

**MINUTES
BOROUGH COUNCIL MEETING
FEBRUARY 19, 2009**

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Daly, Vice-President Hall, Councilpersons Alyanakian, Simpson, Cunningham, Williamson and Derrickson. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor Scott and Engineer Walton.

President Daly called the meeting to order at 8:00 p.m. and led the salute to the flag.

Approval of the Minutes

Councilman Williamson made a motion to adopt the January 15, 2009 Council Meeting minutes and the February 5, 2009 Special Meeting minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Presentation of Police Awards

Nativity B.V.M. Knights of Columbus presents awards each year to deserving individuals within the Media Police Department. This year's recipients are as follows: Police Administrative Assistant Deborah Bromley – 2008 Employee of the Year Award, Sergeant Robert Carroll – 2008 Supervisor of the Year Award, and Patrolman John McCormick – John Davidson Memorial Officer of the Year Award. All recipients thanked the Knights of Columbus, Mayor, Borough Council, Chief Wusinich and fellow employees for the honor.

President Daly recessed the meeting for one (1) minute.

Privilege of the Floor

Judy Fowler, 325 S. Monroe Street, announced the Media Arts Council Film Festival, which will take place on February 27-28, 2009 from 7:00-10:00 p.m. in the Community Center. Tickets are \$10 each night. Please visit www.mediaartscouncil.org for the film schedule.

Engineer's Report

Councilman Cunningham inquired about the status of traffic light signalization cycles at the intersections of Providence Road & State Street and Providence Road & State Road. Engineer Walton responded that the timing of the traffic light at State Road is 14 seconds and the traffic light at Monroe Street is 21 seconds. Engineer Walton was not aware that he needed to look into the traffic light at Providence Road & State Street, but he will do so and report back to Council.

Mayor's Report – Mayor McMahon

Mayor McMahon reported that the Police Department received and investigated 792 complaints during the month of January. There were two (2) burglaries in January. One on January 21, 2009 along the 100 block of East Front Street and the other on January 23, 2009 along the 400 block of South Jackson Street.

Mayor McMahon mentioned that there were two (2) pedestrian accidents this week and reminded drivers to be careful and mindful of pedestrians.

Mayor McMahon read Proclamation #2009-02, recognizing February 15-21, 2009 to be Engineer's Week in the Borough.

Mayor McMahon read Proclamation #2009-01, congratulating the NAACP on the occasion of its 100th anniversary.

Mayor McMahon announced the Pennsylvania Veterans Museum's film premier entitled: *Women in the Military* on February 27, 2009 at the Media Theatre. Showings are at 1:00 p.m. and 3:30 p.m.

Council Committee Reports

Shade Tree Commission, Historic Preservation & Lighting – Mr. Cunningham

As recommended by the Borough's insurance broker, Councilman Cunningham made a motion to adopt Resolution #2009-09 – Fire and Emergency Services, which will delineate insurance coverages for fire and emergency services personnel. Councilman Derrickson seconded the motion. The motion carried unanimously.

Councilman Cunningham mentioned that the Borough is in the process of compiling a work list with regard to tree planting, trimming and removal for the spring, summer and fall. Councilman Cunningham reminded residents to contact the Borough office with tree planting, trimming and removal requests. Also, Councilman Cunningham mentioned that residents should contact the Borough office if they do not desire a tree planted in front of their property and the Borough will consider the request.

Councilman Cunningham mentioned the fact that the Borough and County did not raise real estate taxes for 2009. Councilman Cunningham mentioned that he is urging the Rose Tree Media School District to hold the line on taxes. To that end, Councilman Cunningham made a motion to adopt a resolution encouraging the Rose Tree Media School District to not raise taxes this year or, at a minimum, keep them below the current level of inflation. Councilman Alyanakian seconded the motion. Councilman Williamson inquired if the school district has explained the increase. Councilman Cunningham responded that the increase is due to increased pension costs; an increase in expenses, which will involve the rehabilitation of Springton Lake Middle School; and for additional personnel. Councilman Alyanakian noted that while the school board is facing tough challenges such as unfunded mandates, etc., a 6% increase is substantial.

Councilman Williamson inquired about the rate of increase. Councilman Cunningham responded that rate of increase is almost twice the level of the inflation index. President Daly mentioned that he is not going to vote in favor of this motion due to the fact that he believes he doesn't have enough information and because he believes it may short-change the children within the school district. President Daly also noted that he believes it is not appropriate to tell the school district how to conduct business. Councilwoman Simpson mentioned that it may be more appropriate to attend school district meetings in order to voice an opinion with regard to school district taxes. Borough Manager Smith took roll call on the motion to adopt a resolution encouraging the Rose Tree Media School District to either not raise taxes this year or to keep them below the current level of inflation. The motion was defeated 4-3, with President Daly, Vice-President Hall, Councilwoman Simpson and Councilman Williamson casting the majority votes.

Media Business Authority, Technology & Fair Trade Committee – Mrs. Simpson

Councilwoman Simpson mentioned the Media Business Authority is busy planning the 2009 events.

Councilwoman Simpson mentioned that she is fine-tuning an announcement to recruit Technology Committee volunteers.

Councilwoman Simpson mentioned that Stephanie Gaboriault, a Fair Trade representative, traveled to France recently for a Fair Trade Committee conference.

Councilwoman Simpson announced an International Fair Trade banana eating Guinness record attempt on Friday, March 6, 2009 at Selene Whole Foods Co-op at 305 West State Street.

Councilwoman Simpson mentioned that, as a follow-up to Judy Fowler's announcement regarding the Media Arts Council Film Festival, the opening films on both nights are regarding the Fair Trade process as produced by local filmmaker, Rich Hoffman.

Code Enforcement, Health, Environment Advisory Council, Media Arts Council, Streetscape & Litter Task Force – Mr. Hall

Vice-President Hall made a motion to award the collection of recyclable materials bid to McCusker & Ogborne for a term of two (2) years with the possibility of a one (1) year extension election as follows: Alternate No. 1 – Curbside Collection and Disposal of Recyclables with No Fuel Adjustor Clause--Year 1 (4/09-3/10) \$102,830, Year 2 (4/10-3/11) \$106,942.50 and Year 3 (4/11-3/12) \$111,212.50. Vice-President Hall noted that there is a 33% increase in the cost of the contract over last year due to the increase in fuel costs and the decrease in the value of recyclable materials. Councilman Derrickson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to authorize the Solicitor to file the necessary paperwork for the sheriff sale of two (2) properties on Vernon Street and N. Orange Street in an effort to bring them up to code. It was noted that this is a last resort with regard to these properties due to the property owners' failure to bring them into compliance and/or pay the fines. Councilman Williamson seconded the motion. The motion carried unanimously.

Vice-President Hall urged everyone to attend the Media Arts Council Film Festival on February 27 and 28, 2009.

Vice-President Hall mentioned that the next Media Arts Council Second Saturday event will be held on March 14, 2009. The April Second Saturday event will have an environmental theme.

Vice-President Hall announced a rain barrel workshop on Tuesday, April 14, 2009 at 7:30 p.m. in the community Center.

Vice-President Hall announced a variety of activities to be held in conjunction with Earth Day on Saturday, April 18, 2009 as follows: rain barrel unveiling near the tot lot; cigarette litter cleanup; the installation of rain barrels at the Media-Upper Providence Library and Media Fire Company; tour of Houtman Park; and a tree, shrub and flower tour at Borough Hall.

Properties, Personnel, Finance & Insurance – Mr. Daly

Treasurer Deitch read the finance report. The Finance Committee reported checks drawn on the Central Disbursement account for the following funds:

General Fund	\$ 328,063.55
Recreation Fund	\$ 708.60
Liquid Fuels Fund	\$ 0
Capital Fund	\$ <u>56,501.14</u>
Total	\$ 385,273.29

President Daly motioned that bills be paid when properly approved for all funds. Councilman Williamson seconded the motion. Councilman Cunningham inquired if CMAQ and Third Street Bridge project invoices were included with the bills. Treasurer Deitch responded that invoices for these projects are included this month for CMAQ and for the Third Street Bridge. The motion carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly made a motion to adopt Ordinance No. 1056, amending the Joinder Agreement for the Media Borough Police Pension Plan. Borough Manager Smith explained that this ordinance is necessary due to the change in the service increment benefit, which was negotiated previously by the Fraternal Order of Police. Councilman Williamson seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote.

President Daly mentioned that the Finance Committee met earlier this evening and they are continuing to monitor revenues with regard to Act 511 taxes and police overtime.

Community Development – Mr. Williamson

Councilman Williamson made a motion to authorize the Solicitor to draft and advertise an amendment to the Stormwater Management Ordinance with a 300 square foot exception for new projects. This amendment to the ordinance would require the property owner to either plant a tree on their property or install a rain barrel. Vice-President Hall seconded the motion. Councilman Cunningham inquired if this ordinance would allow the property owner to plant a tree anywhere on their property. Councilman Williamson responded that it would allow the property owner to plant a tree anywhere on their property and the Borough would offer a list of appropriate species. Councilman Cunningham inquired what would happen if there was no room to plant a tree or if the downspouts go to the curb on a particular property. Councilman Williamson responded that the downspouts going to the curb is no longer allowed and a rain barrel could be attached to the downspout. Councilman Cunningham inquired if this ordinance would apply to any improvement and not just new construction. Councilman Williamson responded that this would apply to both and that it provides reasonable exceptions for homeowners. The motion to authorize the Solicitor to draft and advertise an amendment to the Stormwater Management Ordinance with a 300 square foot exception for new projects carried 6-1, with Councilman Cunningham casting the dissenting vote.

Councilman Alyanakian mentioned that he would like the Planning Commission to start to require or make recommendations that any new design or building require LEED certified materials and energy star windows in anticipation of Act 129, which is a new law that is expected to be enacted in 2011. Councilman Williamson mentioned that perhaps Solicitor Scott could look into Act 129 further and determine what the Borough's ability is with regard to regulations. Solicitor Scott will do so and also provide information on a few municipalities that are adjusting their fee schedule accordingly.

Councilman Cunningham mentioned the issue about conversion of structures in the R1 District and the fact that the Zoning Code permits converting a structure up to three (3) units. Councilman Cunningham is recommending that this be eliminated from the provision within the R1 District. Councilman Williamson mentioned that he would like to communicate his request more clearly to the Planning Commission and is, therefore, requesting that Councilman Cunningham either write down his request or attend an upcoming Planning Commission meeting to discuss with the commission directly.

Public Safety, Highway & Emergency Management – Mr. Derrickson

Councilman Derrickson mentioned a Mass Gathering Permit Application for the Iron Hill Brewery's Brandywine Brewers Festival to be held on Saturday, May 16, 2009. Councilwoman Simpson mentioned business owner concerns regarding the lack of parking during this event. Danielle Friel, Event & Marketing Coordinator for Iron Hill Brewery and Restaurant, mentioned that they sell 1,100 tickets for this event and all of the proceeds go to the Media Youth Center. After much discussion regarding this event, it was determined that Mayor McMahan, Councilwoman Simpson and Councilman Derrickson will meet with Iron Hill officials in order to work out the logistics. With that said, Councilman Derrickson made a motion to tentatively approve the Mass Gathering Permit Application for the Iron Hill Brewery's Brandywine Brewers Festival to be held on Saturday, May 16, 2009 subject to Mayor McMahan, Councilwoman Simpson and Councilman Derrickson working out the logistics with Iron Hill officials. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve a Mass Gathering Permit Application for Town Talk Newspapers' Spring Super Sunday Event to be held on April 19, 2009. Vice-President Hall seconded the motion. Councilman Cunningham inquired about the fee. It was determined that the applicant will be required to pay the \$750 fee. Councilman Alyanakian made a motion to table in light of the proposed Mass Gathering Ordinance amendments. Councilman Derrickson held his original motion with the following conditions: Edgmont and Orange Streets shall remain open, Town Talk Newspapers shall hire qualified crossing guards (fire police) for the event, Town Talk Newspapers shall submit the \$750 permit fee and Town Talk Newspapers is required to cover any/all additional overtime above the \$750 fee for Police and Public Works personnel. The motion carried unanimously.

Councilman Derrickson made a motion to authorize the Solicitor to draft and advertise Mass Gathering Ordinance amendments. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson commended the Highway Department for their clean up of the roadways during the recent winter storms.

Councilman Derrickson mentioned that an emergency management meeting is being planned for the spring.

Councilman Derrickson thanked Jim Jeffery, Code Enforcement Director, and the Borough's insurance broker for their work on the Fire and Emergency Services resolution.

Councilman Derrickson will follow-up to determine if the loud speaker is hooked up to the siren on the Media Fire House.

Recreation, Fire, Parking, Library & Homeowners Association (HOA) – Mr. Alyanakian

Councilman Alyanakian made a motion to reappoint Michael Magoolaghan and Martin Sarkees for a term of three (3) years to the Library Board, which will expire on December 31, 2011. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Alyanakian announced that the Media-Upper Providence Library launched their new website: www.mediauplibrary.org.

Councilman Alyanakian mentioned that the Media-Upper Providence Library received a grant courtesy of Senator Pileggi's office and the Department of Environmental Protection in order to replace the windows in their building.

Councilman Alyanakian announced that the Media-Upper Providence Library Book Sale will be held on April 18, 19 and 20, 2009.

Councilman Alyanakian made a motion to reappoint Shyam Sujan to the Recreation Board for a term of five (5) years, which will expire on December 31, 2013. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Alyanakian mentioned that a Friends of the Park group is being formed in order to look at open space resources within the Borough. Anyone interested in participating should contact the Borough office.

Councilman Cunningham inquired about the status of the parking study. Borough Manager Smith responded that the study took longer than anticipated due to a delay in the survey being distributed to County employees. The report should be in the hands of the Parking Committee by the end of the month.

Public Comment & Privilege of the Floor

Councilman Cunningham inquired whether or not the Borough could lease back a portion of open space within the Oakmont Development so we are no longer responsible for maintaining this area. Solicitor Scott mentioned that he will draft a memo with regard to the Borough's options on this matter.

President Daly inquired about the status of the energy audit on Borough-owned buildings. Borough Manager Smith noted that the Borough should receive it soon according to PECO officials.

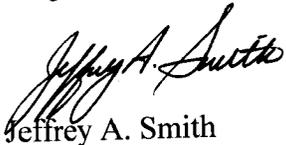
Councilman Cunningham recognized the passing of the Delaware County artist, Andrew Wyeth.

Adjournment

Councilman Cunningham motioned to adjourn the meeting at 10:30 p.m. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Borough Council adjourned to Executive Session in order to discuss personnel, real estate and litigation matters.

Respectfully submitted,



Jeffrey A. Smith
Borough Manager/Secretary