

May 20, 2008
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Jeffrey A. Muldawer presiding. Members present were Commissioners Greenwald, Sharkey, Simon and Swavola. Staff present was Bryan T. Havir, Assistant Township Manager; John O. Hoover, Jr., Director, Parks and Recreation; Rudy Kastenhuber, Public Works Coordinator; David Lynch, Director of Engineering, Zoning & Inspections; Mark McDonnell, Public Works Superintendent; John J. Norris, Chief of Police; Joseph W. O'Neill, Fire Marshal; Rosemary Poppert, Director of Fiscal Affairs; Ruth Littner Shaw, Main Street Manager; Andrew B. Cantor, Esq., Wisler, Pearlstine, Talone, Craig, Garrity & Potash; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

1. President Muldawer 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 April 15, 2008, upon motion of Mr. Greenwald, 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 April, 2008, upon motion of Mr. Swavola, 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 April, 2008, upon motion of Mr. Greenwald, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

5. Dulcie Flaharty, Executive Director of the Montgomery County Lands Trust (“MCLF”) presented the Township with a Certificate of Membership. She reviewed her organizations projects and workshops. It now has a 30-municipality membership. Cheltenham Township has twice been a winner of an achievement award from the Montgomery County Green Futures. She thanked the Township for its green infrastructure funding.

6. Upon motion of Mr. Swavola, the Board of Commissioners unanimously awarded Consortium Contracts for Furnishing Biodegradable Paper Leaf & Grass Collection Bags to Dano Enterprises, Inc., 76 Progress Drive, Stamford, CT 06907 for:

approximately 125,400 thirty (40) gal. bags	@ \$0.398/bag
additional price for 40 gal. bags	@ \$0.020/bag
print lettering on 40 gal. bags	@ \$0.020/bag*
peel and seal adhesive strips, 2/bag	@ \$0.015/bag
*Minimum order for custom printing = 20,000	

and to Duro Bag Manufacturing Co., 7600 Empire Drive, Florence, KY 41042, for:

approximately 492,000 thirty (30) gal. bags	@ \$0.32/bag
additional price for 30 gal. Bags	@ \$0.00/bag
print lettering on 30 gal. bags	@ NC
peel and seal adhesive strips, 2/bag	@ \$0.003/bag

being the lowest responsible bidders meeting Township specifications and being within budgetary limitations.

7. Upon motion of Mr. Swavola, the Board of Commissioners unanimously awarded a contract for Furnishing Rates for Concrete Curb and Sidewalk Replacement to D. Adam Menko Landscaping Contractors, Oreland, PA, for:

Curbing 0-50 L.F. @ \$45.00/L.F.; 51-100 L.F. @ \$38.00/L.F.; 101-200 L.F. @ \$30.00/L.F.
Sidewalk 0-80 S.F., 4" thick, reg. SW @ \$7.50/S.F.; 6" thick, over DW @ \$8.50 S.F.
81-400 S.F., 4" thick, reg. SW @ \$7.00/S.F.; 6" thick, over DW @ \$8.00 S.F.
Over 400 S.F., 4" thick, reg. SW @ \$7.00/S.F.

being the lowest responsible bidder meeting Township specifications and being within budgetary limitations.

8. Upon motion of Mr. Swavola, the Board of Commissioners unanimously concurred with a Montgomery County Consortium Contract made by the Abington Township Board of Commissioners at its April 10, 2008, meeting for Furnishing Street Sign Posts and Material Unit Prices, for a one year period from May 15, 2008 through May 15, 2009, to Flint Trading, Inc., Garden State Highway Products, Rocal, Inc. and Hall Signs Inc.

9. Upon motion of Mr. Swavola, the Board of Commissioners unanimously concurred with a Montgomery County Consortium Contract made by the Lower Merion Board of Commissioners at its April 9, 2008, meeting for Furnishing Fuel Oil #2 (heating oil) for the period June 1, 2008 through July 31, 2009, to Farm & Home Oil Company,

10. Upon motion of Mr. Swavola, the Board of Commissioners unanimously awarded a contract for Cheltenham Township Sanitary Sewer Remediation Project – Phase V to Tri-State Grouting, LLC, in the amount of \$1,048,100.50 being the lowest responsible bidders meeting Township specifications, and being within budgetary limitations.

11. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L838, to Jan K. Krol, owner of premises known as 7306 School Lane, LaMott, relating to the replacement of siding, windows, porch post, gutters and the installation of a new fence as recommended by the LaMott Board of Historical and Architectural Review.

12. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a request by Michael Yanoff, Attorney for the Applicant, for an extension of the time period in which Cheltenham Township Development Application No. 00-05 Record Plan Wordsworth Academy Site Improvements – 7827 Old York Road is to be acted upon by the Township to December 31, 2008.

13. Discussion ensued regarding Cheltenham Township Development Application No. 07-15 Record Plan Kirk and Matthew Watkins Subdivision – 426 Greenwood Avenue. At its meeting on May 13, 2008, the Public Works Committee recommended denial of said application.

Jay Ochroch, Esq., counsel for the applicant, requested a continuance to the June 17, 2008 meeting of the Board due to the full Board not being present at this evening's meeting. He also requested an extension of the 90-day period in which the Township has to act on CTDA 07-15 until the day after the Commissioners' Meeting on June 17, 2008 to June 18, 2008. Mr. Ochroch stated that his client has spent over \$100,000 on this application, and it is entitled to consideration by the full Board. His client is willing to go through the committee process again as the Board deems necessary.

Members of the public commented as follows:

Emily Barnhart, 12 Greenwood Place, requested that a continuance be denied. In her opinion the lack of a full Board's presence is not a basis for a continuance. A quorum is present. This application has been ongoing for some time and has been reviewed numerous times by various committees. She noted that the knotweed eradication process has not been determined.

Kirk Watkins, applicant, stated that he has complied with every request from the Township and the neighbors, he has met all terms and conditions, and every time he was asked for a continuance, he complied at his own expense. He asked that the Board now grant him the continuance that he is requesting.

In response to a question from Mr. Simon, Mr. Cantor advised that the grant of a continuance is at the Board's discretion. There are no legal standards.

14. Upon motion of Mr. Swavola, the Board of Commissioners denied the request for a continuance by Jay Ochroch, attorney for the applicant, of Cheltenham Township Development Application No. 07-15 Record Plan Kirk and Matthew Watkins Subdivision – 426 Greenwood Avenue (AYES: Greenwald, Muldawer, Sharkey; NAYES: Simon, Swavola).

15. Upon motion of Mr. Swavola, the Board of Commissioners denied Cheltenham Township Development Application No. 07-15 Record Plan Kirk and Matthew Watkins Subdivision – 426 Greenwood Avenue, Wyncote, based on non-compliance with the following requirements of Chapter 260, entitled “Subdivision and Land Development” of the Cheltenham Code: (AYES: Greenwald, Muldawer, Sharkey; NAYES: Simon, Swavola).

1. The Plans do not show monuments at locations designated by the Township Engineer as required by Cheltenham Code Section (“CCS”) 260-24.
2. The Plans do not show the following data as required by CCS 260-32. and 260-33:
 - a. A legend clearly denoting existing and proposed features. (CCS 260-32.B.(5))
 - b. North Point on the plan sheets (CCS 260-32.C.(5))
 - c. Contours on Cheltenham Township Sanitary Sewer Elevation Datum. (CCS 260-32.C.(6))
 - d. Names and widths of streets (Greenwood Avenue and Barker Road) (CCS 260-32.D. (2))
 - e. Location of existing pipes and monuments (CCS 260-32.D.(3))
 - f. Location/size/species of large trees standing alone (CCS 260-32.D.(6))
 - g. Location/size of proposed stormwater management facilities (CCS 260-32.E.(7))
 - h. State highway width, legislative and traffic route numbers (CCS 260-33.C.(1) (k))

3. The Construction Plans do not meet the following requirements of CCS 260-34., as follows:
 - a. Plan scale at 1" = 40' (CCS 260-34.B.(1))
 - b. Profile scale at 1" = 4' (CCS 260-34.B.(1))
 - c.. North Point on Plan View (CCS 260-34.B.(4))
 - d.. All underground utilities in Plan View (CCS 260-34.C.)
 - e. All Planimetric Features in Plan View (CCS 260-34.C.)
 - f.. Horizontal Layout Information (CCS 360-34.C.(1))
 - g. Road Stations on Plan View (CCS 260-34.C.(1)(c))
 - h. Road Grades (CCS 260-34.C.(2))
 - i. Road Elevations, existing and proposed, and at Key Points (CCS 260-34.C.(2))
 - j. Vertical Curves and Data therefore (as required) (CCS 260-34.C.(2)(b))
4. The minimum width of the private street is less than the 30' width required by CCS 260-8.B.
5. The minimum paving radius of the cul-de-sac is less than the 30' radius required by CCS 260-8.B.
6. The minimum Tangential Arc (Junction Curve) radius joining the private street R/W with the Greenwood Avenue curblineline is less than the 20' radius required by CCS 260-9.A.
7. The minimum Tangential Arc (Junction Curve) radius joining the edge of private street with Greenwood Avenue curblineline is less than the 30' radius required by CCS 260-9.B.
8. The private street that grades in excess of the permitted maximum grade of 6% required by CCS 260-11.
9. The maximum grade at the intersection of the private street with Greenwood Avenue has grades greater than the maximum grade of 3% for at least 50' measured from the near side of the street as required by CCS 260-11.
10. The Plan does not show the 4' sidewalks to be constructed on both sides of the private street as required by CCS 260-15.
11. The two (2) existing culverts are not being extended across the full width of the R/W as required by CCS 260-25.F.

12. The pavement section for the full length of the private street is not:
 - 1 ½" ID-2 Wearing Course
 - 4 ½" Bituminous Concrete Base Course
 - 6" 2A Modified Stone
 - as required by CCS 260-27.A.
13. The Plan does not show curbing to be constructed along both sides of the private street as required by CCS 260-27.B.
14. The development footprint does not comply with the requirements of the Zoning Code as required by CCS 260-31. in that the Applicant has not satisfactorily demonstrated that there is no steep slope impacts.

16. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved Cheltenham Township Development Application No. 08-01 Record Plan Lublin-Walsh Subdivision – 7656 New Second Street subject to the following Conditions, Notes and Waivers:

A. CONDITIONS

1. That the plan be titled “Record Plan William H. Lublin and James Walsh Subdivision – 7656 New Second Street” (Cheltenham Code Section (“CCS”) 260-32.C.(1)).
2. That the text “Cheltenham Township Development Application No. 08-01” be added to the lower right hand corner of all plan sheets.
3. That new electric and telephone utilities be installed underground. (CCS 260-23.)
4. That monuments be shown at locations designated by the Township Engineer. (CCS 260-24.)
5. A report from a Qualified Real Estate Appraiser on property values, density of population and character and aesthetics be submitted. (CCS 260-30.G.(3))
6. That the following data be added to the plan:
 - a. Proposed elevations at all keypoints and at lot corners (CCS 260-32.D.(7)).
 - b. Location/size of proposed stormwater/management facilities

(CCS 260-32.E.(7)).

7. That the Township is in receipt of the Montgomery County Conservation District approval letter on this Land Development.
8. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
9. That Sewage Planning Module Application be approved by DEP.
10. That tree protection (during construction) details and location thereof be added to the Plans (4' high chain link fencing with posts 3' in ground).
11. That the total number of trees on the property and the number of trees to be removed be noted on the Plans.
(CCS 280-9.A.(1)(a))
12. That all swales with slopes greater than 5% and all cut/embankment slopes greater than 4:1 being stabilized either with North American Green Erosion Control Blanket SC150 or approved equal or with sodding be shown on the Plans.
13. That the concerns of the Fire Marshal for fire protection of the land development be satisfactorily addressed.
14. That the notation "Variances and Special Exceptions..." be struck from the Plans.
15. That a notation be added to the Plans stating the entire decision ZHB Appeal No. 3023. (Entitled "Decision ZHB Appeal No. 3023").
16. That a notation be added to the Plans stating the terms of the Stipulation of Settlement of Appeal to the Montgomery County Court of Common Pleas Docket No. 04-20748.
17. That "***" footnote in the "Zone "R4" Residential District" notation be revised as follows:

** Zoning Relief granted under Stipulation of Settlement of Appeal to the Montgomery County Court of Common Pleas Docket No. 04-20748.
18. That the following concerns with the bearings and distances be addressed:
 - a. Denote angle breaks
 - b. On property line curves, list chord bearing and chord distance.

19. That the following concerns with the General Notes on Page 1 (“GN1”) be addressed:
- a. Replace GN1 4. with the following:

The Township Engineer or his designee shall have the right to inspect the proposed site improvements on Lots 1, 2, and 3 and to direct the Owner(s)/Developer to correct any deficiencies; no Certificate of Occupancy for any structure on Lots 2 and 3 shall be issued unless and until the site improvements on the respective lot are complete and approved by the Township.
 - b. In GN1 7., replace text “(Grading, Detention, Basins, etc.)” with the text “(Grading, Seepage Beds, etc.)”
 - c. Strike GN 1 15.; do not renumber Notes; insert text “Vacant.”
 - d. Replace GN1 16. with the following:

A 20' wide private utility easement on Lot 1 in favor of Lot 3 is hereby established as shown on Sheet 1 of 6 of this plan set.

The 20' wide private utility easement is for the sole use of Lot 3. The Owner of Lot 3 is responsible for the construction, installation, connection, operation, inspection, maintenance, repair, replacement, improvement and/or removal of any and all utilities within this easement.

The Owner of Lot 3 shall restore any areas on Lot 1 disturbed by aforementioned activities to original or better condition.
20. That the “Proposed 20' wide Sanitary and Water Easement” on Lot 1 be re-titled “20' wide Utility Easement” with the notation “See General Note 16.”
21. That the following concerns with the General Notes on Sheet 3 (“GN3”) be addressed:
- a. In GN3, strike all of note past text “Any conflicts...” (including).
 - b. Replace GN3 5. with the following:

It shall be the responsibility of the individual lot owners to properly inspect, maintain, repair and/or replace the stormwater management facilities located on their respective lots. The inspection, maintenance, repair and/or replacement of the stormwater management facilities shall be to the degree considered satisfactory by the Township. These responsibilities shall be included in the first deed of conveyance as a restrictive covenant.

- c. In GN3 6., replace the text “Certificate of Occupancy” with the text “Last Certificate of Occupancy.”
 - d. Replace GN3 18. with the following:

All swales with slopes greater than 5%, all cut slopes greater than 4:1 and all embankment slopes greater than 4:1 shall be stabilized with North American Green Erosion Control Blanket SC 150 or approved equal at the time of raking and seeding or with sodding.
 - e. Strike GN3 12., 14., 19., 20., 21., 22., 27., 28., 29., and 30.; do not renumber Notes; insert text “Vacant.”
- 22. That all non-struck GN3 be placed on Plan Sheet being recorded.
 - 23. That the marking of the “Limit of Disturbance” be added to the “Sequence of Construction” as Item No. 1.
 - 24. That Profiles of the driveways for Lot 2 and 3 be added to the Plans.
 - 25. That the “Tree Protection Fencing Detail” be revised to show 4' high chain link fencing with post 6' c.c., 3' into ground.
 - 26. That the following Details be added to the Plans:
 - a. Type M Inlet with grit pit (2' minimum) and “Snout” and bottom drainage.
 - b. “Snout” water quality device.
 - c. Inverted Y
 - d. Trench Drain
 - e. Geotextile nailer in Inlets.
 - 27. That the proposed sanitary sewer lateral for Lot 1 be reconfigured to tie into perpendicularly to the proposed sanitary line from MH 1 to MH 2.

28. That the following concerns with Landscaping be addressed:
- a. Show tree protection fencing enclosing dripline of trees (not just trunk).
 - b. Show tree protection fencing protecting all trees to remain.
 - c. On Lot 3, show two (2) Red Bud trees on front right hand corner of the Lot, off Coventry Avenue, and two (2) Shumard Oak trees and one (1) White Oak tree.
(Shade Tree Advisory Commission (“STAC”) Condition)
 - d. On Lot 2, show two (2) Red Bud tree instead of the Kousa Dogwood; in the event the 39" Oak tree is impacted, it is to be replaced with two (2) Kousa Dogwood trees.
(“STAC” Condition)
 - e. Submit Landscape Plan for Township Engineer’s review and approval.
 - f. Tabulate total number of trees (6" dbh and over) on property listing ID#, species and size; list total number of trees and total number of trees to be removed.
(CCS 280-9.A.(1)(a))
29. That the following concerns with the Stormwater Management be addressed:
- a. Provide design of seepage beds sized for 100 Year Design Storm Runoff Volume from house roof and 2 Year Design Storm Runoff Volume from paved areas.
 - b. Add Details/Notes on Seepage Bed Installation/Construction to plan.
 - c. Provide Type “M” Inlet(s) with “Snout,” 2' (min.) Deep Grit Pits and Bottom Drainage to charge Seepage Bed(s).
 - d. Show Charging Inlets outside of Seepage Bed(s).
 - e. Show Downspout Collection System to seepage bed(s).
 - f. Add profiles of any storm drains.
 - g. Show Storm Drainage/Stormwater Management System on plan sheet being recorded.

- h. Add the following boxed Operation and Maintenance of Underground Stormwater Management Facilities Note to the plan sheet being recorded.

OPERATION AND MAINTENANCE OF UNDERGROUND STORMWATER MANAGEMENT FACILITIES

The Underground Stormwater Management Facilities on Lots 2 and 3, as with all BMP's, requires routine inspection and maintenance throughout the life of the system. The principal maintenance objective is to prevent clogging of the system, which may lead to system failure.

Routine maintenance shall be performed every three months, as well as after each runoff producing event. This maintenance includes:

- Inspection of the pretreatment grit chamber (grit pits). Any accumulations of sediment and debris captured shall be removed. This may be done manually, or with a vacuum pump.
- Inlet points shall be inspected and kept clear of accumulated debris such as leaves and sticks.
- The observation well (if any) shall be inspected after each runoff producing storm event. Water may appear in the well; however, if it does not drain within three days, it may indicate a clogged drain field.

A more thorough inspection shall be performed annually. This inspection shall include monitoring of the observation well after a storm event to confirm that the system is draining within the specified time. This shall be documented each year so that an indication of system clogging may be observed.

Normal maintenance of the "Snout" shall consist of annual inspection and rinsing with a hose or pressure washer during the cleaning sequence of the catch basin. In addition, the anti-siphon vent shall be flushed with water or air to verify that it is clear.

The Owners of Lots 2 and 3 and/or their on-site property management shall maintain the post construction Underground Stormwater Management Facilities on their respective lots as noted above.

Inspection/Maintenance Logs shall be kept and maintained on a three-year rolling basis; copies of these logs shall be furnished to the Township Engineer upon demand.

A failed system requires complete re-excavation of the seepage bed, disposal at an approved facility of all stone aggregate and geotextile, re-scarification of trench sides and bottom, placement of new geotextile, placement of new clean stone aggregate, re-installation of cleaned piping and chambers and connection of seepage bed piping to storm drainage system.

- i. On Lot 2, ensure that all runoff drains to the Seepage Bed Charging Inlet.
 - j. On Lot 3, provide trench drain, charging inlet and seepage bed to intercept stormwater runoff from driveway.
 - k. Provide calculations establishing 100 Year Design System Flood Plain Elevation on Lot 3 based upon following criteria:
 - i. Use latest NOAA 24 hour rainfall depth of 8.2"
 - ii. Use TR-55 to determine 100 Year Design Storm Discharge
 - iii. Use HEC RAS to determine 100 Year Design Storm Flood Plain Elevations.
 - l. Show 100 Year Design Storm Flood Plain Line on Lot 3. (Seepage Beds on Lot 3 must be outside of 100 Year Design Storm Flood Plan.)
 - m. Demonstrate that first floor elevation of house on Lot 3 is at least one (1) foot higher than 100 Year Design Storm Flood Plain Elevation.
30. That the "Tabulation of Record Plans" be revised to reflect the Plans being recorded.
31. That the Plan be revised so that it conforms with Zoning. (CCS 260-31.)
32. That the following concerns with the 8" Sanitary Sewer Line be addressed:
- a. Enclose within 20' wide Sanitary Sewer Easement (extend easement to southerly line of Lot 2).
 - b. Relocate MH 2 to southerly line of Lot 2.
 - c. Design sanitary sewer so that it can be extended to High Avenue as shown on Township's Master Sewer Plan.
33. That, on Sheet 1, add notation on area being offered for dedication.

B. NOTES TO BE ADDED TO THE PLAN VERBATIM

1. Tire cleaning construction entrances shall be required to be replaced as deemed necessary by representatives of Montgomery County Conservation District and/or the township to prevent tracking of mud and debris onto New Second Street and/or Coventry Avenue.
2. Mud and/or sediment tracked onto New Second Street and/or Coventry Avenue must be immediately removed by brooming. In situations where a film of mud may cause hazardous driving conditions, the roadway shall be immediately pressure washed with all sediment laden water filtered in a manner satisfactory to the Montgomery County Conservation District and the Township Engineer prior to entering storm sewers or swales.
3. The Owners of Lots 2 and 3 shall adequately maintain, repair and/or replace the following site elements on their respective lots:
 - a. Seepage Beds
 - b. Site Landscaping
 - c. Trench Drain
 - d. Type M Inlets
 - e. Driveway Culvert

The maintenance, repair and/or replacement of the aforesaid site elements shall be to the degree considered satisfactory by the Township; the property owner(s) shall commence maintenance, repair and/or replacement of the aforesaid site elements within two (2) weeks of being notified to do so by the Township.

4. If the 39" Oak tree on Lot 2 is impacted by construction activities, the Owner/Developer shall remove the 39" Oak tree and replace it with two (2) 3" dbh Kousa Dogwood trees.

C. 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 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.
3. That the requirement of CCS 260-32.D.(5) for depiction of topography within 400' of the site be waived.
- 4.

17. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved Cheltenham Township Development Application No. 08-04 Record Plan Elkins Park Garden Apartments – HVAC Unit subject to the following Conditions, Notes and Waivers, and contingent upon a letter from the applicant accepting the changes in the amended Director’s Report dated May 20, 2008, containing detailed notes on sound emanating from the HVAC Units.

A. CONDITIONS

1. That the text “Cheltenham Township Development Application No 08-04” be added to the lower right hand corner of all plan sheets.
2. That the building setback lines be shown on the Plans.
(CCS 260-32.E.(8))
3. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
4. That General Note Nos. 6 and 7 be struck.
5. That the following concerns with landscaping be addressed:
 - a. Plant two (2) Kousa Dogwood trees along both the High School Road and Montgomery Avenue frontages.
 - b. Plant three (3) Honey Locust trees in front of the complex.
(Shade Tree Advisory Commission Condition)

B. NOTES TO BE ADDED TO THE PLAN VERBATIM

1. These drawings do not indicate the approximate location of existing subsurface utilities in the vicinity of the project and are not guaranteed for accuracy and/or completeness. Pennsylvania Act 38 requires that contractors determine the location of all utility, sewerage and water lines before commencing construction.
2. All new public utilities, including but not limited to, electric, gas and telephone shall be placed underground within the development/subdivision. Such utilities shall be installed in strict accordance with the prevailing standards and practices of the utility or other company providing service, except where it is demonstrated to the satisfaction of the Board of Commissioners that underground installations are not feasible because of physical conditions of the land.

3. All new exterior lighting fixtures shall be shielded to deflect lighting from adjacent residential properties and from passing motorists.
4. Neither the Property Owner(s), its successors in title or interest, tenants, leaseholders nor the contractor shall substitute alternative HVAC units for the noted HVAC units without the written authorization of the Township to do so. Alternative HVAC units must have a sound signature equivalent to the noted HVAC units.
5. During the hours between 7:00 AM and 11:00 PM, the maximum permissible sound pressure levels at specified points of measurement for continuous noise radiated from HVAC units on the premises shall not exceed the following:

**Sound Pressure Level
Decibels Re 0.0002 Microbar**

Frequency Band (Hertz)	Inside Table	Outside Table
20 to 75	73	76
75 to 150	66	69
150 to 300	60	64
300 to 600	55	59
600 to 1,200	52	57
1,200 to 2,400	50	55
2,400 to 4,800	48	53
4,800 to 10,000	47	52

6. During the hours between 11:00 PM and 7:00 AM the maximum permissible sound pressure levels at specified points of measurement for continuous noise radiated from HVAC units on premises shall not exceed the following:

**Sound Pressure Level
Decibels Re 0.0002 Microbar**

Frequency Band (Hertz)	Inside Table	Outside Table
20 to 75	69	76
75 to 150	62	69
150 to 300	56	64
300 to 600	50	59
600 to 1,200	47	57
1,200 to 2,400	45	55
2,400 to 4,800	43	53
4,800 to 10,000	42	52

7. When the source of complaint originates inside of a building or structure, the Sound Level Meter microphone shall be placed three feet from the nearest window in the room where the source of complaint originates and not less than three feet above the floor, in which case the inside table of sound pressure levels shall be used.
8. When the source of complaint originates outside, the Sound Level Microphone shall be placed at the source of the complaint but no closer than three feet to any wall and not less than three feet above the ground, in which case the outside table of sound pressure levels shall be used. (PC Condition)
9. If, as a result of such test the sound pressure levels emanating from the HVAC unit(s) and equipment or other mechanical equipment or apparatus are found to exceed the sound pressure levels listed in General Note Nos. 5 or 6 for the stated time periods, the operation thereof shall forthwith be discontinued and not be resumed unless and until proper corrections have been made therein or appropriate sound baffling materials installed, which shall first have been approved by the Township Engineer.
10. Sporadic noise from HVAC units on the premises, which is defined as any noise which does not normally continue for a period of time necessary to obtain decibel readings in all frequency bands, when measured in the frequency band of 600 to 1,200 Hertz, shall not exceed a sound pressure level of 57 decibels between 7:00 AM and 11:00 PM and 52 decibels between 11:00 PM and 7:00 AM. Testing and remediation of sporadic noise sources shall be in accordance with the requirements set forth in General Note Nos. 7, 8, and 9.

C. 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.(6) for a note stating the elevation datum is based upon the Cheltenham Township Sanitary Sewer Datum be waived.
4. That the requirement of CCS 260-32.D.(1) for a property survey be waived.
5. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.

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

18. Upon motion of Mr. Swavola, the Board of Commissioners unanimously denied the request from Ramos and Associates, Inc. to cancel its contract with the Township for 1812 Beech Avenue.

19. Diane Williams, 1812 Beech Avenue, stated that her attorney who represents her regarding certain issues she has with the Township's Homeowner Housing Rehabilitation Project has yet to receive a response from the Township. It was her opinion that in the Public Works Committee Meeting Minutes of May 13, 2008, page 62, it is inferred that Ms. Williams and her attorney have been contacted and have received potential options. She negated that inference. Additionally, in her opinion, Robert Thomas, consultant, should also be held responsible for the "debacle" in her home under this program. Mr. Cantor responded that according to his interpretation, the minutes do not state that Ms. Williams and her attorney have been contacted, only that it is suggested that they be contacted. Mr. Cantor stated that his interpretation is that Ms. Williams' attorney will be contact in the future to set up a meeting. Ms. Williams felt that this is a matter of word play, and under a low income program, she should not have to get a lawyer. Mr. Cantor responded that at this point, this is a matter for the attorneys. Ms. Williams stated that some of her remarks never made the minutes. In response

to a question from Mr. Swavola, Mr. Cantor advised that he saw no reason why the Board should not accept the Public Works Minutes dated May 13, 2008.

20. Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Public Works Committee Regular Meeting Minutes dated May 13, 2008, were accepted.

21. Upon motion of Mr. Simon, the Board of Commissioners unanimously approved a one (1) year extension of the Twinning Committee to June 30, 2009.

22. Upon motion of Mr. Simon, the Board of Commissioners unanimously granted a six (6) month extension of the listing contract with Barandon and Hollinger Real Estate to obtain a tenant for the Shovel Shop in the amount of \$900 or one (1) month's rent, whichever is greater.

23. Upon motion of Mr. Simon, the Board of Commissioners unanimously adopted **Resolution No. 21-08** honoring Barbara Mack upon her retirement after more than 19-years of service to the Township. Said Resolution will be presented to Mrs. Mack at the June 17, 2008 meeting of the Board of Commissioners.

24. Upon motion of Mr. Simon, the Board of Commissioners unanimously approved that the monthly Tuesday evening Standing Committees of the Board begin at 7:00 p.m. instead of 7:30 p.m., commencing August, 2008.

25. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated May 6, 2008, were accepted.

26. Upon motion of Mr. Muldawer, the Board of Commissioners unanimously adopted **Ordinance No. 2158-08**, amending Chapter 285 thereof, entitled "Vehicles and Traffic".

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2158-08**

**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 II, entitled Parking Meter Zones, Section 285-21 thereof is hereby amended by **DELETING** the following under Twelve-Hour Parking Zones:

WESLEY AVENUE	South	From Bickley Road to 100 feet west
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SECTION 2. The Code of the Township of Cheltenham, Chapter 285, Article II, entitled Parking Meter Zones, Section 285-20 thereof is hereby amended by **ADDING** the following under Two-Hour Parking Zones:

WESLEY AVENUE	South	From Bickley Road to 100 feet west
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SECTION 3. 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:

EUSTON ROAD	C.	HANDICAPPED PARKING, east side, from 48 feet north of Cheltenham Avenue to 68 feet north of Cheltenham Avenue. (for 1639 W. Cheltenham Avenue)
HARRISON AVENUE	(5)	25 MPH, Glenside Avenue to Limekiln Pike.
HARRISON AVENUE	(6)	15 MPH, Limekiln Pike to General Patterson Drive

SECTION 4. 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:

HARRISON AVENUE	(5)	25 MPH, Glenside Avenue to Twickenham Road.
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SECTION 5. 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 6. 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 May, A.D., 2008.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM

BY: *Jeffrey A. Muldawer*
Jeffrey A. Muldawer, President

ATTEST: *David G. Kraynik*
David G. Kraynik, Secretary

27. Upon motion of Mr. Muldawer, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated May 6, 2008, were accepted.

28. Mr. Greenwald noted that a Public Hearing is being scheduled and advertised for June 17, 2008. At that time, the Board will consider an amendment to the Township Code, Chapter 298, thereof, entitled Zoning, Article XXV, entitled "Signs", and Article XXIX, entitled "General Regulations", regarding awnings and canopies.

29. Upon motion of Mr. Greenwald, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated May 6, 2008, were accepted.

30. Upon motion of Mr. Muldawer, and unanimously approved by the Board of Commissioners, the Parks and Recreation Committee Regular Meeting Minutes dated May 13, 2008, were accepted.

31. Under New Business:

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. Greenwald, the Board of Commissioners unanimously approved the following appointments as submitted by the Board President:

	<u>Term Expiration</u>
<u>Historical Commission</u>	
Thomas J. Wieckowski, 332 Hewett Road, Wyncote	January 1, 2010
<u>Twinning Committee</u>	
Andrew R. White, 7449 B-D Street, LaMott	January 1, 2010
Patricia Miller, 1806 Beech Avenue, Melrose Park	January 1, 2010

Under Citizens' Forum:

a. Residents in the vicinity of Brooke Road expressed concerns about vehicular traffic speeding on that street. Petitions were presented (*see attachments*).

Dennis Hagerity, 17 Chelfield Road, stated that this is the first time residents have approached the Commissioners. There is a serious concern about speeding on Brooke Road.

Mr. Sharkey stated that the neighbors have addressed their concerns with him. The Highway Safety Unit has done selective enforcement, and the speed trailer was on Brooke Road today. Mr. Sharkey stated that he and Chief Norris had lengthy discussions about the problem.

Kenneth Schanbacher, 728 Brooke Road, stated that the 700 block of Brooke Road, which is shared with Springfield Township is the main problem area, and needs stricter enforcement. Motorists speed when descending the hill.

Jason Weidner, 712 Brooke Road, presented a petition from the neighbors and stated that the neighbors are scared and dialogue needed to be started to make the street safer (see attachment). He reviewed accident history in the area and suggested traffic control devices. He suggested that similar streets and similar neighborhoods be analyzed.

Edward Stelacio, 713 Brooke Road, suggested speed bumps as a deterrent. Since Brook Road is scheduled to be milled and paved in the near future, in his opinion, it would be less costly to install the bumps at that time. He felt that police enforcement is a temporary solution, and a waste of good resources. A more permanent solution was needed.

Chief Norris stated that within the past few weeks, the Police Department has done selective enforcement, and most of the violations are due to ignoring the Stop Signs and not to speeding; the Police Department is trying to get cooperation from the Springfield Township Police Department in this matter. He suggested that the Police Department hold a meeting with the neighbors to review the problems and get their ideas on solutions. Chief Norris advised that Stop Signs were installed at Brooke Road and Carroll Avenue but Chelfield Road does not meet PennDOT's criteria for a Stop Sign. PennDOT's criteria for Stop Signs was explained. Also, he advised residents of the 11-mile per hour differential between the speed limit and the actual driving speed, necessary before police can issue citations.

It was agreed a community meeting between the Police Department and the residents be scheduled.

b. Diane Williams, 1812 Beech Avenue, LaMott, invited everyone to call her at 267-253-6947. She would make available a copy of her contract with the Township under its LaMott Homeowners Housing Rehabilitation Program, and she would make an appointment with anyone who wished to see home. In her opinion, all projects under said program should be stopped until her issue is resolved so that other low to middle income residents do not have the same problem under the program.

c. Joseph Lewis, 1408 Wistar Drive, Wyncote, reported several trucks and tractor trailers being parked on Cheltenham Avenue in the vicinity of the Cedarbrook Mall and questioned the legality of parking said vehicles. Residents have lost on-street parking as a result. He complained of noise from the trucks early in the morning and asked if signs could be posted. The Police Department was asked to investigate.

Mr. Lewis was concerned about a homeless person who is occupying the bus shelter in front of Commerce Bank. This sends a wrong message to the community and deprives riders of a place to wait for the bus. The Police Department was asked to investigate and to notify the Montgomery County Department of Social Services.

d. James Muldoon, 106 Parkview Road, Cheltenham, thought there could be a potential problem on Cheltenham Avenue in the vicinity of the Cheltenham Square Mall. He has seen people getting into dumpsters in that area. The Police Department was asked to investigate.

e. John Murphy, 7811 Montgomery Avenue, Elkins Park, was concerned about speeding and increased traffic in the vicinity of Montgomery Avenue and Ashbourne Road. The opening of Myers Elementary School will create a lot of pedestrian and vehicular traffic, there is a synagogue in the area, and the new district court has increased traffic.

Mr. Greenwald explained that said intersection does not meet PennDOT's criteria, and therefore, a Stop Sign would be illegal and liability would be on the Township if an accident were to occur as a result. Mr. Murphy presented a petition for a Stop Sign at Montgomery Avenue and Ashbourne Road. He also presented a petition that was given to the County to relocate the entrance of the District Court 38-1-02 at 7804 Montgomery Avenue to the rear of the building (*see attachments*).

Another resident of 1340 Ashbourne Road suggested speed bumps to slow down the traffic.

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

David G. Kraynik
Township Manager

Per Anna Marie Felix