

**MINUTES  
BOROUGH COUNCIL MEETING  
SEPTEMBER 17, 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 Cunningham, Simpson, Williamson, Derrickson and Alyanakian. 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. President Daly observed a moment of silence for the passing of Deacon William Thompson.

**Approval of the Minutes**

Vice-President Hall made a motion to adopt the August 6, 2009 Public Hearing minutes, August 6, 2009 Special Meeting minutes, August 20, 2009 Council Meeting minutes and August 26, 2009 Special Meeting minutes. Councilwoman Simpson seconded the motion. Councilman Cunningham requested a correction to the August 6, 2009 Public Hearing minutes to indicate that he opposed the resolution pertaining to the liquor license transfer instead of Councilman Derrickson. Vice-President Hall and Councilwoman Simpson accepted the revision as mentioned above. The motion to adopt the minutes carried unanimously.

**Engineer's Report**

Engineer Walton mentioned that he provided Councilman Williamson with his comments concerning the Sunoco Pipeline Junction.

Engineer Walton mentioned that he met with the water company today concerning the Third Street Bridge. Engineer Walton noted that the water company has not made a final decision concerning the water main as of yet. Borough Manager Smith added that Schnabel Engineering will provide an inspection report in the near future for the Third Street Bridge.

Council Cunningham inquired when Phase I of repaving will begin. Engineer Walton expects road resurfacing will begin by the end of next week.

**Mayor's Report** – Mayor McMahon

Mayor McMahon reported that the Police Department received and investigated 830 complaints during the month of August. There was one (1) reported burglary for the month of August, totaling 13 for the year so far.

Mayor McMahon mentioned that the Police Department has increased their traffic details over the years.

Mayor McMahan mentioned that Police Department overtime is slightly less than last year's overtime amount.

Councilman Alyanakian made a motion to accept the proposal from Higgins Electric to illuminate flags at three (3) Borough properties (Media Municipal Center, 1 W. State Street and the Armory) for \$3,000. Councilman Derrickson seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote. Borough Manager Smith will communicate with the school district regarding illuminating the flag at Barrall Field as well. Councilman Cunningham inquired as to why the Borough no longer raises the flag in the morning and lower it in the evening. Police Chief Wusinich indicated that the Police Department performed this duty at the former Borough Hall, but did not continue with this tradition after the move to the new facilities. Councilman Cunningham recommends monitoring the condition of the American flags. President Daly indicated that the Public Works Department will do so going forward.

Police Chief Wusinich mentioned that Borough Council made the decision to transfer the dispatchers to the County 911 Center months ago. The dispatcher transition to the County 911 Center will take place on October 1, 2009. Media Borough is the last of the area municipalities to make the transfer. The Borough will have Public Information Officers on duty to address public inquiries from 8:30 a.m.-8:30 p.m. Informational post cards have been distributed to all residents, etc. Effective October 1, 2009, anyone calling the 10 digit non-emergency line will be forwarded to the County 911 Center. Emergency phones will be installed outside of the Municipal Center for anyone coming after hours. The phones will go directly to the 911 Center. All aspects of the transition will be tested to make sure everything is operational prior to the switch over. President Daly indicated that Council will need to take action on some items this evening in order to move forward on this matter.

President Daly made a motion to approve the Police Department Administration operational hours as 8:30 a.m.-8:30 p.m. Councilman Derrickson seconded the motion. The motion carried unanimously.

President Daly made a motion to post vacancies for two (2) full-time Public Information Officers and one (1) part-time Public Information Officer. Councilman Williamson seconded the motion. Councilman Cunningham believes that Council is making a mistake by moving forward with the dispatcher transition. Councilman Cunningham feels that residents may be reluctant to call 911 for smaller nuisance items (i.e. a vehicle running through a stop sign, etc.). Councilman Cunningham expressed his regret for voting in favor of this matter previously. Councilman Alyanakian agreed with Councilman Cunningham and mentioned that he does not see the upside to the transfer. Councilman Williamson indicated his belief that this matter has been measured in a strategic way by requesting the state perform a study and by obtaining feedback from police departments that have already made the switch to the County 911 Center. Councilman Williamson mentioned that he does not see a downside to the transition. President Daly mentioned that the amount of time that the police officers have had to sit as dispatchers has convinced him that this is the correct move. Councilman Cunningham made a motion to table the hiring of two (2) full-time Public Information Officers and one (1) part-time Public Information Officer. Councilman Alyanakian seconded the motion. The motion was defeated 5-2, with President Daly, Vice-President Hall,

Councilwoman Simpson, Councilmen Williamson and Derrickson casting the majority votes. Vice-President Hall called the original motion to post the Public Information Officers as mentioned above. The motion carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly mentioned that digital television cameras will be installed around the Borough Hall complex and the temporary detention areas. Police Chief Wusinich will obtain a quote from the installer for cameras on the first floor, etc. President Daly made a motion to authorize the Police Chief to follow the installer's expert advice on the camera installation. Councilman Derrickson seconded the motion. The motion carried unanimously.

Councilman Cunningham inquired about the amount of traffic details for the month. Mayor McMahon indicated that there have been a total of 177 traffic details year-to-date. Councilman Cunningham inquired about traffic details at Third and Edgmont Streets and referenced incidents with children on bikes. Police Chief Wusinich referenced the monthly police report to determine the total amount of traffic details for the month. Traffic details have been performed at Third and Edgmont Streets, Second and Edgmont Streets, Edgmont and Front Streets and anywhere else that has been requested by Council members. The Police Department expects to perform in excess of 200 traffic details for 2009.

Councilman Cunningham mentioned a high level of court time and inquire if the District Justice has provided any indication that they will provide assist with this matter. Mayor McMahon mentioned that there is little flexibility in scheduling court time. The District Justice is doing everything possible to make the process efficient. Councilman Alyanakian mentioned his belief that a realistic figure should be inserted into the budget with regard to police overtime. Police Chief Wusinich mentioned that the District Justice has certain state laws to follow with regard to criminal offenses. Police Chief Wusinich mentioned that the Borough is not the only municipality facing these challenges.

### **Council Committee Reports**

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

Councilman Cunningham made a motion to adopt Ordinance No. 1064 with regard to Shade Tree Ordinance amendments in order to allow the Borough Manager and Code Enforcement Director to issue citations as necessary. Vice-President Hall seconded the motion. The motion carried unanimously.

With regard to Historical Architectural Review Board Applications, Councilman Cunningham made a motion to issue a Certificate of Appropriateness for 331 W. State Street and 349 W. State Street. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Cunningham mentioned that the Media Fire Company handled 24 fire calls and 130 EMT calls during the month of August.

## **Community Development – Mr. Williamson**

Councilman Williamson indicated that he does not plan on making a motion this evening for the ordinance eliminating multi-family conversions as a use-by-right in residential zoning districts due to the fact that the Borough has not received the review comments from the Delaware County Planning Commission as of yet. Councilman Cunningham discussed adopting the ordinance this evening as the Borough is in receipt of the staff comments/report and due to the fact that he believes there has been adequate time on the County level to review the ordinance. Councilman Cunningham made a motion to adopt Ordinance No. 1065 eliminating multi-family conversions as a use-by-right in residential zoning districts. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Williamson mentioned a Zoning Hearing Board Application for 1 W. Front Street, the former Bill Battey's location. This application is for a new use from office to retail for a neighborhood grocery store and needs a special exception from the Zoning Hearing Board. The Planning Commission reviewed the application and has recommended that Council not oppose with the following conditions: 1) no cigarettes shall be sold, 2) Media Borough type exterior trash cans shall be installed along the store frontage on Jackson Street and Front Street, 3) the cooking vent shall have a carbon filter installed as mentioned in the applicant's testimony to the Planning Commission, 4) cooking and deliveries shall occur during normal business hours and 5) the trash shall stay inside the building until the pick up by the commercial hauler. Ron Benjamin, founder of Benjamin Markets, mentioned that the proposed store will be a combination local butcher shop, deli and catering service. They will also sell fresh produce and fresh baked breads. Mr. Benjamin indicated his belief that this is a great concept for the neighborhood. Councilman Cunningham mentioned that at first blush he believed it was an interesting concept, however, after taking a further look he believes Council needs to look at what the Zoning Code permits. Councilman Cunningham believes Council should look at the intensity of the traffic in the area and believes this application would have a negative effect on West Second Street. While Councilman Cunningham believes the concept is a good one, he made a motion to oppose the Zoning Hearing Board Application for 1 W. Front Street. The motion died for a lack of a second. President Daly mentioned that he had an office at West Second Street for approximately eight (8) years and noted that a couple of residents are living at Second and Jackson Streets. Councilman Cunningham responded that while there may only be one (1) or two (2) residents, they are taxpayers and have a right to their opinion on the application. Councilman Williamson mentioned that this property is buried in the Office District next to the ROA District. Councilman Williamson expressed his belief that there will not be much of an impact on congestion. Additionally, the applicant has agreed to install a carbon filter, which addresses any outdoor odor issue that residents may be concerned about. Councilman Williamson mentioned that this application appears to address an item in the Comprehensive Plan that recommends Media Borough maintain the small town character. Councilman Williamson mentioned that the Planning Commission felt that this application fits very well with the Comprehensive Plan recommendations. Councilman Cunningham mentioned that a 50% expansion is unreasonable. Solicitor Scott mentioned that Borough Council could add a provision to the Zoning Code that says a non-confirming use can expand by 50% or lower by special exception in lieu of a use-by-right. Council would have more leverage to impose conditions. Solicitor Scott will look at this to make sure such an amendment is possible and report back to the Community Development Committee.

Michael Jordan, 620 N. Monroe Street, inquired if the proposed grocery store will be more of a convenience store. Mr. Benjamin responded that it will not be a convenience store, but a grocery store with a focus on customer service. It is proposed as a deli and butcher shop, which will also sell produce and baked goods.

Francis Shields, owner of 1 W. Front Street, mentioned that he attempted to find another sporting goods store for this location, however with today's economic conditions that proved to be very difficult. After doing research on the property, Mr. Shields found out that this property was a former market prior to Bill Battey's. New lighting has been installed on the outside of the building as well as new bilco doors.

Councilman Cunningham requested that any advertising for the proposed grocery store include a list of parking locations.

Mr. Shields mentioned approximately 300 applications were received for the apartment on the second floor of this property.

It was requested that the applicant place a recycling receptacle (similar to those on State Street) in front of the store. The applicant agreed to do so.

Councilman Williamson mentioned a proposed easement for a Sunoco pipeline junction and that it is on Borough-owned property, which is leased to Aqua. Engineer Walton will convey his review of the request to Sunoco prior to this matter coming back to Council for consideration.

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

Councilwoman Simpson made a motion to approve Media Business Authority's Dining Under the Stars Beach Party for Wednesday, September 23, 2009 from 5:00-11:00 p.m. Vice-President Hall seconded the motion. Councilman Cunningham mentioned his belief that this it is too late in the season to extend this event another week. Councilwoman Simpson responded that this has been a successful event and believes it should be extended due to rain delays this season. The motion to approve Media Business Authority's Dining Under the Stars Beach Party carried 5-2, with Councilmen Cunningham and Derrickson casting the dissenting votes.

Councilwoman Simpson made a motion to approve the Media Business Authority's Jazz by Night Celebration for Saturday, October 17, 2009 from 7:00 p.m.-1:30 a.m. Councilman Derrickson seconded the motion. The motion carried unanimously.

On behalf of the Technology Committee, Councilwoman Simpson mentioned that she will make a recommendation to the Public Safety Committee regarding tools to communicate with residents during emergencies, etc.

Councilwoman Simpson mentioned that the Fair Trade Committee meets on a weekly basis and is working on approximately 15 different programs and is continuing with Fair Trade education.

Councilwoman Simpson announced that the Media Food and Crafts Festival will be held on Sunday, October 4, 2009.

Councilman Derrickson mentioned that residents can sign up for the Delaware County Alert System on the County website.

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

Vice-President Hall announced that the Media Arts Council Icons Exhibit will be on display at 323 W. State Street on October 10, 2009 from 6:00-8:00 p.m. followed by an awards ceremony.

Vice-President Hall mentioned that the next Media Arts Council Second Saturday event will be held on October 10, 2009.

Vice-President Hall mentioned that Media Borough is the first transition town in Pennsylvania. A sustainability discussion will be held on Sunday, September 27, 2009 at 7:00 p.m. at the Delaware County Institute of Science. More details to follow.

**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	\$ 245,756.60
Recreation Fund	\$ 7,301.31
Liquid Fuels Fund	\$ 0
Capital Fund	<u>\$ 5,195.36</u>
Total	\$ 258,253.27

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 there is one (1) in the amount of \$3,239 pertaining to Third Street Bridge and one (1) bill in the amount of \$440 for CMAQ. Councilman Cunningham inquired about the Third Street Bridge amount. Treasurer Deitch responded that it is for engineering and legal fees. The motion to pay the bills carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

With regard to Resolution #2009-09, Borough Manager Smith mentioned that the Pennsylvania Department of Transportation requested Council formalize their discussion (in the form of a resolution) to reaffirm their desire to approve the revised design reimbursement agreement. President Daly made a motion to adopt Resolution #2009-09 pertaining to the Third Street Bridge. Councilman Williamson seconded the motion. Councilman Cunningham asked if there is any funding assistance for the local share. President Daly indicated that 20% is the local share and that the Borough will meet with the County on this matter. The motion to adopt Resolution #2009-09 carried 6-1, with Councilman Cunningham casting the dissenting vote. Councilman Williamson inquired as to why the resolution doesn't mention the tri-party agreement. Borough Manager Smith indicated that the design reimbursement agreement is between the Borough and Commonwealth for the design of the project.

President Daly made a motion to authorize the execution of the Third Street Bridge Tri-party Agreement. Councilman Williamson seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote.

President Daly made a motion to approve the 2010 Minimum Municipal Obligation (MMO) for non-uniformed employees and police pension plan using the 2007 valuation and to place the difference between the 2007 and 2009 estimates in an escrow account. Borough Manager Smith mentioned the numbers as follows: \$389,029 for police and \$95,571 for non-uniformed employees. Councilman Williamson seconded the motion. The motion carried unanimously. Councilman Alyanakian mentioned his belief that the Borough will be in a tight cash flow position going forward with capital projects. Councilman Cunningham mentioned that the MMO situation is not unique to the Borough and that municipal pensions have to be looked at in the future.

President Daly made a motion to authorize the advertisement of the sale of fixed assets (borough vehicles) through Municibid, an online auction pending Solicitor Scott's review of the agreement template. Councilman Williamson seconded the motion. The motion carried unanimously.

### **Public Safety, Highway & Emergency Management** – Mr. Derrickson

Councilman Derrickson mentioned that the yard waste collection program has ended for the season.

Councilman Derrickson made a motion to approve Phase II of the 2009 Road Resurfacing Program. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to remove the pedestrian crosswalk at Church Street and Baltimore Avenue upon the recommendation of the Public Safety Committee. Councilman Cunningham seconded the motion. The motion carried 6-1, with Councilman Williamson casting the dissenting vote.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Town Talk Newspapers' Halloween Parade on Saturday, October 31, 2009. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson mentioned that flu season is upon us and that an H1N1 vaccine is not available at this time. Councilman Derrickson reminded everyone to take proper precautions to deter the spread of germs as follows: stay home if not feeling well; avoid close contact with individuals if sick; cover up when sneezing or coughing; wash hands often and thoroughly; don't touch eyes, nose or mouth; and practice other healthy habits such as exercise, etc.

Councilman Derrickson announced that a free health fair will be held on Saturday, October 3, 2009 from 11:00 a.m.-4:00 p.m. in the Community Center.

Councilman Derrickson announced that the Fellowship House is sponsoring a free SAT Prep course for students.

Councilman Cunningham inquired if resident feedback has been solicited for parking restrictions along the 500 block of N. Lemon Street. Borough Manager Smith responded that letters for the residents have been distributed.

Councilman Cunningham inquired about the church bells at Media Presbyterian Church. Borough Manager Smith mentioned that the Public Safety Committee felt that 6:00 p.m. was late enough for the church bells to ring. The Code Enforcement Director has communicated this with the church.

Councilwoman Simpson mentioned the feasibility of obtaining an aid for the sight impaired to cross Providence Road at the trolley. Councilman Derrickson will look into this request and report back to the Public Safety Committee.

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

Councilman Alyanakian made a motion to adopt the Houtman Park and Philip Green Park Master Plan in order to move forward with applying for various grants. Councilwoman Simpson seconded the motion. The motion carried unanimously. Engineer Walton mentioned the NDI memo of February 17, 2009 referencing items for the landscape architect to incorporate. Councilwoman Simpson mentioned that the comments have been noted and that the action this evening is to simply keep the process going on grant applications. Councilman Williamson suggested that the memo referenced be attached to the office copy of the master plan.

Councilman Alyanakian announced that the Recreation Board will hold a family dance this Saturday from 7:00-9:00 p.m. in the Community Center.

Councilman Alyanakian mentioned that the Youth Center is thankful for the 1.2 KHW solar system.

**Public Comment & Privilege of the Floor**

Robert Green expressed his disappointment with the removal of the pedestrian crosswalk at Church Street and Baltimore Avenue. Councilman Derrickson mentioned that this is a pedestrian safety matter in order to get individuals to cross at the signalized intersection.

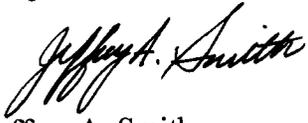
Borough Manager Smith read an e-mail received by the “questions” mailbox from Tedman O’Hara regarding his questions last month related to the budget. Borough Manager Smith mentioned that a letter has been sent to Mr. O’Hara as a follow-up to his questions.

President Daly mentioned that an Executive Session was held earlier in the evening to discuss personnel matters, real estate and litigation.

**Adjournment**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey A. Smith". The signature is written in a cursive style with a large, prominent initial "J".

Jeffrey A. Smith  
Borough Manager/Secretary