

November 20, 2007
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held tonight, President Michael J. Swavola presiding. Members present were Commissioners Gerhard, Greenwald, McKeown, Muldawer, Portner and Simon. Staff members present were Human Resources Coordinator Charlyn Battle; Parks and Recreation Director John Hoover; Public Works Coordinator Rudy Kastenhuber; Director of Engineering, Zoning and Inspections David M. Lynch; Public Works Superintendent Mark McDonnell; Fire Marshal Michael Moonblatt; Fiscal Affairs Rosemary Poppert; Main Street Manager Ruth Littner Shaw; and Township Manager David G. Kraynik.

1. Mr. Swavola opened the meeting with the Pledge of Allegiance being led by minute taker Anna Marie Felix.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated October 16, 2007 and Special Meeting Minutes dated November 7, 2007, upon motion of Mr. Gerhard, 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 November, 2007, upon motion of Mr. Gerhard, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.
4. Each member having received a copy of the Accounts Paid Report for the month of November, 2007, upon motion of Mr. Gerhard, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.
5. Mr. Muldawer presented awards to the following members of Scout Troop 226 and Venture Crew 226 for their efforts in a rescue on the Appalachian Trail:

Community Service Awards

William M. Bowman, Star Scout
Christopher J. Gallagher, Scoutmaster
Megan E. Gallagher, President, Venture Crew 226
Michael McMullin, Assistant Scoutmaster
Sean Snyder, Eagle Scout
Andrew C. Swartz, Assistant Scoutmaster
Andrew W. Swartz, Eagle Scout
Nicholas M. Swartz, Life Scout

Official Certificate of Commendation from the Police Department

Officer Christopher J. Gallagher

Public Service Award from Emergency Medical Service

Paramedic Andrew C. Swartz

6. Mr. Muldawer presented a *Citizen Commendation* to Daniel Feliciano from the Cheltenham Township Police Department for his assistance during a theft.

[Review of the minutes of the Public Works Committee meeting was deferred since Township Engineer David M. Lynch had not yet arrived for the meeting]

7. Upon motion of Mr. Simon, the Board of Commissioners unanimously approved fee increases for the 2008 Pools, Playground Programs and Kiddie Camp as per the attached fee schedule.

8. The Board of Commissioners considered an extension of the Township's transit bus service. Mr. Gerhard stated that he is voting in favor of the contract renewal because he supports the bus service but he opposes the bus company's illegal parking of buses at the lot at the intersection of Rices Mill Road and Glenside Avenue. It was noted that the Abington Township Board of Commissioners approved a contract extension for said service.

Upon motion of Mr. Simon, the Board of Commissioners unanimously approved a one (1) year extension of the Township's Transit Bus Service Contract to Laidlaw Transit Services, Inc., doing business as First Transit, in the amount of \$52,514.00.

9. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated November 7, 2007 were accepted.

10. Upon motion of Mr. Muldawer, the Board of Commissioners unanimously adopted *Ordinance No. 2143-07* amending Chapter 285 thereof entitled "Vehicles and Traffic".

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2143-07**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM,
CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING
PARKING METER ZONES AND 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 **DELETING** the following:

- | | | |
|-----------------|----|--|
| COVENTRY AVENUE | 6. | STOP STREET at Asbury Avenue; at Woodlawn Avenue. |
| KESWICK AVENUE | 7. | HANDICAPPED PARKING at 166 Keswick Avenue. |
| PENROSE AVENUE | 3. | NO PARKING, west side, Humphrey Merry Way to 250 feet south. |

SECTION 2. 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:

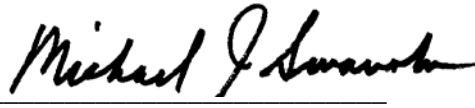
- | | | |
|-----------------|----|---|
| COVENTRY AVENUE | 6. | STOP STREET at Asbury; at Valley Road; at Woodlawn Avenue. |
| PENROSE AVENUE | 3. | NO PARKING, west side, Humphrey Merry Way to 85 feet north. |
| PENROSE AVENUE | 8. | NO PARKING, Humphrey Merry Way to Cheltenham Avenue. |

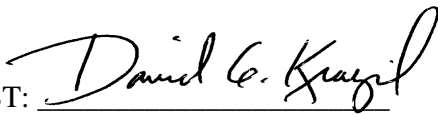
SECTION 3. That in all other respects Chapter 285 of the Code of the Township of Cheltenham is hereby approved and accepted as amended, and shall continue in full force and effect.

SECTION 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an Ordinance this **20th day of November, A.D., 2007.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM

By 
Michael J. Swavola, President

ATTEST: 
David G. Kraynik, Secretary

11. Upon motion of Mr. Muldawer, the Board of Commissioners unanimously adopted *Ordinance No. 2144-07* amending Chapter 22 of the Code entitled Fire Department, establishing Fire Board meetings.

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

ORDINANCE NO. 2144-07

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
TOWNSHIP OF CHELTENHAM BY AMENDING PART I ADMINISTRATIVE
LEGISLATION, CHAPTER 22, FIRE DEPARTMENT, ARTICLE I,
ESTABLISHMENT AND ORGANIZATION, SECTION 22-3, FIREBOARD
ESTABLISHED; MEMBERSHIP; MEETINGS, BY DELETING SUBSECTION B
AND INSERTING A NEW SUBSECTION**

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

Section 1. Fire Board established; membership; meetings

Section 22-3 Fire Board established; membership: meetings, Subsection 22-3 B shall be deleted in its entirety and in its place a new Subsection 22-3B shall be added as follows:


- B. Meetings. The Fire Board shall meet monthly, in the Township Building on the third Wednesday of the month. If the regular time or place of meeting is to be changed, it must be done at a prior meeting, and all members shall receive at least two weeks' written notice thereof prior to said meeting. Special meetings may be called by the Chairman or by request of three Fire Chiefs to the Chairman, and written notice thereof shall be given all members and alternatives at least five days prior to said special meeting.

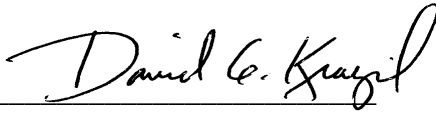
Section 2. All other provisions of the Fire Prevention Code shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its approval as required by law.

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this **20th day of November, 2007.**

CHELtenham TOWNSHIP
BOARD OF COMMISSIONERS

By: 
Michael J. Swavola, President

Attest: 
David G. Kraynik, Secretary

12. Upon motion of Mr. Muldawer, the Board of Commissioners unanimously adopted ***Resolution No. 43-07*** setting Fire Department Standby Fees for Community Events.

TOWNSHIP OF CHELTENHAM

RESOLUTION NO. 43-07

RESOLUTION PROVIDING FOR FIRE DEPARTMENT STAND-BY FEES

WHEREAS, it has been determined that the Fire Department is required to be present at any Bon Fire, Fire Works display, or event which for public safety reasons requires support by the presence of the Fire Department, and Stand-by Fees sufficient to cover the reasonable and necessary expenses incurred by the Fire Department and their Fire Companies in providing fire protection at said events are established; and

WHEREAS, the Township of Cheltenham has had the right to set Fire Department Stand-by Fees pursuant to Chapter A300 – 7 of the Cheltenham Code; and

WHEREAS, the Board of Commissioners of the Township of Cheltenham deems that it is in the best interest of the Township and its citizens to establish the fees for Fire Department Standby. **NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, that:

- a. Permit Fees for Fire Department / Company Stand-by:
 - i. For the first two hours or fraction thereof: \$ 500.00
 - ii. For each additional hour or fraction thereof: \$ 250.00

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 meeting held at Curtis Hall, 1250 W. Church Road, Wyncote Pennsylvania 19095 on this **20th** day of **November 2007**.

ATTEST:



David G. Kraynik
Township Manager

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

By: 

Michael J. Swavola
President

13. Upon motion of Mr. Muldawer, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated November 7, 2007, were accepted.

14. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously approved the scheduling of a **Public Hearing** on January 22, 2008 to consider an ordinance amending the Code of the Township, Chapter 295 thereof, entitled Zoning, Article XXXIII, creating an Age-restricted Overlay District (see attachment).

15. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously approved the scheduling of a **Public Hearing** on December 18, 2007 to consider approval of an Inter-Municipal Liquor License transfer to the Cheltenham Square Mall.

16. Upon motion of Mr. Greenwald, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated November 7, 2007, were accepted.

17. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Pension Board Regular Meeting Minutes dated November 8, 2007, were accepted.

18. The Board of Commissioners considered the adoption of an ordinance establishing a Deferred Retirement Option Plan for police officers. Mr. Simon recommended the following amendments to Section 13: a) that the title be changed to read “Revocation of DROP Participation; b) that the last sentence, “Such Officer or DROP Participant also shall be subject to a penalty equal to 10% of his or her DROP Account”, be deleted.

19. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously adopted **Ordinance No. 2145-07** establishing a Deferred Retirement Option Plan (“DROP”) for police officers, as amended.

Cheltenham Township, Montgomery County, Pennsylvania

ORDINANCE NO. 2145-07

**AN ORDINANCE AMENDING THE PENSION PLAN
FOR THE POLICE OFFICERS OF CHELTENHAM
TOWNSHIP, (ORDINANCE NO. 1735-91, AS AMENDED
MARCH 19, 1991).**

**PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN FOR POLICE
OFFICERS OF THE CHELTENHAM TOWNSHIP POLICE DEPARTMENT**

WHEREAS, the Township of Cheltenham, Montgomery County (“Employer”), has previously established the Cheltenham Township Police Pension Plan (“Plan”); and

WHEREAS, as the result of a collective bargaining agreement with the Cheltenham Township Police Association (the “Association”), the Employer has agreed to amend the Plan to establish as an integrated component of the Plan, a Deferred Retirement Option Plan (DROP); and

WHEREAS, the purpose and intent of this DROP is to enable the Cheltenham Police Department to retain experienced police officers who will serve while participating in the DROP as described below and to enable the Township to properly and efficiently plan for the recruitment and training of new police officers; and

WHEREAS, the Cheltenham Township Board of Commissioners approves the amendment of the Plan and hereby adopts the following DROP provisions which are incorporated into and made a part of the Plan effective January 1, 2008.

DROP Provisions

1. Definitions.

ASSOCIATION – The Cheltenham Township Police Association, the duly recognized collective bargaining unit representing all eligible full-time police officers of the Cheltenham Township Police Department.

BENEFICIARY OR BENEFICIARIES – The individual or individuals identified by a Drop Participant to receive the balance of such DROP Participant’s DROP account in the event of the death of the DROP Participant during the DROP Participation Period.

DROP – Deferred Retirement Option Plan

DROP PARTICIPATION PERIOD – The period of time from the commencement of the Officer’s (i.e. Participant’s) participation in the DROP as stated in the Officer’s DROP Notice, which has been approved by the Township, until the Officer’s separation from employment as a police officer in Cheltenham Township (i.e. Resignation Date as defined below), which in no event shall be less than 12 months and shall not exceed 36 months.

DROP PERIOD – The period of time during which an Officer can participate in a DROP, which in no event shall be less than 12 months or exceed more than 36 months.

DROP PROGRAM – The program implemented by the Township and Association pursuant to which members of the Township’s Police Department may establish DROP Accounts while continuing to provide police service for the Township as described herein. The DROP Program is an integral component of the Plan.

DROP ACCOUNTS – Separate accounts created for the exclusive purpose of accepting monthly pension checks of DROP Participants while they are participating in the DROP Program.

MEMBER or OFFICER – A duly sworn police officer employed by the Township.

DROP PARTICIPANT or PARTICIPANT – A Member or Officer who has properly submitted a DROP Notice to participate in the DROP, which has been approved by the Township’s Board of Commissioners, and who has commenced his or her DROP Participation Period.

PLAN – The Cheltenham Township Police Pension Plan.

DROP NOTICE – The form prescribed by the Township and Association upon which a Member or Officer informs the Township of his or her irrevocable intent to participate in the DROP Program. Once submitted to the Township and approved by the Township, the DROP Notice is irrevocable, except as otherwise provided herein.

RESIGNATION DATE – The date specified in the Participant’s irrevocable DROP Notice approved by the Township on which the Member or Participant shall resign from employment with the Cheltenham Township Police, which shall be no less than 12 months and no more than 36 months from the commencement of the Officer’s DROP Participation Period.

TOWNSHIP – The Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, including its elected and appointed officials.

2. Eligibility.

Any MEMBER who has reached his/her Normal Retirement Date (as defined by the Pension Plan) may elect to become a DROP Participant on the first day of any month following satisfaction of the requirements for receipt of normal pension benefits under the Plan, which is a minimum of 25 years of service and attaining at least the age of 50. In addition, in order to be eligible to participate in the DROP, an Officer must:

- (a) Written DROP Notice. An Officer electing to participate in the DROP must complete and execute a DROP Notice. The Drop Notice must be signed by the Officer and notarized and submitted to the Township at least 45 days prior to the date on which the Officer wishes his/her DROP Participation Period to commence,

which shall be specified on the DROP Notice. The DROP Notice shall include a notice to the Township by the Member that the Member shall resign from employment with the Cheltenham Township Police Department effective on a specific date (the "Resignation Date") which shall be no less than 12 months and no more than 36 months from the commencement of the Officer's DROP Participation Period. Once approved by the Township, an Officer's Resignation Date shall be irrevocable. An Officer shall cease to work as a police officer on the Officer's Resignation Date, unless the Township terminates or honorably discharges the Officer prior to the Resignation Date.

(b) Finality of Election and Approval by Township. All retirement documents required by the Police Pension Plan Administrator must be filed and presented to the Township for approval of retirement, participation in the DROP and payment of pension benefits.

Once the Township approves a DROP Notice, it is irrevocable.

3. Pension contributions.

After an Officer's DROP Participation Period commences, the Officer shall not be required to make any contributions to the Plan during his/her DROP Participation Period.

4. Accrual of Non-Pension Benefits.

After an Officer elects to participate in the DROP Program, all other contractual benefits shall continue to accrue in accordance with the Collective Bargaining Agreement with the exception of those provisions relating to the Plan.

5. Disability during DROP period.

The Township, Association and all DROP Participants all recognize the unique nature of the DROP Program and the benefits that it offers to the DROP Participant and the Township. Such benefits for the Township, however, are based on the DROP Participant being able to work to provide the Township with the benefit of his or her experience, as stated above. It is recognized that if the DROP Participant cannot work by providing police services for the Township, the Township will suffer a significant burden and the purpose and intent behind the DROP Program will not be fulfilled to the detriment of the taxpayers of Cheltenham Township.

Accordingly, if a DROP Participant becomes temporarily incapacitated during his DROP Participation Period, as defined in the Township's disability benefit plan, the following shall apply:

- a. The DROP Participant shall continue to participate in the DROP Program as if fully employed. Such Participant shall receive disability benefits (including Heart and Lung benefits, if eligible and such benefits are applicable) in the same amount and under the same terms as disabled police officers that are not participating in DROP, except:
- b. If a DROP Participant is disabled and has not returned to work as of his required Resignation Date (as defined above), such Participant shall be required to resign on his or her Resignation Date. Such Member shall not be entitled to any other disability payment or monthly disability pension benefit from the Township or the Plan.
- c. If a Participant becomes and remains incapacitated for a period of 6 months during his or her DROP Participation Period, the Participant shall be honorably discharged from employment at the end of the 6th month. At that time, such Member shall receive the balance of his or her DROP Account and, thereafter, commence receiving his or her frozen monthly pension benefit in the amount calculated when the Officer became a Participant in the DROP Program. Such Member shall not be entitled to any other disability payment or monthly disability pension benefit from the Township or the Plan.

6. Death During DROP Period.

If a DROP Participant dies during the DROP Participation Period, his or her Survivor as defined by the Plan shall be entitled to receive benefits and his or her DROP Account shall be handled according to the following:

- a. If a DROP Participant dies during his or her DROP Participation Period and the Act 600 killed-in-service death benefit is legally payable (pursuant to the limitations and requirements of Act 600) to the Participant's Survivors as defined by the Plan, the Participant's DROP Notice shall be revoked and the DROP Account shall not be payable to any designated beneficiary of the deceased DROP Participant, but such funds will revert back to the Plan.
- b. If death occurs during the DROP period but the Act 600 killed-in-service death benefit is not legally payable (pursuant to the limitations and requirement of Act 600) to the Participant's Survivors as defined by the Plan, the DROP Participants DROP Notice shall be revoked, the Beneficiary shall receive a lump-sum payment of the DROP account balance and the Participant's Survivors as defined by the Plan shall receive the Survivor's benefit as defined by the Plan.

7. The Monthly Pension Benefit Calculation and Limitation on Pension Accrual.

After the effective date of the DROP Notice, the Officer shall no longer earn or accrue additional years of service for pension calculation purposes under the Plan. No benefit increases that may occur after a DROP Participant's commencement of participation in the DROP program, including bargained pension enhancements, mandated pension enhancements through arbitration or pension enhancements mandated by law, will apply to the DROP Participant and shall not increase the DROP Participant's frozen pension under the Plan, as calculated on the effective date of the Drop Participation Period. The average monthly compensation of the Officer for pension calculation purposes shall remain as it existed on the effective date of the DROP Participation Period. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Plan. The pension benefit payable to the Members shall increase only as a result of cost-of-living adjustments in effect under the Plan on the effective date of the Member's participation in the DROP Program or by applicable cost-of-living adjustments specifically granted to DROP Participants or retirees thereafter.

8. Termination of Employment.

On the Participant's Resignation Date, his or her employment shall terminate automatically.

9. DROP Pension Payments.

Upon entry into the DROP Program, a Member's Service and Average Applicable Compensation (as each are defined under the Plan) will be frozen and his or her pension payment will be calculated as if they retired and ceased employment with the Township on the effective date of such Officer's Drop Participation Period. The monthly pension payment shall be transferred into the Participant's DROP Account.

10. Individual DROP Investment Account.

Each Member shall select and direct the investments in his or her DROP Account from an array of options selected by the Township. The Township may select a third party to provide mutual fund or other investment options, record-keeping and reporting to the Members and the Plan. All investment and administrative costs shall be charged against the Participant's DROP Account. Accordingly, the Officer shall bear the full responsibility for obtaining appropriate investment advice, as well as for the consequences of any investment of all or part of the contents of the DROP Account. The DROP Account established for each Participant will be considered a tax-deferred account maintained as part of the Plan, and, as a result, will be subject to the restrictions established under Section 401(a) of the Internal Revenue Code.

As a condition of participation in the DROP Program, both the Association and the individual Officers and Participants collectively and individually acknowledge that the Township shall have no responsibility for the financial impact and/or consequences of an Officer's participation in the DROP Program, including, but not limited to, the investment of the balance of an Officer's DROP Account, the performance of any such investments, or any tax consequences flowing from participation in the DROP Program.

11. Distribution Options.

Commensurate with DROP Program participation, a Member must make an election on forms designated by the Township of the payout option(s) desired upon termination of the DROP Period. This election may be changed at any time before the Resignation Date. The distribution options are as follows:

1. A lump sum distribution.
2. Rollover to another eligible retirement plan or to an IRA (as permitted by law).

12. Beneficiary Designation.

Commensurate with DROP Program participation, a Member must make an election, on forms designated by the Township, of his or her Beneficiary or Beneficiaries.

13. Revocation of DROP Participation.

A DROP Participant who voluntarily terminates his or her employment for any reason prior to the Resignation Date stated in his or her DROP Notice (which has been accepted by the Township) shall automatically revoke his or her DROP Participation election and cease employment with the Township.

14. Amendment.

Any amendments to the DROP Plan shall be consistent with the provisions covering deferred retirement option plans set forth in any applicable collective bargaining agreement and shall be binding upon all future DROP Participants and upon all DROP participants who have balances in their DROP Accounts. The DROP Plan may only be amended by a written instrument, signed by an authorized representative of the Township and the Association, not by any oral agreement or past practice.

15. Interpretation of Provisions.

This document shall be interpreted under the laws of the Commonwealth of Pennsylvania. An Officer's election to participate in the DROP Program shall in no way be construed as a limitation on the Township's right to suspend or terminate an officer for just cause or to grant the officer an honorable discharge based upon a physical or mental inability to perform his or her duties. Nothing provided hereunder shall be construed as a change to the parties' practice of calculating pensionable compensation, and except for the ability to establish a DROP Account and participate in the DROP Program, nothing herein is intended to create new pension benefits of any kind which did not exist as of December 31, 2007.

Nothing provided hereunder shall guarantee any Officer or Drop Participant a specific term of employment. All DROP Participants shall be subject to the same terms and conditions of employment (except those relating to benefits under the Plan and retiree benefits), rules and regulations and disciplinary procedures as other Officers and Members who are not DROP Participants.

Except as provided in this DROP Document, all DROP Participants shall be considered to be employees of the Township and subject to the same terms and conditions of employment contained in all Township policies, directives, and orders as well as in the collective bargaining agreement between the Township and the Police, including but not limited to the obligation to continue to make health care contributions, just as all other Police Officers employed by the Cheltenham Township Police Department who are not DROP Participants.

16. Cost to Participants.

Participants will pay any costs of the Township and the Plan relating to the operation and administration of the DROP Program.

17. Compliance with a Future Law.

The Township and the Association and all current and future DROP Participants (as a condition of participating in the DROP) recognize that laws may be enacted that impact the provisions of this DROP Program. The Township, the Association and any current and future DROP Participants (as a condition of participating in the DROP) agree and acknowledge that if any such law requires that this DROP Program be altered, changed, modified or amended in any way, such changes shall be made as required by such law within the required time period. The Association and the Township shall meet to discuss how to most efficiently implement those changes, and any agreement reached in those discussions shall be binding on the Township, the Association and any current and future DROP Participants. Such discussions,

however, shall not in any way delay the implementation of any such required change as required by law.

NOW, THEREFORE, BE IT RESOLVED AND ADOPTED, this **20th** day of **November, 2007**, that this ORDINANCE was enacted by the Cheltenham Township Board of Commissioners.

CHELtenham TOWNSHIP
BOARD OF COMMISSIONERS



Michael J. Swavola, President
Board of Commissioners

ATTEST:



David G. Kraynik,
Township Manager and Secretary

20. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously adopted ***Resolution No. 44-07*** appointing ICMA Retirement Corporation as Administrator and Investment Trust for the Deferred Retirement Option Plan (“DROP”).

Cheltenham Township, Montgomery County, Pennsylvania

RESOLUTION NO. 44-07

**APPOINTING ICMA RETIREMENT CORPORATION AS
ADMINISTRATOR AND INVESTMENT TRUST FOR
CHELTENHAM TOWNSHIP'S DEFERRED RETIREMENT OPTION PLAN**

WHEREAS, the Township of Cheltenham, Montgomery County ("Employer"), has employees rendering valuable services; and

WHEREAS, the establishment of a DROP Program as part of the Cheltenham Township Police Pension Plan (the "Plan") benefits employees by allowing employees flexibility in planning their retirement and provides the Township with the ability to retain experienced officers and flexibility in recruiting and training new officers; and

WHEREAS, the Employer desires that its DROP Program be administered by ICMA Retirement Corporation and that funds held in such DROP Program be considered a part of the Cheltenham Township Police Pension Plan, even though they will be invested in the Vantage Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans:

NOW, THEREFORE, BE IT RESOLVED, that the Employer hereby establishes a DROP Program in the form of the DROP Program amendment to the Plan and Trust provided by the Employer as set forth in the attached Administrative Services Agreement.

The DROP Program shall be maintained as part of the Plan and for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED, that the Employer hereby adopts the Declaration of Trust of the Vantage Trust attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan (whether stand-alone or part of the Plan) subsequently established by the Employer, if the assets of such plan are to be invested in the Vantage Trust.

BE IT FURTHER RESOLVED, that the Employer hereby agrees to invest funds held under the DROP Program in the Vantage Trust in accordance with the employee's directions; and

BE IT FURTHER RESOLVED, that the Secretary/Manager shall be the authorized representative of the Employer for purposes of the DROP Program; shall receive reports, notices, etc., from ICMA Retirement Corporation or the Vantage Trust; shall cast on behalf of the Employer, any required votes under the Vantage Trust; may delegate any administrative duties relating to the DROP Program to appropriate departments; and

BE IT FURTHER RESOLVED, that the Employer hereby authorizes the Secretary/Manager to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the DROP Program.

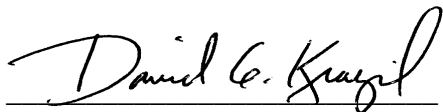
NOW, THEREFORE, BE IT RESOLVED AND ADOPTED, this 20th day of November 2007, that this RESOLUTION was enacted by the Cheltenham Township Board of Commissioners.

CHELtenham TOWNSHIP
BOARD OF COMMISSIONERS



Michael J. Swavola, President
Board of Commissioners

ATTEST:



David G. Kraynik,
Township Manager and Secretary

21. The Board of Commissioners considered an ordinance repealing the EMS Tax and enacting a Local Services Tax. In response to a question from Mr. Simon, Mr. Kraynik indicated that said tax could result in about a \$200,000 decrease in revenue and is in accordance with Pennsylvania State Law.

22. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously adopted ***Ordinance No. 2146-07*** repealing Ordinance No. 2074-05 known as the Emergency and Municipal Services Tax and enacting a Local Services Tax.

TOWNSHIP OF CHELTENHAM

ORDINANCE NO. 2146-07

AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 2074-05, KNOWN AS THE EMERGENCY AND MUNICIPAL SERVICES TAX AND ENACTING AN ORDINANCE TO BE KNOWN AS THE LOCAL SERVICES TAX. SAID TAX TO BE EFFECTIVE JANUARY 1, 2008.

WHEREAS, the Commonwealth of Pennsylvania adopted Act No. 7 of 2007 which provided for the repeal of Emergency and Municipal Services Tax by providing for a Local Services Tax; and,

WHEREAS, the Township of Cheltenham, in order to comply with Act No. 7 of 2007, must repeal its existing Emergency and Municipal Services Tax and replace the same with a Local Services Tax consistent with Act No. 7 of 2007.

BE IT ENACTED AND ORDAINED by the Township of Cheltenham, Montgomery County, Pennsylvania, by virtue of the power and authority vested in said Township of Cheltenham as follows:

SECTION 1. TITLE.

The Ordinance shall be known and may be cited as the Township of Cheltenham Local Services Tax Ordinance.

SECTION 2. AUTHORITY.

The Ordinance is enacted under the authority of the Local Tax Enabling Act, as amended by Act No.7 of 2007.

SECTION 3. PURPOSE.

The purpose is to provide revenue for police, fire and emergency services; road construction and maintenance; the reduction of property taxes and for such other purposes as may be specified for such tax from time to time by the laws of the Commonwealth of Pennsylvania.

SECTION 4. DEFINITIONS.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning: POLITICAL SUBDIVISION - The area within the corporate limits of the Township of Cheltenham.

COLLECTOR - The person, public employee or private agency designated by the political subdivision to collect and administer the tax herein imposed.

DCED - The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME - "Compensation" as determined under section 303 of the Act of March 4, 1971 (P.L. 6, No.2), known as the "Tax Reform Code of 1971," and regulations in 61 Pa. Code Pt. I Subpt. B Art. V (relating to personal income tax) NOT INCLUDING, however, wages or compensation paid to individuals on active military service. Employee business expenses are allowable deductions as determined under Article III of the "Tax Reform Code of 1971". Any housing allowance provided to a member of the clergy shall not be taxable as earned income.

EMPLOYER - An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM - Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL - Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

NET PROFITS - The net income from the operation of a business, profession, or other activity, (except from Corporations), determined under section 303 of the Act of March 4, 1971 (P.L. 6, No.2), known as the "Tax Reform Code of 1971," and regulations in 61 Pa. Code Pt. I Subpt. B Art. V (relating to personal income tax). The term does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession or activity of farming the term shall not include:

1. Any interest generated from monetary accounts or investment instrument of the farming business;
2. Any gain on the sale of farming machinery;
3. Any gain on the sale of livestock held twelve months or more for draft, breeding or dairy purposes; and
4. Any gain on the sale of other capital assets of the farm.

OCCUPATION - Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

RESERVE COMPONENT OF THE ARMED FORCES - The United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

TAX - The local services tax at the rate fixed in Section 5 of this article.

TAX YEAR - The period from January 1 until December 31 in any year; a calendar year.

SECTION 5. LEVY OF TAX.

The Township of Cheltenham hereby levies and imposes on every individual engaging in an occupation within the jurisdictional limits of the Township of Cheltenham a tax in the amount of \$52.00 per annum, beginning the first day of January 2008 and continuing on a calendar basis annually thereafter, until modified or repealed by subsequent ordinance. This tax may be used solely for the following purposes as the same may be allocated by the Township of Cheltenham from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The political subdivision shall use no less than twenty-five percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision. The tax shall be no more than \$52.00 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

SECTION 6. EXEMPTION AND REFUNDS.

A. Exemption.

Any person whose total earned income and net profits from all sources within the political subdivision is less than Twelve Thousand (\$12,000.00) Dollars for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

(1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.

(2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to Claim Exemption.

(1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the political subdivision.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this article.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

C. Refunds.

The Township of Cheltenham, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed one dollar (\$1): The Township of Cheltenham or the Collector shall determine eligibility for exemption and provide refunds to exempt persons.

SECTION 7. DUTY OF EMPLOYERS TO COLLECT.

A. Each employer within the political subdivision, as well as those employers situated outside the political subdivision but who engage in business within the political subdivision, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the political subdivision and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the political subdivision.

B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Paragraph D of this Section. For purposes of this paragraph, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the municipality.

C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

E. The tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the

employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of Paragraph B of Section 6 of this article and this section and remits the amount so withheld in accordance with this article.

G. Employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year.

SECTION 8. RETURNS.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this article, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

SECTION 9. DATES FOR DETERMINING TAX LIABILITY AND PAYMENT.

Each employer shall use his employment and payroll records from the first day of January to March 31 each year for determining the number of employees from whom said tax shall be deducted and paid over to the collector on or before April 30 of the same calendar year. Supplemental reports shall be made by each employer on July 30, October 30 and January 31 for new employees as reflected on his employment and payroll records from April 1 to June 30, July 1 to September 30 and October 1 to December 31, and payments on these supplemental reports shall be made on July 30, October 30 and January 31, respectively.

SECTION 10. SELF-EMPLOYED INDIVIDUALS.

Each self-employed individual who has Earned Income or realizes Net Profit, as those terms are defined herein, within the political subdivision shall be required to comply with this article and pay the tax due to the Collector on or before the thirtieth day following the end of each quarter.

SECTION 11. INDIVIDUALS ENGAGED IN MORE THAN ONE OCCUPATION OR EMPLOYED IN MORE THAN ONE POLITICAL SUBDIVISION.

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

(1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;

(2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;

3) Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home. In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

SECTION 12. NONRESIDENTS SUBJECT TO TAX.

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this article, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

SECTION 13. ADMINISTRATION OF TAX.

A. It shall be the duty of the Collector to accept and receive payments of this tax and keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received. It shall be the duty of the Collector to accept and keep a record of the information submitted by employers relating to the number of employees subject to the tax, the number of employees exempt from the tax, the employee exemption certificates and refunds of the tax paid to individuals and employers.

B. The Collector is hereby charged with the administration and enforcement of this article and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal to the Court of Common Pleas of Montgomery County after exhausting any Administrative remedies, as in other cases provided.

C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

SECTION 14. SUITS FOR COLLECTION.

A. In the event that any tax under this article remains due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.

B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefore shall, in addition, be responsible and liable for the costs of collection.

SECTION 15. VIOLATIONS AND PENALTIES.

Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this article.

SECTION 16. INTERPRETATION.

A. Nothing contained in this article shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not within the taxing power of the political subdivision under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B. If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

SECTION 17.

Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing herein shall be construed to repeal the imposition and collection of an occupation privilege tax, plus applicable penalties and interest, for calendar year 2005 and all prior calendar years, or of an emergency and municipal services tax, plus applicable penalties and interest, for calendar years 2006 and 2007, as the same exist prior to this amendment.

SECTION 18.


This Ordinance shall become effective in accordance with applicable law, with the repeal of the Emergency and Municipal Services Tax Ordinance, effective January 1, 2008.

SECTION 19.


This Ordinance shall take effect immediately.

ORDAINED AND ENACTED this 20th day of November, 2007.

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

BY: 
Michael J. Swavola, President

ATTEST:


David G. Kraynik, Secretary

23. Upon motion of Mr. Greenwald, and unanimously approved by the Board of Commissioners, the Finance Committee Regular Meeting Minutes dated November 13, 2007, were accepted.

[The Board of Commissioners reviewed the Public Works Committee Meeting Minutes dated November 13, 2007]

24. The Board of Commissioners considered Cheltenham Township Development Application No. 07-06 Record Plan Cheltenham Square Mall Commercial Renovations – 2007 - 2385 Cheltenham Avenue. Mr. David Sander, Applicant's Attorney, Messrs. Benosky and Brown of Bohler Engineering, and Messrs. Kuhn and Spaulding of Thor Equities, LLC, Chataun Porch, Manager of the Cheltenham Square Mall, were present to discuss this application.

Extensive discussion ensued. The Board of Commissioners reviewed the plan as presented at the Public Works Committee meeting on December 11, 2007. Said plan is a revision of the plan that received a grant of relief under Zoning Hearing Board Appeal No. 3236. Issues in question included whether or not the revised plan is in substantial compliance with the original plan; parking of tractor trailers at the loading dock; surveillance lighting, and Item 50 of the Conditions that calls for a restripping, remilling and repaving of the entire mall field over a five (5) year period, and the presentation of a five (5) year plan for said work.

Mr. Benosky reviewed the five (5) year plan and presented schematics. He reviewed the overall site plan for the mall and outlined certain improvements that included the areas around Shoppers Lane; Target's parking lot; the parking lot in the vicinity of Ogontz Avenue, Burlington Coat Factory, Value City, Wendy's, Shop Rite and Home Depot; restripping, repaving and curbing; upgrades to the mall's security and surveillance systems, including installation of additional cameras, upgrade of recorders, proposed future camera locations; and improvements to exterior doors. A five (5) year Security Plan was presented for review.

A site plan was presented and discussed regarding reconfiguration of the loading dock, restricting the hours of tractor trailer deliveries to Target, maneuvering of trucks at the loading dock, the number of tractor trailers per day, vehicular traffic and school buses through the area, possible safety measures.

Further discussions included amendments to the Chili's Certificate of Occupancy; easement for stormwater management on the Township property on the northern side of Shoppers Lane; the replacement of dead trees on Lots 1 and 2; and a revised lighting plan; Target's ownership and title holding; Target's ground lease; and assessments. Mr. Simon requested that Mr. Lynch provide an estimate of the cost of the project for the work to be done. It was felt that Mr. Lynch could provide cost estimates for paving and curbing but that he is not in a position to estimate security costs. The applicant agreed to an extension of review and action of this plan until December 4, 2007.

25. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved the scheduling of a Special Board of Commissioners Meeting on Tuesday, December 4, 2007, at 6:30 a.m., at the Township Building, to review Cheltenham Township Development Application No. 07-06 Record Plan Cheltenham Avenue Square Mall Commercial Renovations – 2385 Cheltenham Avenue and the amendments discussed this evening.

26. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously determined that any decision regarding the revised plan being in substantial compliance to the plan presented and accepted by the Zoning Hearing Board on September 25, 2007 be tabled to the Board of Commissioners Special Meeting on Tuesday, December 4, 2007.

27. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously agreed that the request by Thor Equities, LLC, that the Township enter into an Agreement permitting the owner to start work on the Record Plan for Cheltenham Square Mall Commercial Renovations – No. 07-06

– 2385 Cheltenham Avenue prior to the Record Plan being recorded be tabled to the Board of Commissioners at its Special Meeting on December 4, 2007 for discussion and action.

28. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved Cheltenham Township Development Application No. 07-13 Record Plan Pennsylvania College of Optometry HVAC Units, 8340 and 8360 Old York Road subject to the following Conditions and Waivers:

A. CONDITIONS

1. That the text “Cheltenham Township Development Application No 07-13” be added to the lower right hand corner of all plan sheets.
2. That the following data be added to the plan:
 - a. North Point on Location Map
(CCS 260-32.C.(5))
 - b. Graphic Scale
(CCS 260-32.C.(5))
 - c. State highway width, legislative and traffic route numbers
(CCS 260-33.C.(1)(k))
3. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
4. That General Note 5. be revised to include the HVAC Units being installed on the roof of 8360 Old York Road.
5. That the following General Note 11. be added to the plan:
 11. All existing, proposed and/or future HVAC Units on 8340 and 8360 Old York Road shall be shielded with appropriate sound baffling materials, as approved by the Township Engineer, if the sound emanating therefrom is objectionable to the neighbors.
6. That Parcels 1 and 2 be identified on Sheet 1.
7. That, in the Township Approval Block, the text “Montgomery County, within 90 days” be replaced with the text “Montgomery County within 90 days.”

8. That the plan sheets be numbered consecutively and show its relationship to the total number of sheets as “Sheet No. 3 of 7.”
9. That the following be struck from Sheet 2:
 - a. Montgomery County Planning Commission “Processed and Reviewed “ Block.
 - b. Owner’s Acknowledgement Block.
 - c. Township Approval Block.
10. That proposed HVAC Units be clearly identified on the rooftop plans for 8340 and 8360 Old York Road.
11. That, in Note 1. for 8340 Old York Road, the Montco Tax Parcel Number for Parcel 2 be shown as “31-00-30094-30-4.”
12. That, in the over-title for the 8340 Old York Road Roof Plan, the text “Old Yor Road” be replaced with the text “Old York Road.”
13. That “8340-Land Development Note” 3. be struck; do not renumber Notes; insert text “Vacant.”
14. That “8360-Land Development Notes” 5. and 8. be struck; do not renumber Notes; insert text “Vacant.”

B. WAIVERS TO BE GRANTED BY THE BOARD OF COMMISSIONERS

1. That the requirement of CCS 260-15. for sidewalks be waived.
2. That the requirement of CCS 260-30. for an Environmental Impact Study be waived except for Subsection D. relating to noise.
3. That the requirement of CCS 260-32.C.(3) which requires that the plan be prepared by an Engineer or Surveyor be waived.
4. That the requirement of CCS 260-32.C.(6) for a note stating the elevation datum is based upon the Cheltenham Township Sanitary Sewer Datum be waived.
5. That the requirement of CCS 260-32.D.(1) for a property survey be waived.
6. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.

7. That the requirement of CCS 260-32.D.(4) for the location, size and ownership of all underground utilities and any rights-of-way within the property be waived.
8. That the requirement of CCS 260-32.D.(5) for depiction of topography of the site and within 400' of the site be waived.
9. That the requirement of CCS 260-32.D.(6) for the location, species and size of large trees standing alone be waived.
10. That the requirement of CCS 260-32.D.(7) for proposed contours and for the elevations for the building floors be waived.

29. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved the request by Altman Management Company for a second sign, a Leasing Center Sign, for the Elkins Park Gardens Apartments, 8000 High School Road, Elkins Park.

30. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a waiver of the land development requirements of Chapter 260, entitled "Subdivision and Land Development," for the expansion of the storage garage located behind the church at 7910 Washington Lane.

31. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously endorsed SEPTA's project to extend the span of SEPTA 10.12 Bridge (in Parry Bird Sanctuary off of Cheltenham Drive, 800±' north of Church Road) in 2008-2009. A letter from the Township verifying said endorsement will be forwarded to the Department of Environmental Protection.

32. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously awarded a Professional Services Contract to BCM Engineers, Plymouth Meeting, PA, for engineering services in an amount not to exceed \$27,900 relating to the design plans, specifications and bid documents for Sanitary Sewer Replacement – Interceptor A by SEPTA 10.12 Bridge.

33. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L826 to Dr. Frances Hunter, owner of 22 Latham Parkway, LaMott, relating to the replacement of an existing wooden shed with a new shed, extension

of an existing fence and the placement of a second shed as recommended by the LaMott Board of Historical and Architectural Review.

34. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L827 to William and Ruth Ellis, owners of 7307 Keenan Street, LaMott, relating to the stabilization and reconstruction of the brick side wall with frame construction covered with vinyl siding as recommended by the LaMott Board of Historical and Architectural Review.

35. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L828 to Marjorie Hutchins, owner of 7404 Cedar Lane, LaMott, relating to the demolition of a c.1945 garage as recommended by the LaMott Board of Historical and Architectural Review.

36. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L830 to Charlie and Jeannette Robinson, owners of 1800 Chelsea Road, LaMott, relating to the replacement of concrete steps, installation of a lighting fixture, pointing of brick work and/or stone, and various replacement and painting of exterior woodwork and iron grilles, railings and entrances stairs as recommended by the LaMott Board of Historical and Architectural Review.

37. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L831 to Patricia Williams, owner of 1805 Chelsea Road, LaMott, relating to the replacement of the front steps, various windows and doors, painting rear entrance steps and railing, point and replace damaged bricks, patch point stone base, replace failed sections of rear concrete walkway and re-erect leaning sections of masonry wall at walkway as recommended by the LaMott Board of Historical and Architectural Review.

38. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L832 to Gary Pelkey and Mary Devlin, owners of 1702 Beech Avenue, LaMott, relating to the repair of masonry damage, replacement of concrete slab at rear, replacement of front porch floor and structure, installation of new storm doors, repair to window light, repair operation of double hung windows and repair of front porch and pole lights as recommended by the LaMott Board of Historical and Architectural Review.

39. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously awarded a contract to Mike Kobithen Roofing and Insulation Inc., Churchville, PA, for replacement of four flat roofs at the Township Administration Building, in the amount of \$37,000, being the lowest responsible bidder meeting Township specifications.

40. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously awarded a Professional Services Contract for a feasibility study for the Glenside Trolley Shuttle Project to Abrams-Cherwony & Associates, Philadelphia, PA, not to exceed \$60,000, which is within budgetary limitations. Delaware Valley Regional Planning Commission is providing a \$48,000 matching grant for this project and the Township will be providing \$12,000.

41. **Under New Business:**

a. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously adopted the *Preliminary 2008 Operating and Capital Budgets* as presented on November 7, 2007 in accordance with Section 1205 of the Home Rule Charter.

b. In accordance with the Code of the Township of Cheltenham and Article XIII, Section 1302, of the Home Rule Charter, the President of the Board presented new appointments to Citizens' Committees for the advice and consent of the Board of Commissioners.

Upon motion of Mr. McKeown, the Board of Commissioners unanimously approved the following appointments as submitted by the Board President:

Economic Development Task Force
Thomas D. Carboni, 1010 Valley Road, Elkins Park

Term Expiration
January 1, 2009

Library Board

Stephanie Vacharat, 1413 Academy Lane, Elkins Park

January 1, 2010

c. Mr. Swavola suggested that the Township explore the cost of Equivalent Dwelling Units (“EDU”) of other municipalities. Mr. Greenwald stated that the costs are based on the cost of the Township’s sewer system. Mr. Cantor advised that this would require an outside study since it is based on a formula.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Board of Commissioners, the meeting was adjourned, and the Commissioners commenced an Executive Session to discuss real estate matters.

David G. Kraynik
Township Manager

As per Anna Marie Felix