billboard is not repaired or removed within 3 days of the date of the notice, the Township may remove the Billboard, and the cost thereof shall be paid by the owner of the property on which the Billboard is erected. The Township may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property. If the Billboard is removed for lack of maintenance, it shall be considered discontinued and subject to the provisions of Section 15 below.

- (12) Billboard Face Arrangement. When two Billboard faces are used in a back-to-back arrangement, they shall be parallel, directly aligned with each other, and not more than five (5) feet apart. When a V-type Billboard face arrangement is used for two Billboard faces of any billboard, the Billboard faces shall not be located more than 15 feet apart at the furthest point nor shall the interior angle be greater than 45 degrees. The rear side of any single-face, Billboard shall be of one neutral color which shall be specified in the order of the Zoning Hearing Board. There shall be no more than two (2) Billboard faces per Billboard.
- (13) Agreement of Property Owner. No part or foundation or support of any Billboard shall be placed on, in or over any private property without the written agreement of the property owner. The agreement shall be presented as part of the application for said Billboard permit but the consideration or price figures bargained between the private parties may be redacted.
- (14) Owner Identification. All Billboards shall be identified on the structure with the name and address of the owner of each Billboard. Billboards within an area regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
- (15) Discontinued Billboard. A Billboard shall be considered a discontinued Billboard when it has carried no message for a period of 180 consecutive days, or when such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or when the

majority of the message on such Billboard has deteriorated to the condition that it is not clearly discernable. A Billboard which has been discontinued shall be presumed to be abandoned and shall constitute an illegal Billboard. Any period of time for which the discontinued use of a Billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the Billboard or user of the Billboard, shall not be calculated toward the number of days of discontinued use. Any discontinued Billboard shall be removed at the expense of the owner of the Billboard. In the event that the owner of the Billboard cannot be ascertained after the Township's reasonable inquiry, the discontinued Billboard and structure shall be removed at the expense of the owner of the property on which the Billboard is erected.

- (16) Additional Regulations. In addition to the requirements contained in Section B of this Ordinance, all Billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal statutes and/or regulations, including, but not limited to, the Federal Highway Beautification Act, as amended, Cheltenham Township Administrative Building and Property Maintenance codes, and all applicable Pennsylvania Department of Transportation regulations. In the event any other applicable regulation is in conflict with the provisions of this Section B, the more strict regulation shall apply.
- (17) Submission Requirements. In addition to the requirements set forth in the zoning ordinance, plans submitted for Billboards shall show the following:
- (a) The location of the proposed Billboard on the lot with the required Billboard setbacks from the property line and the ultimate right-of-way.
  - (b) The location of the proposed Billboard on the lot and radii of 600 linear feet, 500 linear feet, and 100 linear feet from the proposed Billboard location.
  - (c) The location and species of existing trees over four (4) inches in diameter and those that are proposed to be removed.
- (18) Landscaping. Landscaping shall only be required in the case of (1) a newly constructed Billboard or (2) modification(s) to an existing Billboard which require(s) a new land development application or require(s) new zoning relief. Landscaping shall be provided and maintained at and around all Billboards in the OPAS Overlay District, in accordance with a landscaping plan to be submitted at the time of the use application, so the area in the immediate vicinity of the Billboard

structure presents an appearance that is attractive to passing motorists. Such landscaping plan shall, to the extent practicable, present an attractive and logical scheme which incorporates a variety of low-growing evergreen and deciduous plantings, providing year round vitality and visual interest. Such landscape plan shall take into consideration the need for access to the Billboard structure with necessary equipment, as well as visibility of the advertising faces as viewed by the traveling public. The landscaping plan will be required to meet the following minimum requirements and shall be submitted, reviewed and approved by the Township Engineer and the Shade Tree Advisory Committee:

- (a) Five evergreen trees with a height of five feet to six feet planted within a forty-foot radius on the sides and rear of the base of the Billboard;
  - (b) Four flowering trees with a height of eight feet to 10 feet planted within a fifty-foot radius on the sides and rear of the base of the Billboard; and
  - (c) One shrub tree with a height of three feet to four feet for each three lineal feet of road frontage along the parcel or 40 shrubs, whichever is greater, to be placed in front of the Billboard.
  - (d) All trees four caliper inches in diameter or greater that are removed due to the construction or erection of a Billboard shall be replaced on site at a ratio of one (1) replacement tree for each tree removed, using native species, no less than three (3) inches caliper in diameter.
  - (e) Applicants unable to comply with the full extent of these requirements of this Section due to site conditions, may at the discretion of the Shade Tree Advisory Committee and the Township Engineer, plant all or a portion of the required landscaping on another part of the subject property or at a suitable location, as agreed to by the Township.
- (19) Maintenance of Landscaping. All landscaping shall be maintained in a good and safe condition. If any approved landscaping is found by the Township to be in poor condition, the Township shall notify the owner of the property on which the Billboard and landscaping are located and provide the owner 60 days written notice certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the Township. If the condition of the landscaping is not corrected within 60 days of the date of the notice, the Township may perform such work as is necessary to bring the landscaping into a good and safe condition, and the cost thereof shall be

paid by the owner of the property on which the Billboard and landscaping are located. The Township may file a lien against the property or take any action permitted by law to collect the cost of any corrective action taken by the Township if it is not paid by the owner of the property.

(20) Public Service Messages on Electronic Billboards.

(a) Alerts. The operator of a Billboard shall post Amber (also known as Child Abduction Emergency), police and emergency management alerts (Alerts) whether received from the Township Police Department, the Pennsylvania State Police, the National Missing and Exploited Children Association or other official, government emergency services or security department authorized to issue emergency alerts, and, accordingly, the billboard shall be permitted to operate 24 hours per day. Alerts shall, promptly after receipt, run not less than one time per minute for the duration of an emergency.

(b) Public Service Messages. The operator of a billboard shall provide the Township with the opportunity to post a minimum of 30 Public Service Messages on the billboard sign each hour, seven (7) days per week, exclusive of Alerts. The Township may post Public Service Messages announcing the following activities: Cheltenham Township events, community events which are conducted in Cheltenham Township, Cheltenham Township School District events, welcome announcements for new businesses opening in Cheltenham Township (for a duration of no more than two (2) weeks), and other similar public service announcements (Public Service Message). The Township shall be responsible for providing to the billboard operator the messages in an adaptable format at the Township's costs. The content of the Township's requested Public Service Messages shall be subject to the operator's reasonable approval and not exceed one advertising slot on rotation of every 60 seconds of advertising.

(21) Nothing in this Ordinance shall be construed to repeal or limit Cheltenham Township Code 295-197.B.(1) regulating billboards in Industrial Districts.

**SECTION VI: Severability.**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such

illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION VII: Failure to Enforce not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VIII: Effective Date.**

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

**SECTION IX: Repealer.**

Except as otherwise provided in Section IV above, specifically, Article XXXVI, Section B, Subsection (21), all other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**SECTION X: Disclaimer.**

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed. **ORDAINED AND ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 17<sup>th</sup> day of February, 2016.

**CHELtenham TOWNSHIP**



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

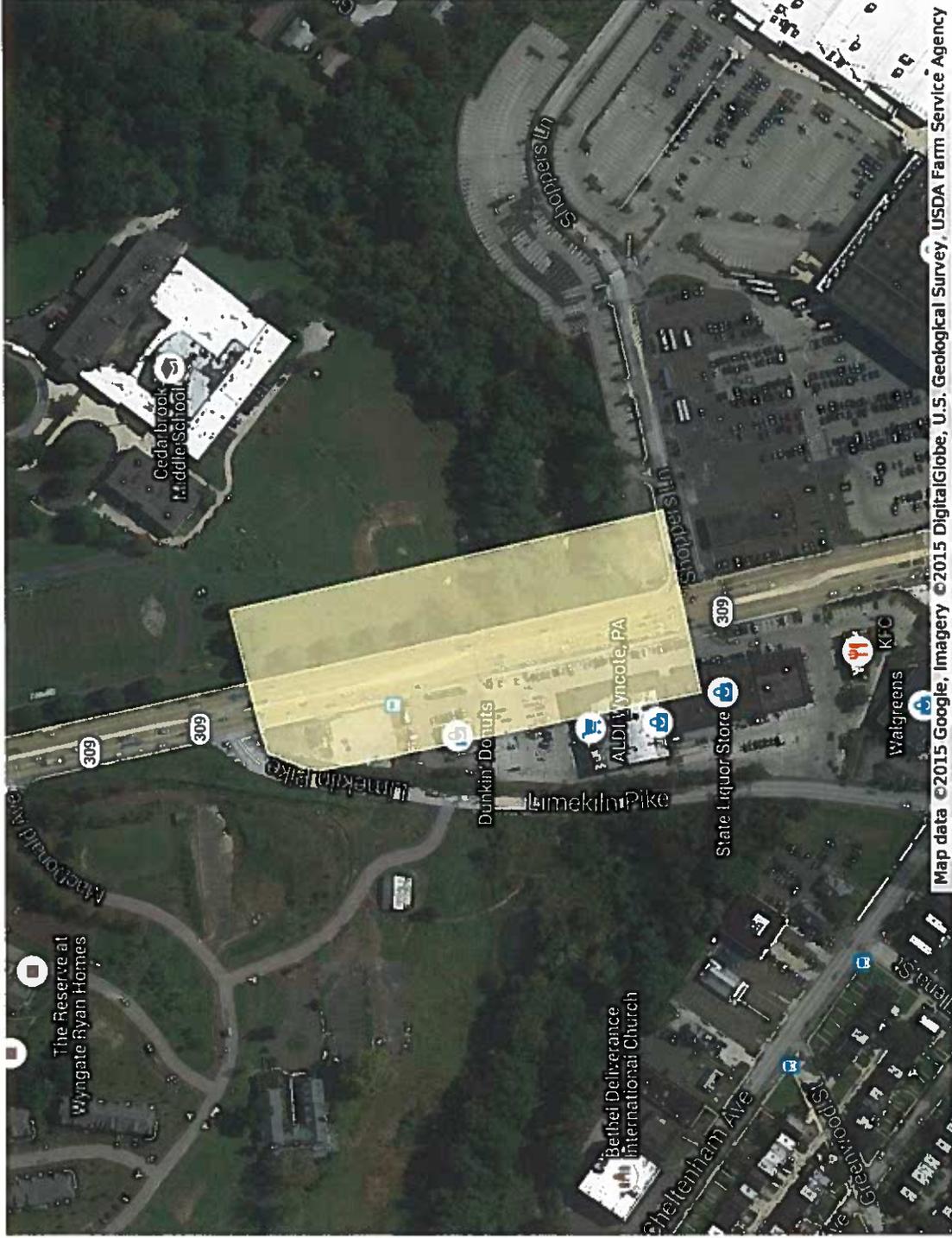


Attest: **Bryan T. Havir**,  
Township Manager/Secretary

# Off-Premises Advertising Sign Overlay District

District Boundary

OPAS - Off Premises  
Advertising Sign Overlay  
District



**Exhibit A**

BOARD OF COMMISSIONERS  
CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

- - -

A. PUBLIC HEARING: To receive any and all comments regarding the adoption of a Resolution approving an inter-municipal liquor license transfer to Brown's Wyncote, LLC at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote (see attached).

B. Consider adoption of a Resolution approving an inter-municipal liquor license transfer to Brown's Wyncote, LLC at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote (see attached).

- - -

Wednesday, March 16, 2016  
Commencing at 8:00 p.m.

- - -

Curtis Hall  
Greenwood Avenue and Church Road  
Wyncote, Pennsylvania

- - -

VERITEXT LEGAL SOLUTIONS  
MID-ATLANTIC REGION  
1801 Market Street - Suite 1800  
Philadelphia, PA 19103

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BEFORE: MORTON J. SIMON, JR., President, Ward 6  
DANIEL B. NORRIS, Vice President, Ward 5  
BARON B. HOLLAND, Board Member, Ward 2  
BRAD M. PRANSKY, Board Member, Ward 3  
ANN L. RAPPAPORT, Board Member, Ward 4  
IRV BROCKINGTON, Board Member, Ward 7  
HENRY SEKAWUNGU, Director of Planning & Zoning  
J. ANDREW SHARKEY, Board Member, Ward 2  
BRYAN HAVIR, Assistant Township Manager

- - -

APPEARANCES:

JOSEPH BAGLEY, ESQUIRE, Solicitor

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I N D E X

E X H I B I T S

TOWNSHIP'S

Number		Marked	Rec'd
T-1	Public notice	4	18
T-2	Public notice	4	18
T-3	Proposal resolution	5	18

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IN RE: PUBLIC HEARING

BOARD PRESIDENT SIMON: Next is a public hearing to receive comments regarding the adoption of a resolution approving an inter-municipal liquor license transfer to Brown's Wyncote, LLC at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote as attached. And after the public hearing possibly to adopt that.

Mr. Solicitor, have you anything to introduce that?

MR. BAGLEY: Yes. We're going to open a public hearing on the proposed liquor license transfer.

We're going to mark as T-1 public notice of tonight's hearing in the Times Chronicle.

- - -

(Public notice marked Township Exhibit 1, for identification.)

MR. BAGLEY: Exhibit T-2 is another publication of legal notice of tonight's hearing.

- - -

(Public notice marked Township Exhibit 2, for identification.)

MR. BAGLEY: And T-3 is a copy of the proposed resolution approving the liquor license

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IN RE: PUBLIC HEARING

transfer.

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(Proposed resolution marked Township Exhibit 3, for identification.)

MR. BAGLEY: This is the proposed transfer of a liquor license into the township by Brown's. This is a proposal for a beer garden in Cedarbrook Plaza. This is part of an existing franchise of other beer gardens that Brown's Wyncote -- I should say Brown's Super Store has in other locations.

Online I saw one somewhere in Bucks County and there was another one, I believe, in Chester or Delaware County. It looked like a pretty simple beer garden like you'd see in other locations in Giant stores and in other large supermarkets.

The proposal was, I believe, that because of the number of liquor licenses in the township, there is some question whether we actually have to adopt the resolution, but in an abundance of caution the Board is going to go ahead with the public hearing and include it.

Is there any member of the public who wishes to make any public comment about the

1                   IN RE: PUBLIC HEARING  
2 proposal for the transfer of liquor license?

3                   Yes, sir.

4                   MR. ALLEN SIEGEL: Allen Siegel,  
5 7905 Ronaele Drive, Elkins Park.

6                   The one thing, I have a question  
7 for Brown's markets is will they have parking for  
8 wheelchair accessible van or cars? And I brought this  
9 up at the last meeting because they don't have it at  
10 the Shop Rite. Okay? And until they put up no parking  
11 signs in the X'd out spots, people with wheelchair  
12 accessible vans will not be able to park.

13                  MR. BAGLEY: Mr. Siegel, it's my  
14 understanding that there's nobody from Brown's Super  
15 Store here this evening. So I think your question is  
16 best directed to --

17                  MR. ALLEN SIEGEL: Okay.

18                  MR. BAGLEY: -- the owners and  
19 landlord at Cedarbrook Plaza.

20                  MR. ALLEN SIEGEL: I have. And  
21 basically the answer I get is the check is in the mail.  
22 And that's why I'm here. Had they responded to my  
23 request last summer, I wouldn't be here.

24                  MR. BAGLEY: Your comments will be  
25 placed in the record and they'll be in the minutes.

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IN RE: PUBLIC HEARING

MR. ALLEN SIEGEL: Okay. Thank you.

MR. BAGLEY: Is there any other member of the public who wishes to make comment?

- - -

(No response.)

MR. BAGLEY: Let the record reflect that there is none.

Is there a motion to close the public hearing?

MR. HOLLAND: Move.

MR. BAGLEY: All those in favor, say aye.

- - -

(All Board members respond aye.)

MR. BAGLEY: Hearing is closed.

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(Township Exhibits 1, 2 and 3, received into evidence.)

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(At 8:10 p.m., proceedings were concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.



Anita Russo Huber  
Official Court Reporter

- - -

<b>&amp;</b>	<b>andrew</b> 2:8	<b>church</b> 1:16	<b>giant</b> 5:16
<b>&amp; 2:7</b>	<b>anita</b> 8:10	<b>close</b> 7:10	<b>go</b> 5:22
<b>1</b>	<b>ann</b> 2:5	<b>closed</b> 7:17	<b>going</b> 4:11,14 5:22
<b>1 3:10 4:14,18 7:19</b>	<b>answer</b> 6:21	<b>commencing</b> 1:13	<b>greenwood</b> 1:16
<b>100 1:6,9 4:6</b>	<b>appearances</b> 2:15	<b>comment</b> 5:25 7:5	<b>h</b>
<b>1000 1:6,9 4:6</b>	<b>approving</b> 1:5,8 4:4 4:25	<b>comments</b> 1:5 4:3 6:24	<b>h 3:4</b>
<b>16 1:12</b>	<b>assistant</b> 2:9	<b>commissioners</b> 1:1	<b>hall</b> 1:16
<b>18 3:10,11,12</b>	<b>atlantic</b> 1:23	<b>concluded</b> 7:23	<b>havar</b> 2:9
<b>1800 1:24</b>	<b>attached</b> 1:7,9 4:7	<b>consider</b> 1:8	<b>hearing</b> 1:5 4:1,3,7 4:12,15,20 5:1,23 6:1 7:1,11,17
<b>1801 1:24</b>	<b>avenue</b> 1:16	<b>contained</b> 8:5	<b>henry</b> 2:7
<b>19103 1:25</b>	<b>aye</b> 7:14,16	<b>copy</b> 4:24	<b>holland</b> 2:3 7:12
<b>2</b>	<b>b</b>	<b>correct</b> 8:7	<b>huber</b> 8:10
<b>2 2:3,8 3:11 4:19,23 7:19</b>	<b>b 1:8 2:2,3 3:4</b>	<b>county</b> 1:3 5:14,15	<b>i</b>
<b>2016 1:12</b>	<b>bagley</b> 2:19 4:11,19 4:24 5:6 6:13,18,24 7:4,8,13,17	<b>court</b> 8:11	<b>identification</b> 4:18 4:23 5:5
<b>3</b>	<b>baron</b> 2:3	<b>curtis</b> 1:16	<b>include</b> 5:23
<b>3 2:4 3:12 4:24 5:5 7:19</b>	<b>basically</b> 6:21	<b>d</b>	<b>inter</b> 1:6,8 4:4
<b>4</b>	<b>beer</b> 5:8,10,16	<b>d 3:1</b>	<b>introduce</b> 4:10
<b>4 2:5 3:10,11</b>	<b>believe</b> 5:14,18	<b>daniel</b> 2:2	<b>irv</b> 2:6
<b>5</b>	<b>best</b> 6:16	<b>delaware</b> 5:15	<b>j</b>
<b>5 2:2 3:12</b>	<b>board</b> 1:1 2:3,4,5,6 2:8 4:2 5:22 7:16	<b>directed</b> 6:16	<b>j 2:1,8</b>
<b>6</b>	<b>brad</b> 2:4	<b>director</b> 2:7	<b>joseph</b> 2:19
<b>6 2:1</b>	<b>brockington</b> 2:6	<b>drive</b> 6:5	<b>jr</b> 2:1
<b>7</b>	<b>brought</b> 6:8	<b>e</b>	<b>l</b>
<b>7 2:6</b>	<b>brown's</b> 1:6,8 4:5 5:8,10,11 6:7,14	<b>e 3:1,4 8:2,2</b>	<b>l 2:5</b>
<b>7905 6:5</b>	<b>bryan</b> 2:9	<b>easton</b> 1:6,9 4:6	<b>landlord</b> 6:19
<b>8</b>	<b>bucks</b> 5:13	<b>elkins</b> 6:5	<b>large</b> 5:17
<b>8:00 1:13</b>	<b>c</b>	<b>esquire</b> 2:19	<b>legal</b> 1:23 4:20
<b>8:10 7:22</b>	<b>c 8:2,2</b>	<b>evening</b> 6:15	<b>license</b> 1:6,8 4:5,12 4:25 5:7 6:2
<b>a</b>	<b>cars</b> 6:8	<b>evidence</b> 7:20 8:5	<b>licenses</b> 5:19
<b>able</b> 6:12	<b>cause</b> 8:7	<b>exhibit</b> 4:18,19,23 5:5	<b>liquor</b> 1:6,8 4:5,12 4:25 5:7,19 6:2
<b>abundance</b> 5:21	<b>caution</b> 5:22	<b>exhibits</b> 7:19	<b>llc</b> 1:6,9 4:5
<b>accessible</b> 6:8,12	<b>cedarbrook</b> 1:6,9 4:6 5:9 6:19	<b>existing</b> 5:9	<b>locations</b> 5:12,16
<b>accurately</b> 8:6	<b>certify</b> 8:4	<b>f</b>	<b>looked</b> 5:15
<b>adopt</b> 4:8 5:21	<b>check</b> 6:21	<b>f 8:2</b>	<b>m</b>
<b>adoption</b> 1:5,8 4:4	<b>cheltenham</b> 1:2	<b>favor</b> 7:13	<b>m 2:4</b>
<b>ahead</b> 5:22	<b>chester</b> 5:14	<b>franchise</b> 5:10	<b>mail</b> 6:21
<b>allen</b> 6:4,4,17,20 7:2	<b>chronicle</b> 4:15	<b>fully</b> 8:5	
		<b>g</b>	
		<b>garden</b> 5:8,16	
		<b>gardens</b> 5:10	

<p><b>manager</b> 2:9  <b>march</b> 1:12  <b>mark</b> 4:14  <b>marked</b> 3:8 4:17,22 5:4  <b>market</b> 1:24  <b>markets</b> 6:7  <b>meeting</b> 6:9  <b>member</b> 2:3,4,5,6,8 5:24 7:5  <b>members</b> 7:16  <b>mid</b> 1:23  <b>minutes</b> 6:25  <b>montgomery</b> 1:3  <b>morton</b> 2:1  <b>motion</b> 7:10  <b>move</b> 7:12  <b>municipal</b> 1:6,8 4:4</p>	<p><b>plaza</b> 1:6,9 4:6 5:9 6:19  <b>possibly</b> 4:7  <b>pransky</b> 2:4  <b>president</b> 2:1,2 4:2  <b>pretty</b> 5:15  <b>proceedings</b> 7:22 8:5  <b>proposal</b> 3:12 5:8 5:18 6:2  <b>proposed</b> 4:12,25 5:4,6  <b>public</b> 1:5 3:10,11 4:1,3,7,12,14,17,22 5:1,22,24,25 6:1 7:1 7:5,11  <b>publication</b> 4:20  <b>put</b> 6:10</p>	<p><b>s</b></p> <p><b>s</b> 3:4  <b>saw</b> 5:13  <b>see</b> 1:7,9 5:16  <b>sekawungu</b> 2:7  <b>sharkey</b> 2:8  <b>shop</b> 6:10  <b>siegel</b> 6:4,4,13,17,20 7:2  <b>signature</b> 8:9  <b>signs</b> 6:11  <b>simon</b> 2:1 4:2  <b>simple</b> 5:15  <b>sir</b> 6:3  <b>solicitor</b> 2:19 4:9  <b>solutions</b> 1:23  <b>spots</b> 6:11  <b>store</b> 5:11 6:15  <b>stores</b> 5:17  <b>street</b> 1:24  <b>suite</b> 1:6,9,24 4:6  <b>summer</b> 6:23  <b>super</b> 5:11 6:14  <b>supermarkets</b> 5:17</p> <p><b>t</b></p> <p><b>t</b> 3:4,10,11,12 4:14 4:19,24 8:2,2  <b>taken</b> 8:6  <b>thank</b> 7:2  <b>thing</b> 6:6  <b>think</b> 6:15  <b>times</b> 4:15  <b>tonight's</b> 4:15,20  <b>township</b> 1:2 2:9 4:17,22 5:5,7,20 7:19  <b>township's</b> 3:6  <b>transcript</b> 8:7  <b>transfer</b> 1:6,8 4:5,13 5:2,7 6:2</p> <p><b>u</b></p> <p><b>understanding</b> 6:14</p>	<p><b>v</b></p> <p><b>van</b> 6:8  <b>vans</b> 6:12  <b>veritext</b> 1:23  <b>vice</b> 2:2</p> <p><b>w</b></p> <p><b>ward</b> 2:1,2,3,4,5,6,8  <b>wednesday</b> 1:12  <b>wheelchair</b> 6:8,11  <b>wishes</b> 5:25 7:5  <b>wyncote</b> 1:6,7,9,9,17 4:5,6 5:10</p> <p><b>x</b></p> <p><b>x</b> 3:1,4  <b>x'd</b> 6:11</p> <p><b>z</b></p> <p><b>zoning</b> 2:7</p>
<p><b>n</b></p> <p><b>n</b> 3:1  <b>norris</b> 2:2  <b>notes</b> 8:6  <b>notice</b> 3:10,11 4:15 4:17,20,22  <b>number</b> 3:8 5:19</p>	<p><b>q</b></p> <p><b>question</b> 5:20 6:6,15</p> <p><b>r</b></p> <p><b>r</b> 8:2  <b>rappaport</b> 2:5  <b>rec'd</b> 3:8  <b>receive</b> 1:5 4:3  <b>received</b> 7:20  <b>record</b> 6:25 7:8  <b>reflect</b> 7:8  <b>regarding</b> 1:5 4:3  <b>region</b> 1:23  <b>reporter</b> 8:11  <b>request</b> 6:23  <b>resolution</b> 1:5,8 3:12 4:4,25 5:4,21  <b>respond</b> 7:16  <b>responded</b> 6:22  <b>response</b> 7:7  <b>rite</b> 6:10  <b>road</b> 1:7,9,16 4:6  <b>ronaele</b> 6:5  <b>russo</b> 8:10</p>	<p><b>o</b></p> <p><b>official</b> 8:11  <b>okay</b> 6:10,17 7:2  <b>online</b> 5:13  <b>open</b> 4:12  <b>owners</b> 6:18</p>	<p><b>p</b></p> <p><b>p.m.</b> 1:13 7:22  <b>pa</b> 1:25  <b>park</b> 6:5,12  <b>parking</b> 6:7,10  <b>part</b> 5:9  <b>pennsylvania</b> 1:3,17  <b>people</b> 6:11  <b>philadelphia</b> 1:25  <b>placed</b> 6:25  <b>planning</b> 2:7</p>

Commonwealth of Pennsylvania Rules of Civil  
Procedure

Title 231, Chapter 4000  
Depositions and Discovery

Rule 4017

(c) When the testimony is fully transcribed a copy of the deposition with the original signature page shall be submitted to the witness for inspection and signing and shall be read to or by the witness and shall be signed by the witness, unless the inspection, reading and signing are waived by the witness and by all parties who attended the taking of the deposition, or the witness is ill or cannot be found or refuses to sign. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the person before whom it was taken with a statement of the reasons given by the witness for making the changes. If the deposition is not signed by the witness within thirty days of its submission to the witness, the person before whom the deposition was taken shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the refusal to sign together with the reason, if

any, given therefor; and the deposition may then be used as fully as though signed, unless the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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**CHELTENHAM TOWNSHIP  
RESOLUTION NO. 62-16**

**A RESOLUTION OF CHELTHENHAM TOWNSHIP,  
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,  
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-8325  
INTO CHELTHENHAM TOWNSHIP FROM EAST NORRITON TOWNSHIP**

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in Cheltenham Township, sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the intermunicipal transfer of the liquor license prior to an applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Brown’s Wyncote, LLC has requested the approval of the Cheltenham Township Board of Commissioners for the proposed transfer of Pennsylvania restaurant liquor license no. R-8325 (currently in safekeeping with the PLCB by current licensee Brown’s CH LLC, for previous licensed premises at 25 E Germantown Pike, East Norriton, PA 19401) by Brown’s Wyncote, LLC to restaurant facilities within Cheltenham Township to be located at Cedarbrook Plaza, Suite 100, 1000 Easton Road, Wyncote, PA 19095 with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Cheltenham Township Board of Commissioners has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED, that Cheltenham Township approves, by adoption of this Resolution, the proposed intermunicipal transfer of restaurant liquor license no. R-8325 into Cheltenham Township by Brown's Wyncote, LLC; and

BE IT FURTHER RESOLVED, that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

Duly adopted this 16<sup>th</sup> day of March, 2016, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

CHELtenham TOWNSHIP  
BOARD OF COMMISSIONERS



By: \_\_\_\_\_  
Morton J. Simon, Jr., President



Attest: \_\_\_\_\_  
Bryan T. Havir, Township Manager  
and Secretary

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

**RESOLUTION NO. 63-16**

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**A RESOLUTION TO AUTHORIZE THE TOWNSHIP  
MANAGER, PENDING SOLICITOR REVIEW, TO ENTER INTO  
A GUARANTEED SAVINGS AGREEMENT WITH JOHNSON  
CONTROLS, INC. TO PREPARE AN INVESTMENT GRADE  
AUDIT FOR LIGHTING INFRASTRUCTURE IMPROVEMENTS**

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**WHEREAS**, The Township of Cheltenham, located in Montgomery County, Pennsylvania (the “Township”), constitutes a “governmental unit” as such term is defined under Pennsylvania’s Guaranteed Energy Savings Act (62 Pa C.S. §3751 *et seq.*) (the “Act”); and

**WHEREAS**, the Delaware Valley Regional Planning Commission (“DVRPC”) has established a Regional Streetlight Procurement Program (the “Program”) for municipalities in Bucks, Chester, Delaware and Montgomery counties, to facilitate the implementation of “energy conservation measures” as such term is defined under the Act; and

**WHEREAS**, the Township, in its capacity as a governmental unit, has participated in the Program solicitation process; and

**WHEREAS**, through the Program, DVRPC solicited proposals for a “qualified provider,” as such term is defined under the Act, to evaluate, recommend, design, implement, and install the energy conservation measures (“ECMs”) to be installed or implemented as a result of the Township’s participation in the Program (the “Project”); and

**WHEREAS**, Johnson Controls, Inc. (“JCI”), a Wisconsin corporation serving energy needs in Pennsylvania, was selected as the Program’s qualified provider; and

**WHEREAS**, JCI presented a report (the “Preliminary Audit”) to the Cheltenham Township Public Works Committee on March 9, 2016, summarizing estimates of the costs of installation, maintenance, repairs and debt service and estimates of the amounts by which energy or operating costs will be reduced; and

**WHEREAS**, JCI desires to perform a comprehensive investment grade energy use and savings analysis (the “Investment Grade Audit”), including accompanying schedules for the Township that will specify the ECMs for the Project; and

**WHEREAS**, under the terms of the Guaranteed Savings Agreement, JCI will have completed an Investment Grade Audit, under which JCI will guarantee to the Township that, through its participation in the Program, the Township will achieve energy savings as a result of the Project that will meet or exceed the cost of implementing the energy conservation measures contemplated (the “Energy Savings”) in an amount equal to or at least 90% of the per unit savings projected in the Preliminary Audit during the period commencing at the installation of the ECMs and running until the bonds issued to finance the Project are paid in full; and

**WHEREAS**, the Township will have no obligation to proceed with the Project at any time prior to the date on which it agrees (if ever) to the final schedules to the Guaranteed Savings Agreement (the “Schedules”), and, in its sole discretion, may determine whether or not to proceed with the Project until such time as it approves such Schedules.

**NOW, THEREFORE, BE IT RESOLVED** that the Cheltenham Township Board of Commissioners herby authorizes the Township to participate in the Program; and it is

**FURTHER RESOLVED** that the Cheltenham Township Board of Commissioners hereby appoints JCI as its qualified provider and will make its Preliminary Audit publicly available; and it is

**FURTHER RESOLVED** that the Cheltenham Township Board of Commissioners hereby authorizes the Township Manager, or designee, (an “Authorized Person”), upon review of the Township Solicitor, to negotiate and execute a Guaranteed Savings Agreement for the purpose of completing an Investment Grade Audit; and it is

**FURTHER RESOLVED** that the Cheltenham Township Board of Commissioners hereby authorizes and directs one or more of its Authorized Persons to take all such further actions and to execute and deliver all such instruments and other documents as such Authorized Persons may consider necessary or appropriate to enable the Township to carry out the intent and purposes of the foregoing resolutions and the transactions contemplated thereby.

**IN WITNESS WHEREOF**, the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, has adopted and enacted this Resolution 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 16<sup>th</sup> day of March, A.D., 2016, in the year of the Township of Cheltenham the one hundred seventeenth.

ATTEST:

TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS



\_\_\_\_\_  
Bryan T. Havir  
Township Manager and Secretary

By: \_\_\_\_\_  
Morton J. Simon, Jr., President

**CHELTENHAM TOWNSHIP**

**RESOLUTION NO. 64-16**

Be it resolved by authority of the BOARD OF COMMISSIONERS of the TOWNSHIP OF CHELTENHAM, that the BOARD PRESIDENT of said municipality be authorized and directed to execute all agreements with the Pennsylvania Department of Transportation on its behalf in regards to replacement at the Ashmead Road Bridge over Tookany Creek and the TOWNSHIP MANAGER be authorized and directed to attest signature.

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM  
(A Home Rule Community)



By: \_\_\_\_\_  
Morton J. Simon, Jr., President

ATTEST:



\_\_\_\_\_  
Bryan T. Havir  
Township Manager

(SEAL)

I, Bryan T. Havir, TOWNSHIP MANAGER AND SECRETARY, of the BOARD OF COMMISSIONERS, do hereby certify that the foregoing is a true Resolution adopted at a regular meeting of the BOARD OF COMMISSIONERS held the 16<sup>th</sup> day of March, 2016.

DATE: March 16, 2016



\_\_\_\_\_  
Township Manager/Secretary

**ORDINANCE NO. 2324-16**

**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:

- OAK ROAD (5) HANDICAPPED PARKING, in front of 341 Oak Road  
COTTMAN AVENUE (E) HANDICAPPED PARKING, in front of 424 Cottman 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 16<sup>th</sup> day of March, 2016.

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM



By \_\_\_\_\_  
Morton J. Simon, President



ATTEST: \_\_\_\_\_  
Bryan T. Havir, Township Manager

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

**RESOLUTION NO. 65-16**

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**A RESOLUTION TO DISSOLVE THE PARKS AND RECREATION COMMITTEE OF THE TOWNSHIP AND MERGE THE POWERS AND DUTIES OF SAID COMMITTEE WITH THE PUBLIC AFFAIRS COMMITTEE EFFECTIVE JULY 1, 2016**

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**WHEREAS**, in accordance with §5-33.A(2) of Part I of the Cheltenham Township Code of Ordinances and §401.B. of the Cheltenham Township Charter, the Board of Commissioners may create, dissolve or change a standing committee of the Board of Commissioners by Board resolution; and

**WHEREAS**, the Board of Commissioners wishes to adapt its standing committee structure to its current needs so as to streamline the process of governing.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners dissolves the Board's standing committee known as the Parks and Recreation Committee effective July 1, 2016 and shall add the powers and duties of the Parks and Recreation Committee to the Board's standing committee known as the Public Affairs Committee by ordinance.

**BE IT FURTHER RESOLVED** that the Board of Commissioners shall amend Chapter 5, entitled "Administration of Governance," of the Cheltenham Township Codified Ordinances to reflect the addition of the powers and duties of the Parks and Recreation Committee with the Public Affairs Committee, which shall be effective July 1, 2016.

**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 sixteenth day of March, A.D., 2016, in the year of the Township of Cheltenham the one hundred seventeenth.

Resolved and adopted this 16<sup>th</sup> day of March, A.D., 2016.

ATTEST:



\_\_\_\_\_  
Bryan T. Havir  
Township Manager and Secretary

TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS



By: \_\_\_\_\_  
Morton J. Simon, Jr., President

**TOWNSHIP OF CHELTENHAM**

**RESOLUTION NO. 66-16**

**AUTHORIZING PREPARATION FOR THE  
INCURRENCE OF NONELECTORAL DEBT**

**ADOPTED MARCH 16, 2016**

A RESOLUTION TO AUTHORIZE PREPARATION FOR THE INCURRENCE OF NONELECTORAL DEBT THROUGH THE ISSUANCE OF TOWNSHIP OF CHELTENHAM GENERAL OBLIGATION BONDS, SERIES OF 2016 (THE "2016 BONDS") FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE TOWNSHIP'S SEWER SYSTEM AND CERTAIN MISCELLANEOUS OTHER CAPITAL PROJECTS; AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ENTER INTO PREPARATION FOR THE ISSUANCE OF THE 2016 BONDS, AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS IN CONSULTATION WITH THE TOWNSHIP'S PROFESSIONAL ADVISORS TO PREPARE A PLAN OF FINANCE FOR THE 2016 BONDS; AUTHORIZING THE REQUISITE TOWNSHIP OFFICIALS TO PREPARE RELEVANT DOCUMENTS INCLUDING, BUT NOT LIMITED TO, A PRELIMINARY OFFICIAL STATEMENT, A DEBT STATEMENT AND A BORROWING BASE CERTIFICATE, ALL AS REQUIRED BY THE LOCAL GOVERNMENT UNIT DEBT ACT (ACT NO. 52 OF APRIL 28, 1978, AS AMENDED AND REENACTED BY ACT NO. 177 OF 1996, AS FURTHER AMENDED AND SUPPLEMENTED) (THE "ACT"); AUTHORIZING THE APPOINTMENT OF ACACIA FINANCIAL GROUP AS FINANCIAL ADVISOR TO THE TOWNSHIP; AUTHORIZING THE APPOINTMENT OF DILWORTH PAXSON LLP AS BOND COUNSEL TO THE TOWNSHIP; AND AUTHORIZING THE RELEVANT TOWNSHIP OFFICIALS TO PREPARE FOR THE ISSUANCE OF THE 2016 BONDS PURSUANT TO A SALE BY INVITATION OR A NEGOTIATED SALE, AS WELL AS ANY LAWFUL METHOD UNDER THE ACT.

WHEREAS, the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania (the "Township") desires to consider the incurrence of debt without the assent of the electors and to consider the possibility of issuing its General Obligation Bonds, Series of 2016 (the "2016 Bonds") in evidence of such debt for the purpose of financing improvements to the Township's sewer system and certain miscellaneous other capital projects (together, the "Project"); and

WHEREAS, such incurrence of authorized debt by the Township will not, when aggregated with other nonelectoral debt of the Township, result in a violation of the limitations of the Constitution of the Commonwealth of Pennsylvania or the Local Government Unit Debt Act (Act No. 52 of April 28, 1978, as amended and reenacted by Act No. 177 of 1996, as further amended and supplemented) (the "Act"); and

WHEREAS, the Board of Commissioners has asked the Township Manager, the Township Director of Finance and the other members of the Township staff to determine the desirability of issuing the 2016 Bonds and to make a determination as to what method lawful under the Act is in the best interest of the Township to sell the 2016 Bonds, be it at private negotiated sale or by invitation as authorized under the Act; and

WHEREAS, the Township wishes to employ the services of Acacia Financial Group of Marlton, New Jersey, to assist the Township, the Board of Commissioners and the Township staff in preparing for the potential issuance of the 2016 Bonds; and

WHEREAS, the Township wishes to employ the services of Dilworth Paxson, LLP of Philadelphia, Pennsylvania, to provide bond counsel services to the Township, the Board of Commissioners and the Township staff in preparation for the potential issuance of the 2016 Bonds; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the Township that a determination of the best methods for the issuance of the 2016 Bonds be considered; and

WHEREAS, the Township will not incur any debt or undertake the issuance and sale of the 2016 Bonds until the Board of Commissioners authorizes such incurrence through further action.

NOW, THEREFORE, it is hereby authorized by the Board of Commissioners of the Township of Cheltenham and directed by the authority of said Board that:

1. The Township Manager, the Finance Director and other appropriate Township staff (together, the "Authorized Township Officers") are hereby directed to prepare for the potential issuance of the 2016 Bonds and to prepare drafts of such documents, including, but not limited to, a debt statement, borrowing base certificate and a preliminary official statement, to authorize the issuance of the 2016 Bonds.

2. The Authorized Township Officers are specifically directed to consider all methods lawful under the Act for issuance of the 2016 Bonds and to make recommendations to the Board of Commissioners.

3. Acacia Financial Group of Marlton, New Jersey, is hereby appointed as financial advisor to the Township, in connection with the potential issuance and sale of the 2016 Bonds.

4. Dilworth Paxson LLP of Philadelphia, Pennsylvania is hereby appointed as bond counsel to the Township, in connection with the potential issuance and sale of the 2016 Bonds.

5. The Authorized Township Officers and the Board of Commissioners are hereby authorized to take such other actions as may be necessary to prepare a plan for the issuance and sale of the 2016 Bonds and to take such steps as may be necessary and issue such documents as may be necessary to prepare for the incurrence of debt pursuant to this Resolution and the authority provided by the Board of Commissioners in this matter.

6. In the event that any one or more of the provisions contained in this resolution shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this resolution, and this resolution shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein or therein.

7. All resolutions or parts thereof inconsistent herewith are hereby repealed, rescinded, canceled and annulled.

8. This Resolution shall be effective immediately.

ADOPTED AND APPROVED THIS 16<sup>th</sup> DAY OF MARCH, 2016.

TOWNSHIP OF CHELTENHAM



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



Attest: \_\_\_\_\_  
Bryan T. Havir  
Township Manager

**CHELTENHAM TOWNSHIP**

**ORDINANCE NO. 2325-16**

**ORDINANCE APPROVING COLLECTION PROCEDURES  
AND ADOPTING INTEREST AND SCHEDULE OF  
ATTORNEY FEES AND CHARGES TO BE ADDED TO THE  
AMOUNT COLLECTED AS PART OF UNPAID SEWER AND  
REFUSE FEES FOR DELINQUENT ACCOUNTS**

WHEREAS, to be fair to all property owners in Cheltenham Township (the "Township"), it is necessary for the Township to recover promptly unpaid, delinquent sewer and refuse fees (the "Unpaid Claims"), if necessary, by legal proceedings; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.* (the "Act"), authorizes the addition of attorney fees, charges, costs, expenses, commissions and fees to the total payable with respect to the Unpaid Claims, but only if the municipality involved has approved by ordinance a schedule of such fees; and

WHEREAS, the Township has determined that it is in the best interest of all property owners and other residents to have vigorous enforcement of all delinquent and other unpaid charges, utilizing the procedures set forth in the Act, except in cases of serious hardship, which the Township will address on a case-by-case basis pursuant to uniform policies; and

WHEREAS, the Township has reviewed the subject of interest and attorney fees for collection matters, and has determined that the fees set forth in the schedule hereby adopted are reasonable in amount for the services herein described.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE TOWNSHIP AS FOLLOWS:

**1. Fees to be Added to the Unpaid Claims.** The Township hereby approves the following fee schedule for the collection of the Unpaid Claims, which fees shall be added to the Unpaid Claims.

(a) Notice Expense. A charge of \$40.00 plus applicable postage shall be added to the Unpaid Claims for providing notice of fee shifting pursuant to § 7106 of the Act. The Township may hire a private company to perform this service and add the amount of this charge to the Unpaid Claims.

(b) Legal Fees.

Initial review and sending first demand letter	\$160.00
File lien and prepare satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00
Obtain re-issued writ	\$ 30.00
Prepare and mail letter under Pa. R.C.P. 237.1	\$ 30.00
Prepare Motion for Alternate Service	\$250.00
Obtain vehicle identification number (VIN) for mobile home	\$ 35.00
Prepare discovery in preparation for trial	\$100.00
Prepare Pre-Trial Memorandum	\$150.00
Prepare Motion for Judgment for Want of Sufficient Affidavit of Defense pursuant to 53 P.S. § 7271	\$150.00
Prepare Default Judgment	\$175.00
Prepare Writ of Execution	\$800.00
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400.00
Continue sheriff sale	\$ 50.00
Prepare Petition to Assess Damages	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Services not covered above	At an hourly rate between \$60.00-\$275.00 per hour

(c) Collection Fees.

Bookkeeping fee for payment plan of 3 months or less	\$ 25.00
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Bookkeeping fee for payment plan of more than 3 months	\$ 50.00
Guaranteed payoff fee	\$ 25.00
Handling fee for returned check	Bank charge, if any

**2. Costs to be Added to the Unpaid Claims.** In addition to the fees set forth in paragraph 1 above, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in collection, including, but not limited to, postage, title searches, VIN searches, prothonotary fees and charges, and sheriff fees, shall be added to the Unpaid Claims.

**3. Credit Card and Debit Card Charges.** The Township authorizes any attorney or private collector collecting the Unpaid Claims on behalf of the Township to accept payment of the Unpaid Claims by credit card or debit card. Where payment is made by credit card or debit card, any fees charged by the credit card or debit card company and/or the credit card or debit card servicing agent shall be charged immediately to the credit card or debit card used to make payment. This applies to credit card or debit card payments made by mail, telephone, over the internet, or in person.

**4. Interest.** Interest will be assessed upon the Unpaid Claims at a rate of 10% per annum and added to the Unpaid Claims.

**5. Collection Procedures.** The following collection procedures are hereby established in accordance with the Act:

(a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Unpaid Claim account, the Township or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the property owner or other entity liable for the account (the "Property Owner").

(b) If the certified mail notice is undelivered, then, at least ten (10) days prior to assessing or imposing such attorney fees, the Township or its designee shall mail or cause to be mailed, by first class mail, a second notice to the Property Owner.

(c) All notices required by this Ordinance shall be mailed to the Property Owner's last known post office address as recorded in the records or other information of the Township or such other address obtained by the Township from the county tax assessment office.

(d) Each notice as described above shall include the following:

(i) The type of municipal claim or other charge, the year that it became due and the amount owed, including penalty and interest;

(ii) A statement of the Township's intent to impose or assess attorney fees no earlier than thirty (30) days after receipt of the first notice, or no earlier than ten (10) days after receipt of the second notice;

(iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and

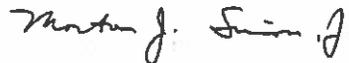
(iv) The place of payment for accounts and the name and telephone number of the Township's representative designated as responsible for collection matters.

**6. Related Action.** The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

**7. Appointment of Solicitor.** The Township appoints Michelle R. Portnoff, Esquire, as Solicitor for the limited purpose of collecting the Unpaid Claims and hereby authorizes her, and attorneys under her supervision, to sign any and all documents, including municipal claims and liens, on behalf of the Township.

DULY ORDAINED AND ENACTED BY CHELTENHAM TOWNSHIP ON THE 16<sup>TH</sup> OF MARCH, 2016.

**CHELTENHAM TOWNSHIP  
BOARD OF COMMISSIONERS**



By: \_\_\_\_\_  
Morton J. Simon, Jr., President

[Township Seal]

Attest:



\_\_\_\_\_  
Bryan T. Havir, Manager and Secretary