

October 16, 2007
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Michael J. Swavola presiding. Members present were Commissioners Gerhard, Greenwald, McKeown, Muldawer, Simon and Portner. Staff present were Charlyn Battle, Human Resources Coordinator; Andrew B. Cantor, Esq., Wisler, Pearlstine, Talone, Craig, Garrity & Potash; Bryan T. Havir, Assistant Township Manager; John O. Hoover, Jr., Director, Parks and Recreation; Rudy Kastenhuber, Public Works Coordinator; Mark McDonnell, Public Works Superintendent; Michael Moonblatt, Fire Marshal; John J. Norris, Chief of Police; Rosemary Poppert, Director of Fiscal Affairs; Ruth Littner, Main Street Manager and David G. Kraynik, Township Manager. A Public Attendance List is attached.

1. President Swavola opened the meeting with the Pledge of Allegiance being led by Mr. Simon.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated September 18, 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 September, 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 September, 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. Upon motion of Mr. Swavola, the Board of Commissioners unanimously adopted ***Resolution No. 40-07*** honoring Deputy Chief of Police Edward F. Black, Jr. upon the occasion of his retirement from the Cheltenham Township Police Department after 39-years of Service.

Mr. Swavola presented said Resolution to Deputy Chief Black.

Resolution No. 40-07
of the Board of Commissioners of Cheltenham Township

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with sincere appreciation, admiration and respect, salutes **EDWARD F. BLACK, JR.** on the occasion of his retirement after more than 39 years of dedicated service to the Cheltenham Township Police Department; and

Whereas, A former marine, **EDWARD F. BLACK, JR.** started his police career on May 20, 1968. Serving in nearly every division, he rose steadily through the ranks to become Corporal on June 18, 1973, Sergeant on December 1, 1980, and Lieutenant on May 1, 1993. He also worked on county, state and federal law enforcement task forces. Before assuming his current position as Deputy Chief on May 17, 2004, **EDWARD F. BLACK, JR.** served several months as Acting Chief; and

Whereas, During his impressive career, **EDWARD F. BLACK, JR.** demonstrated an unflinching commitment to the Township and to a job well-done. His record boasts numerous commendations, awards and other achievements reflecting outstanding police work. His expertise, dedication and leadership will be sorely missed by the Township after his retirement on October 31, 2007.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Sixteenth Day of October, A.D., 2007, does hereby officially honor **EDWARD F. BLACK, JR.** for his extraordinary service to the Cheltenham community and wishes him the best of luck in all his future endeavors. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be conveyed to Deputy Chief Black.

IN WITNESS WHEREOF, I, MICHAEL J. SWAVOLA, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hand and caused the Seal of the Township of Cheltenham to be made a part thereof. DONE AT ELKINS PARK, PENNSYLVANIA, in the year of the Township of Cheltenham, the one hundred and eighth.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: Michael J. Swanson
President

By: Jeffrey A. Muldrew
Public Safety Chairman

David G. Kravitz
Attest: Township Manager and Secretary

6. Mr. Muldawer presented *Commendations* to the following members of the

Cheltenham Township Police Department:

Officer Thomas Fahy	Official Commendation of Bravery
Officer Kevin Brewster	Official Commendation of Bravery
Officer Brian Walsh	Official Commendation of Heroism
Officer Mark Bradbury	Official Commendation of Heroism
Officer Michael Barone	Official Commendation of Merit
Officer David Choi	Official Commendation of Merit
Officer Michael Barone	Official Certificate of Commendation
Officer Philip Degliomini	Official Certificate of Commendation
Officer Michael Davis	Letter of Official Commendation

7. Mr. Swavola presented Certificates honoring the following volunteers:

10 Years:	Earle Bourne	Auxiliary Police
	Stephen Craig	Cheltenham Fire Company
	David Dudo	Auxiliary Police
	William McCann	Glenside Fire Company
	Regina Oswald	Cheltenham Fire Company
20 Years:	Christopher Drach	Cheltenham Fire Company
	Fred Weiler	Elkins Park Fire Company

8. **PUBLIC HEARING:** To receive any and all comments and suggestions from the public regarding the proposed amendment to the Cheltenham Zoning Code, creating a new Chapter 63 entitled “The Greater Cheltenham Avenue Business Improvement District” (*see attachment*).

Mr. Swavola described the Business Improvement District’s purpose, vision plan, affected properties, participation with the City of Philadelphia, and future public hearings. He asked that his commentary become part of the record (*see Notes of Testimony*).

Mr. Swavola asked for comments from the public. Members of the public addressed the Board of Commissioners (*see Notes of Testimony*).

There being no further comments from the public, upon motion of Mr. Portner, and unanimously approved by the Board, the Hearing was closed.

9. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously concurred with the Montgomery County Consortium Contract Award for Rock Salt for the 2007-08 Winter Season made by the Upper Dublin Township Board of Commissioners at its September 11, 2007, meeting to International Salt Co., LLC, Clarks Summit, PA @ \$48.63/per ton/delivered.

10. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W787 to Gregory E. McLaren, owner of 128 Greenwood Avenue, Wyncote, relating to the replacement of all old windows, not previously replaced, with vinyl windows as recommended by the Wyncote Board of Historical and Architectural Review.

11. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W788 to Albert Gilliam and Daria Kachmar, owners of 301 Bent Road, Wyncote, relating to the replacement of the existing roof as well as repairing and replacing damaged siding, gutters and downspouts as recommended by the Wyncote Board of Historical and Architectural Review.

12. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a request for a waiver from the requirements of Chapter 260, entitled "Subdivision and Land Development," for temporary parking area at 100 Laurel Avenue, Cheltenham.

13. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously denied the request of Peter S. Friedman, Esquire, on behalf of the Fox Chase Cancer Center for a waiver of the Land Development requirements of Chapter 260, entitled "Subdivision and Land Development," for a temporary parking area at 526-534 Cottman Avenue.

14. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved Cheltenham Township Development Application No. 07-08 Overall Record Plan for HVAC Units for Cedarbrook Plaza, East Cedarbrook Plaza – Phase I and East Cedarbrook Plaza – Phase II subject to the following Conditions and Waivers:

A. CONDITIONS

1. That the text “Cheltenham Township Development Application No. 07-08” be added to the lower right hand corner of the plan.
2. That the plan be entitled “Overall HVAC Units Plan for Cedarbrook Plaza – Phase I and East Cedarbrook Plaza – Phase II.”
3. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
4. That, in the Township Approval Notation, the text “County, within” be replaced with the text “County within.”
5. That Cedarbrook Plaza, East Cedarbrook Plaza – Phase I and East Cedarbrook Plaza – Phase II be clearly identified.

B. WAIVERS TO BE GRANTED BY THE BOARD OF COMMISSIONERS

1. That the requirement of CCS 260-15. for sidewalks be waived.
2. That the requirement of CCS 260-30. for an Environmental Impact Study be waived except for Subsection D. relating to noise.
3. That the requirement of CCS 260-32.C.(3) which requires that the plan be prepared by an Engineer or Surveyor be waived.
4. That the requirement of CCS 260-32.C.(6) for a note stating the elevation datum is based upon the Cheltenham Township Sanitary Sewer Datum be waived.
5. That the requirement of CCS 260-32.D.(1) for a property survey be waived.
6. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.
7. That the requirement of CCS 260-32.D.(4) for the location, size and ownership of all underground utilities and any rights-of-way within the property be waived.
8. That the requirement of CCS 260-32.D.(5) for depiction of topography of the site and within 400' of the site be waived.
9. That the requirement of CCS 260-32.D.(6) for the location, species and size of large trees standing alone be waived.
10. That the requirement of CCS 260-32.D.(7) for proposed contours and for the elevations for the building floors be waived.

11. That the requirement of CCS 260-32.C.(4) and CCS 260-32.E.(3) for a notation on present Zoning Classification, Zoning Requirements and existing proposed setbacks be waived.
12. That the requirement of CCS 260-32.D.(2) for the location of adjoining property lines and the names of adjoining Owners be waived.
13. That the requirement of CCS 260-32.D.(1) for the showing of all property lines and property line bearings and distances be waived.

15. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a request by Pitcairn Properties for a waiver of the Land Development requirements of Chapter 260, entitled “Subdivision and Land Development,” for a minor increase in parking at One and Two Pitcairn Place, Jenkintown.

16. Upon motion of Mr. Gerhard, the Board of Commissioners unanimously approved a request by John J. Di Benedetto Associates, FARA, on behalf of Ancillae Assumpta Academy for a waiver of the Land Development requirements of Chapter 260, entitled “Subdivision and Land Development,” to enclose an existing stair structure at the library.

17. Mr. Greenwald asked that the October 9, 2007 Public Works Committee Minutes be amended as follows:

- on page 2, item 11, his name was spelled incorrectly
- on page 6, item 15, the stair structure at Ancillae Assumpta Academy is “not a new stair structure”; it is an “existing stair structure”.

Upon motion of Mr. Gerhard, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated October 9, 2007, were accepted as amended.

18. Upon motion of Mr. Simon, the Board of Commissioners unanimously agreed to table consideration of a one (1) year extension of the Township’s transit bus service contract with Laidlaw Transit Service, Inc. since said company has been sold, and the Township has not received any information about the new owner.

19. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated October 2, 2007, were accepted.

20. Upon motion of Mr. Muldawer, the Board of Commissioners unanimously adopted *Ordinance No.* 2141-07 amending Chapter 285 of the Township Code entitled “Vehicles and Traffic”.

ORDINANCE NO. 2141-07

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 **ADDING** the following:


- | | | |
|-------------------|------|--|
| JEFFERSON AVENUE | (18) | HANDICAPPED PARKING at 313. This addition is effective for the duration period that the resident is eligible for a reserved handicapped parking space. |
| MT. CARMEL AVENUE | (13) | NO PARKING, south side, Ruralside Avenue to 93 feet west and 84 feet east. |
| PIKE'S WAY | (1) | STOP STREET at Rolling Green Road. |
| RURALSIDE AVENUE | (3) | STOP STREET at Mt. Carmel 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 **16th** day of **October, A.D., 2007.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM

By 
Michael J. Swavola, President

ATTEST: 
David G. Kraynik, Secretary

21. Upon motion of Mr. Muldawer, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated October 2, 2007, were accepted.

22. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, it is recommended to the Board of Commissioners the adoption of ***Resolution No. 41-07*** increasing Plumbing Permit Fees.

TOWNSHIP OF CHELTENHAM

RESOLUTION NO. 41-07

RESOLUTION INCREASING PLUMBING PERMIT FEES

WHEREAS, the Township of Cheltenham has not increased its Plumbing Fees since prior to 1994; and

WHEREAS, it has been determined that the revenue received from Plumbing Permit Fees is insufficient to cover the reasonable and necessary expenses incurred by the Township in processing and inspecting Plumbing Permits; and

WHEREAS, the Township of Cheltenham has had the right to set Plumbing Permit Fees pursuant to Chapter A300 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 increase the fees for Plumbing Permits.

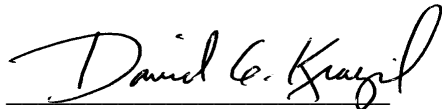
NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, that:

- a. Permit Fees for Plumbing Work:
 - i. For the first \$1000 of Estimated Cost
or Fraction thereof: \$35
 - ii. For each additional \$1000 of Estimated Cost
or Fraction thereof: \$20


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 16th day of **October 2007**.

ATTEST:

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS



David G. Kraynik, Secretary
and Township Manager

By: 
Michael J. Swavola, President

23. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously approved **Resolution No. 42--07** authorizing a transfer within the 2007 General Operating Budget as follows:

RESOLUTION NO. 42-07

<u>From</u>			<u>To</u>		
<u>Police</u>			<u>Police</u>		
01-073 Other Expenses	\$	1,050	01-072 Meals for Prisoners	\$	1,050
 <u>Building & Zoning</u>			 <u>Building & Zoning</u>		
01-130 Salaries	\$	6,000	01-133 CLG Expenses	\$	6,000
 <u>Sewer</u>			 <u>Sewer</u>		
01-043 Maintenance Plant	\$	231,421	01-041 Operating Expenses	\$	231,421
 <u>Township Building</u>			 <u>Township Building</u>		
01-100 Wages	\$	16,000	01-102 Utilities	\$	16,000

24. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously adopted **Ordinance No. 2142-07** approving the following transfers within the 2007 General Operating Budget.

ORDINANCE NO. 2142-07

<u>From:</u>			<u>To:</u>		
<u>Administration-Miscellaneous</u>			<u>Sewer</u>		
01-160 Fire & General Insurance	\$	28,000	01-041 Operating Expense	\$	220,728
01-161 Delaware Valley Worker's Compensation	\$	53,828			
01-162 Paid Loss Retrospective Reserve	\$	13,900			
01-169 Unallocated Appropriation	\$	75,000			
01-163 Group Health Insurance	\$	40,000			
01-172 Unemployment Compensation	\$	10,000			

25. Upon motion of Mr. Greenwald, and unanimously approved by the Board of Commissioners, the Finance Committee Regular Meeting Minutes dated October 16, 2007, were accepted.

26. Mr. Kraynik introduced Ann Leavitt-Gruberger from the Montgomery County Planning Commission. Ms. Gruberger gave a presentation on the concept of age-restricted housing in the Township. Said presentation is to assist in laying the groundwork for the Township's development of an ordinance for this type of housing (*see attachment*). Ms. Gruberger covered such points as future statistics of residents' ages; the development of county-wide age-restricted housing; concentrations of population 65 and older within the county; aging population trends in the Township; reasons for the Township being a desirable community in which to retire; why aging residents want to remain in the Township; benefits to the community of maintaining the aging; challenges to the aging of staying in their homes; benefits of age-restricted housing; guidelines for designing age-restricted facilities; the Township's need for an age-restricted ordinance.

Dr. Jeffrey Kohn, 503 Elkins Avenue, asked for a clarification of what renowned medical facilities were in the Township for the aging as stated in the presentation. He was told that the Albert Einstein Health Care Network has moved into Elkins Park and has begun an expansion program; Moss Rehabilitation Center has moved to Elkins Park from Philadelphia; and the Fox Chase Cancer Center has moved some facilities into the Township. Mr. Kraynik clarified that the study takes into account the many medical facilities in the surrounding area, and not just specifically the Township. The presentation concluded.

27. Upon motion of Mr. Greenwald, the Board of Commissioners unanimously directed Staff to proceed with the development of an ordinance regarding age-restricted housing.

28. **Under Old Business:** Mr. Gerhard asked if there was any further information regarding the new owner of the Laidlaw Bus Company. Mr. Kraynik stated that the bus company is being contacted to identify the new owner. Mr. Gerhard inquired about the deadline for the Laidlaw Bus Company to move its school buses from the parking lot at the southeast corner of Rices Mill Road and Glenside Avenue. It was Mr. Greenwald's opinion that the matter was a zoning issue with the George B. Heidmann Trust, owner of the property.

Mr. Kraynik reported that Friday, October 26, 2007 is the deadline that the Township has given for removal of the buses. If said buses remain, a citation will be issued unless the owner makes a zoning application. It was Mr. Gerhard's opinion that the Township needed to take all necessary steps to remove the buses. He asked that Mr. Cantor review this matter with the School District.

Ms. Elise Stern, 48 Parkview Road, was of the opinion that the parking of said buses takes away security for the area.

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

David G. Kraynik
Township Manager

per Anna Marie Felix