

**MINUTES  
BOROUGH COUNCIL MEETING  
DECEMBER 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, Councilwoman Simpson, Councilmen Cunningham, 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 8:20 p.m. and led the salute to the flag.

**Approval of the Minutes**

Councilman Cunningham made a motion to adopt the November 5, 2009 Workshop Meeting minutes and November 19, 2009 Council Meeting minutes. Vice-President Hall seconded the motion. The motion carried unanimously.

**Public Comment & Privilege of the Floor**

Councilwoman Simpson presented a donation check to Corrine Shipley of Mercy Home Health. Ms. Shipley thanked Borough Council for their generosity.

Vice-President Hall mentioned that a donation check will be forwarded to the Center for Resolutions.

Councilman Derrickson presented a donation check to Jerry Duffy on behalf of the Fellowship House. Mr. Duffy thanked Borough Council and announced that a Martin Luther King Day celebration will be held at the First United Methodist Church on January 17, 2010 at 4:00 p.m.

On behalf of the 5 Mile Race Committee, Councilwoman Simpson presented a donation check to the Treasurer Deitch in the amount of \$5,000 to be deposited into the capital improvements fund.

Vice-President Hall mentioned on behalf of the Media Area NAACP that the following Borough Council members will receive the Foot Soldier for Justice Award:

- Mayor Robert A. McMahon for his continuous and extraordinary contributions in the area of veterans affairs,
- Frank W. Daly for his continuous and deeply meaningful contributions to the civic and historical awareness of members of the Media Area NAACP, and
- Ernest Derrickson, Jr., for his continuous and extraordinary dedication and contributions to the health services community.

Vice-President Hall mentioned that the awards will be presented at the Media Area NAACP Freedom Fund Committee annual membership luncheon on February 27, 2010, 12:00 noon, at The Towne House. Dr. Joan Duvall Flynn, President of the Media Area NAACP, mentioned that they are honored and grateful to acknowledge all three (3) individuals for this award.

Councilman Alyanakian presented Proclamation #2009-10 to John Kennedy in recognition of his service as the Media-Upper Providence Library Director, as Mr. Kennedy steps down from his position. Francis Shields, Media-Upper Providence Library Board, presented a gift certificate to Mr. Kennedy as a token of their appreciation for his service.

Councilman Cunningham presented a plaque Jane Valdes Dapena for her 10 years of service on the Shade Tree Commission. Councilman Cunningham commented on her leadership that kept the Commission focused on their ultimate goal. Councilman Cunningham mentioned that Borough Council appreciates her dedication. Ms. Dapena thanked the other members of the Commission for their support, Don Jackson (Tree Warden), Ralph DeRosa (Public Works Director), Councilman Cunningham (Commission liaison), Borough Manager Smith and the other members of Council.

Jane Rowland, E. Second Street, suggested that Borough Council consider distributing a communication card regarding sanitation, etc.

Michael Jordan, 620 N. Monroe Street, inquired as to what Councilman Cunningham will do now that President Daly will be leaving Council. Councilman Cunningham mentioned that President Daly will be missed.

Zubair Khan, Executive Director of the Media Business Authority, announced the grand opening of Lotus Salad and Tea House, which will take place this coming Saturday. Mr. Khan mentioned that it is a positive sign that new businesses are opening in this economy.

#### **Engineer's Report**

Councilman Cunningham inquired about a crosswalk inspection along State Street. Engineer Walton responded that an inspection of the crosswalks showed a problem with curb cuts, which would imply that the problem is more than the crosswalks themselves.

#### **Solicitor's Report**

Councilman Cunningham inquired as to when Solicitor Scott would have a finished draft of the proposed Code of Ethics Policy. Solicitor Scott mentioned that he will distribute in advance of the Reorganization meeting.

#### **Mayor's Report** – Mayor McMahon

Mayor McMahon reported that the Police Department received and investigated 719 complaints during the month of November. There were no reported burglaries for the month of November. There was one (1) reported burglary thus far in December.

Mayor McMahon mentioned the following for the police department: Sergeant Carroll remains on inactive status due to a knee injury, Sandy Bennett remains on restrictive duty and 18 separate traffic details were performed that were outside of the normal patrols.

Mayor McMahon mentioned that a brain storming session was held regarding the Earned Income Tax and the best way for municipalities to approach legislature about ideas of common interest.

Councilman Cunningham inquired if the traffic detail will be a regular part of the police report. Mayor McMahon indicated that he will highlight the report during the public meetings.

Councilwoman Simpson thanked Mayor McMahon and the Public Safety Committee for their efforts on the traffic detail. Councilwoman Simpson has witnessed the impact and noticed more vehicle awareness of stop signs, speeding, etc.

### **Council Committee Reports**

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

Councilman Cunningham made a motion to approve a proposal from James DeRosa for sidewalk repairs at 216 N. Edgmont Street in the amount of \$750 due to the sidewalk being heaved by Borough tree. The applicant has replaced the sidewalk at least twice already. The Shade Tree Commission inspected the tree and deemed it to be healthy and that it should not be removed. Councilman Alyanakian seconded the motion to approve the proposal for sidewalk repairs at 216 N. Edgmont Street. The motion carried unanimously.

With regard to the Historical Architectural Review Board, Councilman Cunningham mentioned a 1975 ordinance that created a seven (7)-member board. Councilman Cunningham intends to make a motion to fill Michael Berman's vacancy on the board and also appoint two (2) additional individuals, which will result in a seven (7)-member board.

Councilman Cunningham made a motion to appoint Megan Moore to fill the unexpired term of Michael Berman on the Historical Architectural Review Board, which will expire on December 31, 2010. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Cunningham made a motion to appoint David Urffer to the Historical Architectural Review Board for a term of five (5) years, which will expire on December 31, 2014. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Cunningham made a motion to appoint Elizabeth Rohr to the Historical Architectural Review Board for a term of five (5) years, which will expire on December 31, 2014. Councilman Alyanakian seconded the motion. The motion carried unanimously.

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

Councilwoman Simpson made a motion to reappoint Drew Arata to the Media Business Authority for a term of three (3) years, which will expire on December 31, 2012. Councilman Derrickson seconded the motion. The motion carried unanimously.

Councilwoman Simpson made a motion to reappoint Harry Havnoonian to the Media Business Authority for a term of three (3) years, which will expire on December 31, 2012. Councilman Derrickson seconded the motion. The motion carried unanimously.

Councilwoman Simpson announced the new officers serving on the Media Business Authority executive board as follows: Kevin Schramm - Chair, Drew Arata - Vice-Chair, Chris Dougherty - Secretary and John Vizzari - Treasurer.

Councilwoman Simpson mentioned various holiday events being held such as Santa's village at the Franklin Mint Federal Credit Union and the last opportunity for a carriage ride this coming Wednesday evening.

Councilwoman Simpson announced that the New Year's Eve Community Celebration/Ball Drop event will be held on December 31, 2009, midnight, at 1 W. State Street. Councilwoman Simpson thanked all participants on the Holiday Committee.

Councilwoman Simpson made a motion to approve the Mass Gathering Permit Application for the Fair Trade Live 2010 Concert and Fair to be held on Sunday, October 24, 2010. Councilman Derrickson seconded the motion. Councilman Cunningham inquired what the applicant will be charged. Borough Manager Smith responded that the applicant is charged a \$150 administrative fee and the Borough will pass along any/all police and highway overtime costs as well as event manager costs. The motion to approve the Mass Gathering Permit Application for the Fair Trade Live 2010 Concert carried unanimously.

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

Vice-President Hall mentioned a sidewalk request for permission to replace brick with concrete at 319 S. Olive Street. Vice-President Hall noted that he will make a motion to deny this request based on the fact that the block consists of 80% brick sidewalk and that the bricks appear to be in good shape. With the said, Vice-President Hall made a motion to deny the sidewalk request at 319 S. Olive Street. Councilman Williamson seconded the motion. Councilman Cunningham mentioned that he intends to vote against this motion due to the fact that this property is not located in a historic district, therefore, he believes there is no justification for the denial. President Daly mentioned that most similar requests had been turned down previously. The motion to deny the sidewalk request at 319 S. Olive Street passed 6-1, with Councilman Cunningham casting the dissenting vote.

Vice-President Hall highlighted a sustainability proposal from Justin Wright, a Yale University student. Mr. Wright intends to measure the ecological footprint of Media for his senior project. Vice-President Hall mentioned that this data could prove to be useful for the Borough. With that said, Vice-President Hall made a motion to approve the sustainability proposal from Justin Wright. Councilwoman Simpson seconded the motion. The motion carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

Vice-President Hall mentioned that Marcia Tate will be stepping down from her position on the Environment Advisory Council, which will create a vacancy on the board. All letters of interest/resumes should be forwarded to Borough Manager Smith.

Vice-President Hall announced that the Media Arts Council is sponsoring their third annual Media Film Festival to be held on February 26 & 27, 2010. Visit: [www.mediaartscouncil.org](http://www.mediaartscouncil.org) for more information.

**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      | \$ 186,391.67 |
| Recreation Fund   | \$ 4,334.07   |
| Liquid Fuels Fund | \$ 0          |
| Capital Fund      | \$ 8,200.00   |
| Total             | \$ 198,925.74 |

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 a \$1,200 charge related to the Third Street Bridge. The motion to pay the bills carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly made a motion to adopt Ordinance No. 1068 setting the 2010 millage rate at 3.0. Councilman Williamson seconded the motion. The motion carried unanimously.

President Daly made a motion to adopt Resolution #2009-10 increasing the commercial trash fees from \$200 to \$250 in order to recover the costs associated with the tipping fee assessed by the Delaware County Solid Waste Authority. Councilman Derrickson seconded the motion. The motion carried unanimously.

President Daly made a motion to adopt Resolution #2009-11 increasing the police lock-up fees charged to other municipalities from \$15 to \$30. Councilman Derrickson seconded the motion. Councilman Cunningham mentioned that he agrees with the police study prepared previously recommending a \$50 fee. Councilman Cunningham does not agree that the Borough should be subsidizing these services. Councilman Alyanakian inquired as to why the increase is to \$30 and not the recommended \$50 fee. President Daly responded that the Finance Committee thought that doubling the fee was sufficient. The motion to adopt Resolution #200-11 increasing the police lock-up fees to other municipalities from \$15 to \$30 carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly mentioned that a special hearing was held earlier this evening to discuss the final 2010 General Fund, Capital Fund, Liquid Fuels Fund and Recreation Fund budgets. President Daly mentioned that Borough Manager Smith presented a thorough PowerPoint presentation on the budget. Treasurer Deitch thanked the Borough Accountant for his work on compiling the budget and mentioned that this budget was particularly tough due to the economy, which he hopes will pick up in 2011. President Daly mentioned other municipalities that are adopting an earned income tax, which will result in an approximately \$60,000 decrease in revenue for the Borough. President Daly mentioned that the Finance Committee is recommending the transfer of \$60,000 from the Capital Reserve Fund to cover the 20% match associated with the Third Street

Bridge/Dam. President Daly mentioned the liquid fuels fund and \$103,000 budgeted for road resurfacing in addition to the allocation in the capital fund. President Daly mentioned that the Recreation Fund budget is in balance. President Daly noted that while dispatcher services have been eliminated, 2010 will be a transition year. President Daly mentioned that the budget finalized by the Finance Committee reflects a bare bones budget. With that said, President Daly made a motion to adopt the final 2010 General Fund, Capital Fund, Liquid Fuels Fund and Recreation Fund budgets as recommended by the Finance Committee. Councilman Williamson seconded the motion. Councilman Cunningham mentioned that he will not support the budget. Councilman Cunningham mentioned that he did not support the preliminary budget. Councilman Cunningham mentioned that the Borough has too many expenses and long-term liabilities and that Council is going to have to revisit the overall scope of services. President Daly mentioned his belief that the borough is living within its means and that the Finance Committee accomplished that by finalizing the budget while keeping the millage rate the same. Councilman Alyanakian mentioned that he believes the Finance Committee did a great job, but that he is concerned about the public safety expenses. Councilman Alyanakian does not intend on supporting the final budget. The motion to adopt the final 2010 General Fund, Capital Fund, Liquid Fuels Fund and Recreation Fund budgets carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly made a motion to adopt Resolution #2009-12, rescinding a 1985 resolution pertaining to the mercantile taxes and the Media Business Authority. Councilman Cunningham seconded the motion. The motion carried unanimously.

President Daly made a motion to adopt Resolution #2009-13 for the sale of a 1995 Chevrolet Caprice to Police Car Store, LLC in the amount of \$1,010. Councilman Derrickson seconded the motion. The motion carried unanimously.

President Daly made a motion to award the workers compensation insurance proposal to Brokerage Professionals, Inc. as follows: Option II—Retention Plan including Hearing & Lung Act Coverages (\$60,970 minimum/\$103,367 maximum) for January 1, 2010-2011 coverage period. Councilman Williamson seconded the motion. President Daly mentioned that Option I is a fixed amount less than \$103,367, but that depending on the amount of claims, the premium may be less than the fixed amount in Option I. The motion carried unanimously.

With regard to the phone services proposal, Borough Manager Smith mentioned that Borough Council authorized a request for proposal previously. Borough Manager Smith mentioned that the Borough staff determined that Verizon appears to hold the state contract for phone services and that Council could consider their proposal instead of moving forward with an RFP. President Daly made a motion to award the phone services proposal to Verizon. Councilman Williamson seconded the motion. The motion carried unanimously.

President Daly mentioned the 2010 Borough Council meeting schedule as follows: Workshop meeting to be held on the first Thursday of the month at 7:30 p.m. and Council meeting to be held on the third Thursday of the month at 8:00 p.m. Mayor McMahon recommends changing the Council meeting time to 7:30 p.m. Solicitor Scott mentioned that Borough Council should make a decision this evening since the meeting schedule need to be advertised at least three (3) days in advance of the Reorganization meeting on January 4, 2010. President Daly made a motion to keep the schedule as noted above. Councilman Williamson seconded the motion. The motion carried unanimously.

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

Councilman Williamson mentioned the status of 1 W. State Street. Councilman Williamson mentioned that a subcommittee to discuss the property was created and has met and been in constant communication on this matter. Councilman Williamson mentioned that it was determined an updated appraisal of the property is necessary. Councilman Williamson made a motion to approve the appraisal proposal in the amount of \$800 from Robert Graham & Associates in order to update the 2007 appraisal. Councilwoman Simpson seconded the motion. Councilman Cunningham inquired about the accuracy of the 2007 appraisal. President Daly mentioned that two (2) estimates were given within this appraisal. One based on comparable properties and the other based on what the tenant is paying in rent. Councilman Williamson mentioned that once the appraisal is updated, the subcommittee can determine if the Borough should consider selling the property or find another tenant. Councilman Williamson mentioned that Borough Council should find the best way for real estate professionals to assist the Borough on this matter. Councilman Williamson mentioned giving the subcommittee permission to hire a commercial cleaner for the building. Councilman Williamson made a motion to hire a Philip M. Ewaka Incorporated to perform commercial cleaning services in the amount of up to \$2,348. Councilwoman Simpson seconded the motion. The motion carried unanimously. President Daly inquired if interest has been expressed in the property. Councilman Williamson responded that there has been interest expressed in the property. Councilman Cunningham mentioned his belief that the Borough needs to come to an early resolution on this matter, as Borough Council members are not real estate brokers. Councilman Williamson mentioned that if the property is sold, the Borough may stipulate a façade easement. President Daly mentioned that the 2010 budget reflects no revenue on either the sale of the property or obtaining a tenant in the building.

Councilman Williamson mentioned a Right-of-Way agreement for 111 W. State Street in order to place a dumpster in the rear of the property on Jasper Street. Councilman Williamson mentioned that the Borough Solicitor will discuss with this matter with the applicant. President Daly urged Council to discuss a monthly fee for the dumpster placement and suggested that the applicant cover half of the cost of the enclosure.

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

Councilman Derrickson made a motion to adopt Resolution #2009-14 with regard to the Community Development Block Grant (CDBG). Councilman Derrickson mentioned the two (2) projects on the application as follows: replacement of municipal center elevator in the amount of approximately \$150,000 and handicapped access to Barrall Field (curb cuts). Councilman Williamson inquired about the cost to install curb cuts. Engineer Walton responded that curb cuts can cost anywhere between \$4,000 and \$6,000 each. Councilman Derrickson mentioned that the handicapped curb cuts would take the place of the Barrall Park project if the County determines that it is not an eligible project. Vice-President Hall seconded the motion to adopt Resolution #2009-14 as referenced above. The motion carried unanimously.

Councilman Derrickson mentioned that SEPTA is currently running shuttle buses along State Street while the trolley service is down. Councilman Derrickson mentioned that SEPTA is using hybrid buses 100% of the time and it is anticipated that the trolley service will be shut down through August 2010.

Councilman Derrickson mentioned the SPCA Stray Boarding Agreement, which needs to be executed by January 1, 2010. Councilman Derrickson mentioned that the fees within the 2010 agreement have drastically increased. Solicitor Scott mentioned that the fees are approximately a 400% increase over last year. Solicitor Scott recommends that Borough Council authorize the execution of the agreement this evening, but not forward the signed copy until the last possible minute. Councilman Derrickson made a motion to authorize the execution of the SPCA Stray Boarding Agreement. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to regretfully accept the resignation of Theresa Nicolino as a Parking Enforcement Officer. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to hire Dawn Jenkins as a part-time Parking Enforcement Officer to assist with the newly vacated position of Ms. Nicolino pending an interview by Councilman Derrickson. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to hire Michael Fitzsimmons and Charles Williamson as part-time Turnkeys within the Police Department. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson thanked everyone who assisted him during his tenure on Borough Council. Councilman Derrickson specifically thanked the Public Works Director and the Public Works Department, Police Department and Fire Department.

Councilman Derrickson urged everyone to support the Media Fire Company during their annual fund drive.

Councilman Derrickson urged everyone to make certain that their smoke detectors are in proper working order and to obtain a CO2 detector for their home as well.

Councilman Derrickson mentioned that it has been a pleasure working with the Borough Engineer during his tenure on Borough Council. Mayor McMahon thanked Councilman Derrickson for his services on Borough Council. President Daly mentioned his appreciation for Councilman Derrickson's services while a Borough Council member.

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

Councilman Alyanakian announced that the Friends of the Library will hold a benefit concert on January 23, 2010 at the Media Theatre.

**Public Comment & Privilege of the Floor**

Michael Jordan, 620 N. Monroe Street, mentioned his belief that brick sidewalk was removed when the Media Municipal Center was constructed.

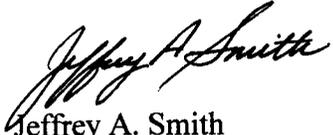
Jane Rowland, E. Second Street, inquired about free parking within the Borough. President Daly responded that parking is free in the garage only during the month of December.

President Daly thanked the public, Borough Manager Smith, Chief Wusinich and Engineer Walton for their assistance during his tenure. President Daly mentioned that it has been an honor to serve on Borough Council.

**Adjournment**

Councilman Cunningham motioned to adjourn the meeting at 10:55 p.m. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith  
Borough Manager/Secretary