

**MINUTES
BOROUGH COUNCIL MEETING
MAY 21, 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 and Williamson. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor Scott and Engineer Walton. Councilman Derrickson was absent from the meeting.

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

Approval of the Minutes

Councilwoman Simpson made a motion to adopt the April 16, 2009 Council Meeting minutes. Councilman Williamson seconded the motion. Councilman Cunningham requested that he and Councilman Alyanakian be recognized in the minutes as voting in favor of abandoning the CMAQ project. The motion carried unanimously with the revision as noted above.

Privilege of the Floor

President Daly reminded viewers watching the meeting at home they can e-mail any questions/comments to Borough Council at questions@mediaborough.com and they will be addressed during the Public Comment & Privilege of the Floor segments of the meeting.

Engineer's Report

Councilman Cunningham inquired if there is additional information on the timing of the light at the intersection of State Street and Providence Road. Engineer Walton responded that the timing of the traffic light is now in compliance with the permit and two (2) new sensors have been installed.

Engineer Walton mentioned that any "no turn on red" signage change on Mulberry Street at the intersection listed above needs to be requested through the Pennsylvania Department of Transportation due to the close proximity of the trolley.

Solicitor's Report

Solicitor Scott mentioned that he has an item for discussion during Executive Session this evening.

Mayor's Report – Mayor McMahon

Mayor McMahon reported that the Police Department received and investigated 813 complaints during the month of April.

Mayor McMahon mentioned that part-time police officer Peter Strzelecki entered the police academy on May 3, 2009.

Mayor McMahon mentioned that the police department sponsored a crime prevention meeting on April 30, 2009.

Mayor McMahon mentioned that appropriate police department personnel met with Delaware County 911 officials regarding the transition of Borough dispatchers to the 911 Center.

Mayor McMahon read Proclamation #2009-04 designating May 3-9, 2009 as Children's Mental Health Awareness Week.

Mayor McMahon read Proclamation #2009-03 honoring Walter M. Strine, Sr. on the occasion of his 100th birthday.

Mayor McMahon read Proclamation #2009-05 recognizing Lynn Oberfield, head of Media-Providence Friends School, on the occasion of her retirement.

Mayor McMahon indicated that the police department logged a total of 192 overtime hours in April, which included Easter as a festive holiday.

Robert Dimond, organizer of the Memorial Day Parade, mentioned that this year's parade will be held on Monday, May 25, 2009 beginning at 10:00 a.m. and will feature Kane Kalas as the guest speaker.

Mayor McMahon mentioned that Kane Kalas will be interviewed on the Howard Eskin show regarding his father's involvement in Borough parades over the years. This will take place tomorrow at 3:40 p.m. on KYW and also on Channel 3 at 12:00 p.m. and 4:00 p.m.

Councilman Cunningham inquired if there are any leads on recent home burglaries. Mayor McMahon responded that the police department believes a young person or persons committed all three (3) burglaries.

Councilman Cunningham inquired about a recent armed car jacking at a local gas station. Mayor McMahon responded that the police department believes this to be an isolated incident. No one has been apprehended as of yet.

Council Committee Reports

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

Vice-President Hall introduced Walt Cressler and Tedman O'Hara, members of the Environmental Advisory Council, in order to discuss clean energy. The Borough now qualifies as a clean energy community. Mr. Cressler indicated that anyone else interested in signing up for clean energy can do so through the Borough's website.

Vice-President Hall made a motion to execute a Memorandum of Agreement between Sustainable Development Fund (SDF) and the Borough for the purpose of a solar panel installation on the Youth Center building. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to adopt Resolution #2009-04 authorizing the submittal of a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST). Councilman Williamson seconded the motion. Specifically, Vice-President Hall mentioned the planting of 100 native trees, project green roof, the installation of a rain garden at the Municipal Center, the installation of pervious pavers and a rain barrel program. Vice-President Hall indicated that the assistance could come in the form of a loan or grant. Councilman Cunningham mentioned that he is opposed to this resolution because the federal funds involved are not operational, but borrowed money through the stimulus funding. Councilman Cunningham mentioned that the purpose of the stimulus program is to create substantial and meaningful jobs and this is not going to do that. Councilman Cunningham mentioned his belief that this will create temporary jobs. Vice-President Hall indicated that he has no objection to this program as it is anticipated to create jobs. Councilman Alyanakian recommends that the Borough's grant writer contact Aqua for a letter of support. The motion to adopt Resolution #2009-04 carried 5-1, with Councilman Cunningham casting the dissenting vote.

Vice-President Hall made a motion to adopt an overhead banner policy within the Borough. Councilman Williamson seconded the motion. Councilman Alyanakian expressed his belief that adopting this informal policy is an unnecessary action and a waste of Council's time. Councilman Williamson responded that the Community Development Committee reviewed this policy and is recommending approval based on the request of the Borough's staff. Vice-President Hall mentioned that the Borough's staff asked for guidance due to an increase in overhead banner requests. The motion to adopt the overhead banner policy was carried 5-1, with Councilman Alyanakian casting the dissenting vote.

Vice-President Hall thanked everyone who came out and participated in the Earth Day/Arbor Day activities.

Vice-President Hall announced that the next Media Arts Council Second Saturday event will be held on June 13, 2009.

Vice-President Hall mentioned that the Media Arts Council's art display at the former Bill Battey's location has been held over for an additional week.

Community Development – Mr. Williamson

Councilman Williamson made a motion to authorize the Solicitor to draft and advertise an ordinance eliminating multi-family conversions as a use-by-right in Residential Zoning Districts. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to approve the Preliminary/Final Subdivision/Land Development Application for 3 W. Ridge Road to combine two (2) lots into one (1) in order to expand a garage. Councilman Williamson indicated that the Planning Commission recommended approval with the conditions of the Borough Engineer, specifically related to stormwater management. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to approve the Preliminary/Final Land Development Application for 300 W. State Street in order to install a handicapped ramp and an ATM at Susquehanna Bank. The Planning Commission recommended approval with the following conditions: 1) move and retrain shrubbery in this location as well as save the pear tree, 2) the canopy should be blue on Orange Street side, 3) repair and improve the dumpster in the rear of the property and 4) all conditions of the Borough Engineer. Councilman Alyanakian seconded the motion. The motion carried 5-1, with President Daly abstaining.

Councilman Williamson mentioned the Zoning Hearing Board recommends that Council not oppose the Zoning Hearing Board Application for 325 S. Monroe Street in order to increase the building coverage to 33.9% with the addition of a porch.

Councilman Cunningham requested the Community Development Committee add the following to their next meeting agenda: Pod Ordinance and a proposed revision to the Certificate of Occupancy (CO) application for home occupations. Councilman Williamson will follow-up accordingly.

Councilman Cunningham inquired if the following are in compliance with the Borough's sign ordinance: Congressman Sestak's campaign sign on Baltimore Avenue and ColdStone Creamery on State Street. Borough Manager Smith mentioned that the Code Enforcement Department has followed up with the property owner on State Street and Borough Manager Smith will follow-up with Code Enforcement on the Baltimore Avenue sign.

Councilman Alyanakian suggested that the Planning Commission recommend more energy efficient appliances, etc. during the review process. Councilman Williamson responded that the Planning Commission is looking at incentive-based programs.

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

Councilman Cunningham mentioned that the Borough is working on a list for fall planting along State Street and other various sites around the Borough. Anyone not interested in having a tree planted in front of his or her property should contact the Borough.

Councilman Cunningham mentioned that the Media Historical Society banquet was a successful event. The Society honored Willis Glenn for his years of historic work.

Councilman Cunningham mentioned the proposed budget cuts with regard to 22 historic sites operated and supported by the Bureau of Historic Sites and Museums (BHSM). Specifically, it is proposed that Brandywine Battlefield Park be reduced to a passive park. With that said, Councilman Cunningham suggested that Borough Council send a letter of support to keep Brandywine Battlefield Park up and running to Governor Rendell, Representative Killion and Senator Pileggi. Councilman Williamson mentioned that he is in favor, but would like to extend the request to all state parks in the area. Councilman Cunningham responded that he has no problem including the state parks, but wants to place the emphasis on Brandywine Battlefield Park. A unanimous consent of Council was taken to send the letter of support to Governor Rendell, Representative Killion and Senator Pileggi.

Councilman Cunningham mentioned that the Borough has moved forward on a local historic marking program with the installation of one (1) plaque at the former Seyfert house location (Trader Joe's parking lot). Councilman Williamson requested Council be included in reviewing the text on the plaques going forward.

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

Councilwoman Simpson congratulated the Fair Trade Committee on the success of their prom theme fundraiser event.

Councilwoman Simpson made a motion to approve Media Business Authority's Mass Gathering Application for their State Street Blues Stroll event to be held on Saturday, June 13, 2009. Councilman Williamson seconded the motion. Councilman Cunningham inquired if the Media Business Authority will pay for additional police officers for this event. Councilwoman Simpson mentioned that this is not included in the Media Business Authority budget for 2009, but will be addressed in 2010. The motion to approve the Mass Gathering Application for the State Street Blues Stroll event on Saturday, June 13, 2009 carried 5-1, with Councilman Cunningham casting the dissenting vote. Councilwoman Simpson noted that the proceeds of this event go to the Media Fire Company, Media Police Association and Blues Foundation.

Councilwoman Simpson made a motion to approve Media Business Authority's Mass Gathering Application for the Bike 4 Sight event on Sunday, June 14, 2009. Vice President Hall seconded the motion. The motion carried unanimously.

Councilwoman Simpson made a motion to approve a Mass Gathering Permit Application for the Sporting Gentleman to participate in Town Talk Newspapers' Arts Exhibition and Craft Fair on Sunday, June 7, 2009. Vice-President Hall seconded the motion. Councilman Williamson inquired if this approval is contingent upon The Sporting Gentleman hiring crossing guards for the Orange Street and State Street intersection during this event as they did previously. Councilwoman Simpson responded that she will make that stipulation. Councilman Cunningham inquired if this is simply an extension of Town Talk Newspapers' Arts Exhibition and Craft Fair. It was determined that it is an extension of the previously approved event. The motion to approve the Mass Gathering Permit Application for the Sporting Gentleman to participate in Town Talk Newspapers' Art Exhibition and Craft Fair on Sunday, June 7, 2009 carried unanimously.

Councilwoman Simpson mentioned the Media Business Authority Board resignations of Kathleen McGehean, Roger Ricker and Candice Caprice. Borough Manager Smith will follow-up with a letter thanking them for their service to the Media Business Authority.

Councilwoman Simpson announced that the Media 5 Mile Race will be held on Friday, June 19, 2009 at 7:00 p.m. This is the 30th anniversary of this event. Vice-President Hall inquired if volunteers are needed for this event. Councilwoman Simpson mentioned that they are always welcoming volunteers for the race and for registration night. Please visit www.info@media5milerace.com for more information.

Councilwoman Simpson mentioned that the Houtman Park tour went well. Some interest has been expressed in joining the Friends of the Park Group. Anyone else interested should contact Paula Tenaro at 610-566-5210, ext. 255.

Councilman Alyanakian inquired if the Media Business Authority is concerned about the recent resignation letters. Councilwoman Simpson mentioned that the Media Business Authority is not concerned and noted her belief that the individuals on the board make thoughtful decisions.

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	\$ 339,994.38
Recreation Fund	\$ 7,063.03
Liquid Fuels Fund	\$ 0
Capital Fund	\$ 30,487.60
Total	\$ 377,545.01

President Daly motioned that bills be paid when properly approved for all funds. Councilman Simpson seconded the motion. Councilman Cunningham inquired if CMAQ and Third Street Bridge project invoices were included with the bills. Treasurer Deitch responded there is one (1) in the amount of \$2,700 and one (1) in the amount of \$2,900 related to the CMAQ project for engineering fees. Treasurer Deitch mentioned that there is one (1) for approximately \$4,200 for the Third Street Bridge. The motion to pay the bills carried 4-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly mentioned that the Finance Committee met earlier this evening. Treasurer Deitch mentioned that the committee met with the auditors, Peterson & Peterson, and reviewed the audit for 2008. The auditors are generally pleased with the Borough's progress on building a capital reserve fund. The auditors noted some general obligation notes due soon. The committee also reviewed a Borough credit card policy.

Treasurer Deitch noted an 8% decrease in revenue trend on Act 511 taxes. The Finance Committee will meet with the Borough's tax collector, Central Tax Bureau, next month. President Daly mentioned that the Borough is attempting to be vigilant in tough economic times. Councilman Cunningham mentioned that the Borough is trying to maintain the level of service that residents are used to receiving while monitoring expenses and revenues. President Daly mentioned items to watch as follows going into 2010 and beyond: 1) changes in accounting that require reflection of liabilities with regard to payment of medical expenses of retirees (GASB 45) and 2) the expected substantial increase in Minimum Municipal Obligation (MMO) for police pensions.

President Daly made a motion to ratify an agreement for Sunoco to access the water company property for the purpose of performing a site survey. Councilwoman Simpson seconded the motion. The motion carried unanimously. Councilman Alyanakian requested that the Borough request a copy of their findings when the site survey is complete. Borough Manager Smith will follow-up accordingly.

Public Safety, Highway & Emergency Management – Mr. Derrickson

President Daly made a motion to adopt Ordinance No. 1060 with regard to amendments to the Mass Gathering Ordinance pertaining to block parties. Councilwoman Simpson seconded the motion. The motion carried unanimously. Solicitor Scott mentioned that this ordinance will return block parties back to administrative approval. Vice-President Hall inquired how far in advance an application should be made. Solicitor Scott responded that it should be submitted at least 10 days in advance.

President Daly made a motion to adopt Ordinance No. 1061 pertaining to amendments to the Open Container Ordinance. Councilman Williamson seconded the motion. The motion carried unanimously. Solicitor Scott mentioned that this ordinance will address designated areas where individuals can walk with an open container for such events as Dining Under the Stars and Iron Hill's Brewfest.

President Daly made a motion to authorize the advertisement of ordinary street maintenance bids for road resurfacing, etc. Councilwoman Simpson seconded the motion. The motion carried unanimously. Councilman Cunningham inquired when the road-resurfacing list will become available. Engineer Walton indicated that it will be available within a few weeks.

Solicitor Scott mentioned towing agreement amendments designed to shift the power back to the Borough. The revised agreement removes the requirement for the Borough to meet with towing contractors in order to add or remove towing contractors to the rotation and also includes a 15-day termination period. Solicitor Scott mentioned that he also will add back in the penalties related to the violation of performance standards. With that said, President Daly made a motion to approve the towing agreement amendments as noted by Solicitor Scott. Councilman Alyanakian seconded the motion. The motion carried unanimously.

President Daly made a motion to approve the Mass Gathering Permit Application for the Memorial Day Parade to be held on Monday, May 25, 2009. Councilman Alyanakian seconded the motion. The motion carried unanimously.

President Daly made a motion to approve the Mass Gathering Permit Application for Kaos Surf Shop's Skate Jam events to be held on May 30, 2009 and June 21, 2009 with the stipulation that a Public Address (PA) system will not be used. Councilman Alyanakian seconded the motion. The motion carried unanimously.

President Daly mentioned that there is no longer a need to address the Mass Gathering Permit Application to hold a block party on June 16, 2009 since the Mass Gathering Ordinance Amendments pertaining to block parties has been adopted this evening.

With regard to the Borough's audited financial statements, Councilman Alyanakian inquired if the Media Water Company was sold for \$25 million as the report indicates. President Daly confirmed that it is a correct figure and that approximately \$20.5 million was used to pay off debt.

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

Councilman Alyanakian made a motion to authorize the advertisement of bids for upgrades to Barrall Park restroom facilities. Councilwoman Simpson seconded the motion. The motion carried unanimously. Councilman Cunningham inquired where the money for the improvements is coming from. It was determined that the Borough is covering \$11,400, \$10,000 is coming in the form of a grant from the state, and the Rose Tree Media School District has committed to \$11,400. The Borough's portion is budgeted in the capital fund. Borough staff will follow-up with the Rose Tree Media School District to verify that they will contribute to the project.

Councilman Alyanakian made a motion to authorize the drafting and advertisement of amendments to the Residential Parking Ordinance. Borough Manager Smith mentioned that there were some conflicts in the ordinance with regard to resident parking spaces. Specifically along the unit block of West Franklin Street and the 200 block of N. Plum Street. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Alyanakian mentioned that the April Media-Upper Providence Library book sale event was their most successful sale ever.

Councilman Alyanakian mentioned that the Friends of the Library held their fundraiser in April and it was a great success.

Councilman Alyanakian mentioned that the Kaos Surf Shop's Skate Jam events on May 30, 200 and June 21, 2009 are co-sponsored by the Recreation Board.

Councilman Alyanakian announced that registration for summer camp is ongoing. Please contact the Recreation Board or Media Youth Center for further information.

Councilman Alyanakian mentioned that the Media Youth Center would like to thank the Environmental Advisory Council for their work on helping them receive a 1 KHW system of six (6) solar panels on their building. While the energy savings will be small, this will be used as a great educational too for the children.

Councilman Alyanakian noted that Iron Hill's Brewfest event was a huge success and that the proceeds went to the Media Youth Center.

Councilman Alyanakian mentioned that a Public Hearing was held on Thursday, May 14, 2009 to discuss the draft Parking Study Report as prepared by UrbanTrans, the consultant. Councilman Alyanakian noted that the consultant did a great job with the presentation. The consultant is recommending that the Borough have a 130 parking space buffer throughout town. UrbanTrans has also recommended that the Borough work with the County of Delaware to implement some of their recommendations. The Parking Study Report indicated that the jury parking garage and the Borough's parking garage are not being utilized to the fullest. Additionally, the Parking Study Report noted that the parking metered spaces along State Street should not be utilized by employees of the stores within the business district. UrbanTrans will make a presentation to Borough Council in June.

Councilman Cunningham suggested that since the Parking Study Report is complete, perhaps the Public Safety Committee can consider looking at eliminating parking spaces at the Monroe Street and State Street intersection.

Public Comment & Privilege of the Floor

President Daly mentioned that an Executive Session was held last month with regard to real estate and potential litigation matters. President Daly indicated that another Executive Session on the same matters will be held this evening.

Councilman Cunningham expressed his appreciation to Tax Collector Robert Dimond for his efficient collection of the Borough's real estate taxes.

Adjournment

Councilwoman Simpson motioned to adjourn the meeting at 10:20 p.m. Councilman Cunningham seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith
Borough Manager/Secretary