

**MINUTES  
BOROUGH COUNCIL MEETING  
JANUARY 21, 2010**

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahan, President Williamson, Councilwomen Rehoric and Roe, Councilmen Cunningham, Stein and Alyanakian. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor Scott and Engineer Walton. Vice-President Simpson was absent from the meeting.

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

President Williamson observed a moment of silence for Corporal Christopher Milito who died in a tragic accident while on duty for the Delaware River Port Authority.

**Approval of the Minutes**

Councilman Cunningham made a motion to adopt the December 3, 2009 Workshop Meeting minutes. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Cunningham made a motion to adopt the December 17, 2009 Public Hearing minutes (CDBG) and December 17, 2009 Public Hearing minutes (2010 budget). Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Cunningham made a motion to adopt the December 17, 2009 Council meeting minutes. Councilman Alyanakian seconded the motion. The motion carried unanimously.

**Solicitor's Report**

Councilman Cunningham inquired on the status of the Code of Ethics Policy for Borough appointees. Solicitor Scott mentioned that this has been completed and will be distributed along with a cover memo to all Borough elected officials and appointees.

**Mayor's Report** – Mayor McMahan

Mayor McMahan reported that the Police Department received and investigated 759 complaints during the month of December. There were two (2) burglaries reported for the month of December. One (1) on December 6, 2009 and the other on December 12, 2009. The total burglaries are as follows: 15 for 2009 and 126 for the decade. Mayor McMahan noted the downward trend in burglaries from previous decades.

Mayor McMahon mentioned that the police department performed 244 special details in 2009. The locations of the special details for December included: Baltimore Avenue and Providence Road, Third and West Streets, Fifth and Orange Streets, Baltimore Avenue and Jackson Street, Radnor and Jefferson Streets, Jefferson and Jackson Streets, Eighth and Jackson Streets, Third and West Streets, Eighth and Olive Streets, and Third and Broomall Streets.

Councilman Cunningham suggested that the monthly police report include an update on police overtime including the total amount for each category, utilization of part-time officers, etc. Mayor McMahon responded that Councilwoman Roe will report on same.

### **Council Committee Reports**

#### **Code Enforcement, Health, Shade Tree Commission, Streets, Historic Architectural Review Board** - Mr. Cunningham

Councilman Cunningham made a motion to adopt the Code of Ethics Policy as drafted by Solicitor Scott. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Cunningham expressed his concern regarding e-mails concerning a tenant situation and mentioned his belief that it may be a conflict of interest. President Williamson mentioned that Councilman Cunningham is referring to a meeting with Aqua officials regarding the water works property that is owned by the borough. President Williamson indicated that Borough officials are considering meeting with Aqua officials (at their request) in order to discuss matters of interest. President Williamson asked Solicitor Scott to look into this matter to make sure the Borough is not acting inappropriately and report back at the next Workshop meeting.

#### **Media Business Authority, Environmental Advisory Council & Recycling** - Dr. Stein

Councilman Stein mentioned that he has met with the Chairperson of the Environmental Advisory Council in order to discuss current issues such as energy, the ongoing eco footprint survey, recycling, stormwater management, etc.

Councilman Stein also met with members of the Media Business Authority to discuss ongoing issues. Councilman Stein will meet with the Executive Director of the Media Business Authority in the near future.

Councilman Stein made a motion to regretfully accept the resignations of Tyrone Glover (term expires December 31, 2011) and Tedman O'Hara (term expires December 31, 2010) from the Environmental Advisory Council. Councilman Cunningham seconded the motion. The motion carried unanimously.

Councilman Stein made a motion to regretfully accept the resignation of Anthony Cavaliere from the Media Business Authority. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Stein made a motion to accept the resignation of Monika Rehoric from the Media Business Authority, due to the fact that Ms. Rehoric is now a member of Borough Council. Councilwoman Roe seconded the motion. The motion carried unanimously.

Councilman Stein mentioned the Borough's appreciation for the past services of the individuals referenced above. Councilman Cunningham suggested letters of appreciation be sent to these individuals. President Williamson inquired if letters are automatically generated. Borough Manager Smith indicated that the Borough generally does send letters of appreciation to those individuals who resign from various boards/commissions.

**Properties, Personnel, Technology, Fire & Emergency Management** - Mrs. Simpson

President Williamson deferred to Borough Manager Smith regarding the amendment to the Borough Harassment Policy. Borough Manager Smith mentioned that in accordance with the Personnel & Policy Procedure Manual from 2003, the Borough's labor attorney recommended an update to the Harassment Policy section. President Williamson made a motion to adopt the amendments to the Borough's Harassment Policy. Councilman Cunningham seconded the motion. The motion carried unanimously.

After some discussion with regard to the Sunoco Easement Agreement for the water company property located in Middletown Township, President Williamson made a motion to adopt the agreement conditioned upon the following:

- Final review by the Borough Solicitor including any suggested revisions by his office,
- the reimbursement of fees associated with the Borough Engineer and Borough Solicitor's review of the proposed agreement,
- submission of required permit applications with Middletown Township and
- a refundable escrow account created in order to make sure no damage is done to the property, which will be refunded once the environmental reports are submitted.

Councilwoman Rehoric seconded the motion. The motion carried unanimously.

**Community Design, Finance, Stormwater & Sanitation** - Mr. Williamson

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

General Fund	\$ 230,577.82
Recreation Fund	\$ 5,993.82
Liquid Fuels Fund	\$ 0
Capital Fund	<u>\$ 180,323.79</u>
Total	\$ 416,895.43

President Williamson motioned that bills be paid when properly approved for all funds. Councilman Rehoric seconded the motion. Councilman Cunningham inquired if CMAQ and Third Street Bridge project invoices were included with the bills. Treasurer Deitch responded there was approximately \$3,207.00 in charges for CMAQ and Third Street Bridge. A roll call was taken on the vote. The motion resulted in a 3-3 tie, which required Mayor McMahon to break the tie. The motion carried 4-3, with Councilwoman Rehoric and Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Williamson mentioned, preliminary, the 2009 budget ended with approximately \$180,000 in surplus but that was subject to change. President Williamson mentioned that the 2010 budget was the most difficult to plan and adopt. Councilman Cunningham mentioned his belief that the Borough needs to cut spending by approximately \$250,000 and Council may have to consider raising taxes going forward to cover expenses if expenses remain at the same level. Councilman Cunningham indicated that if steps are not taken now, the Borough may not be so lucky to end in the black in 2010.

President Williamson made a motion to adopt Ordinance No. 1069 with regard to Noise Ordinance amendments. Councilman Stein seconded the motion. Councilman Cunningham inquired as to who will be enforcing the ordinance. Solicitor Scott responded that the police can address, but that the ordinance can be amended after the fact to allow the Code Enforcement Department to enforce as well. President Williamson made a motion to amend the motion accordingly. Councilwoman Roe seconded the amendment to the motion. The motion carried unanimously.

President Williamson made a motion to reappoint William Martin to the Zoning Hearing Board for a term of three (3) years, which will expire on December 31, 2012. Councilman Alyanakian seconded the motion. Councilman Cunningham indicated that he will not vote in favor of this motion. Councilman Cunningham mentioned that he believes Mr. Martin runs a good meeting, however, he is not in favor of his pro-development approach to the board. The motion to reappoint Mr. Martin carried 5-1, with Councilman Cunningham casting the dissenting vote.

Councilman Cunningham inquired as to why Borough Council has not authorized Schnabel Engineering to proceed with design work for the Third Street Bridge. President Williamson mentioned that the Borough is required to sign off on an Emergency Action Plan (EAP) with the Department of Environmental Protection (DEP). President Williamson mentioned that the County of Delaware and Broomall's Lake Country Club are not willing to sign off on the EAP. President Williamson indicated that a meeting on this matter will be held next week. President Williamson mentioned that there has not been a decision on the ownership issue. Councilman Cunningham inquired as to why this would hold up the design work. Borough Manager Smith mentioned that Schnabel Engineering is asking the Borough to satisfy the DEP requirement and special legal counsel advised the Borough to enter into the revised tri-party agreement. Solicitor Scott mentioned that he is not aware of any reason why Borough Council cannot authorize Schnabel Engineering to proceed with the design work, however, he would like to discuss this matter with special legal counsel. President Williamson mentioned the Non-Federal Aid Highway Program in the amount of 80%. It was determined that this matter will be an item of discussion during the February Workshop meeting. Councilman Cunningham mentioned that extending the project will extend the costs associated with the project. There was some discussion concerning the safety of the walkway area. Councilman Alyanakian mentioned his belief that the walkway could fall with the next storm and considers this to be a dangerous area. Councilman Cunningham mentioned that the Borough needs to come to a conclusion on this matter. President Williamson mentioned his hope that all parties involved understand the necessity of this project. Councilman Cunningham mentioned that the Borough needs a valid construction plan. President Williamson mentioned that he will reach out directly to Council County. Councilwoman Rehoric inquired if the ownership rights are assumed if the Borough moves forward with

the design. It was determined that this is not the case. President Williamson indicated that the Borough needs to follow the recommendations of special legal counsel on how to proceed. Engineer Walton requested permission to walk the site with Councilman Alyanakian and Code Enforcement Director Jeffery. President Williamson mentioned that he can feel free to do so.

**Police, Public Safety, Lighting & Media Arts Council - Mrs. Roe**

Councilwoman Roe mentioned that the Media Fire Company handled 40 fire and 145 EMS calls during the month of December. The 2009 totals are as follows: 357 fire and 1750 EMS calls.

Councilwoman Roe mentioned that police overtime amount for 2009 was \$123,361.17. There was a budgeted amount of \$100,000 that was increased to \$125,000 during the mid-year budget. The 2008 budgeted amount was \$150,000.

Councilwoman Roe mentioned the amount of hours in District Court as follows: 746 hours in 2009, 907 hours in 2008 and 1079 in 2007.

Councilman Cunningham inquired what will be done to manage police overtime. Councilwoman Roe mentioned that the \$100,000 budgeted amount in 2009 was not a realistic number as per the Police Chief so it was increased during the mid-year update.

Mayor McMahan mentioned that he discusses the police overtime matter with the Police Chief every month. District Court time has been cut without affecting public safety. Mayor McMahan invited Councilman Cunningham to meet with him and the Police Chief in order to go over the issues. Councilman Cunningham mentioned his belief that the Borough needs a plan to control and monitor costs. President Williamson mentioned that the Police Committee will look at these matters and obtain a plan.

Councilwoman Roe made a motion to adopt Ordinance No. 1070 pertaining to Traffic Ordinance amendments. Councilwoman Rehoric seconded the motion. Councilman Cunningham mentioned that he will vote against this motion due to his belief that it does not address congestion issues along State Street. The motion to adopt Ordinance No. 1070 carried 5-1, with Councilman Cunningham casting the dissenting vote.

After some discussion concerning the process/procedure for determining how many police, public works and event managers are needed for mass gatherings, Councilwoman Roe made a motion to approve the Mass Gathering Permit Application for Town Talk Newspapers' Super Sunday event to be held on April 25, 2010 with the following conditions:

- The event shall take place along State Street from Gayley to Orange Streets and Veterans Square from Front to Baker Streets,
- pay special attention to and comply with fire hydrant clearance,
- pay special attention to and comply with the restriction of dogs attending the event, and
- Town Talk Newspapers shall cover any/all police department, public works department and event manager costs associated with this event.

Councilwoman Rehoric seconded the motion. The motion carried 5-1, with Councilman Cunningham casting the dissenting vote.

It was determined that the process/procedure for determining how many police, public works and event managers are necessary for each scheduled events will be a topic of the February Workshop meeting.

Councilwoman Roe announced the Media Arts Council is sponsoring their Film Festival to be held on February 26 & 27, 2010.

Councilman Stein mentioned that the Chinese New Year event will coincide with Media Arts Council's second Saturday event in January.

**Historic Archives Commission, Historic Society & Fair Trade Committee - Mrs. Rehoric**

Councilwoman Rehoric made a motion to approve the Media Theatre donation request for their Gala Event to take place on February 27, 2010. Councilwoman Roe seconded the motion. The motion carried unanimously. Councilman Cunningham suggested that this item be placed in the general fund budget as a recurring expenditure going forward.

Councilwoman Rehoric mentioned that the Historic Society will hold their annual banquet in April. More information to follow.

Councilwoman Rehoric mentioned that she has attended Fair Trade meetings in an effort to be brought up to speed on their committee efforts. A Fair Trade fundraiser event will be held on Saturday, February 20, 2010 at Lotus Salad and Tea House.

Councilwoman Rehoric is attempting to get in touch with someone on the Historic Archives Commission in order to discuss their efforts.

Councilwoman Rehoric mentioned that various boards/commission are looking for volunteers. In particular, the Historic Society is looking for volunteers.

**Recreation, Parking & Library - Mr. Alyanakian**

Councilman Alyanakian announced that an adult dance will be held on Saturday, February 20, 2010 to benefit the PA Veterans Museum.

Councilman Alyanakian mentioned that Brandi Whitesell has been appointed as the new Media-Upper Providence Library Director.

Councilman Alyanakian mentioned that the Media-Upper Providence Library Master Plan has been completed and includes expanding their collection and a re-design of the library.

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

Councilman Alyanakian mentioned that the library and fire department are in need of financial support and encouraged all residents to consider a donation.

President Williamson inquired if Upper Providence Township was able to restore the library budget. While he was not sure about the Upper Providence Township budget on this matter, Councilman Alyanakian indicated that two (2) employees at the library have been laid off.

### **Public Comment & Privilege of the Floor**

Kitty McFarland, Hickory Hill, discussed the lighting around town and indicated that she would like to see the Lighting Committee reinstated. Councilwoman Roe mentioned that the Borough will continue with the volunteers on the committee and possibly place an area on the website in order to address lighting issues.

Kitty McFarland requested that Borough Council consider changing traffic patterns on West 5<sup>th</sup> Street between North Orange Street and North Lemon Street because of safety concerns regarding increased traffic using this section of road to access Hickory Hill and Hickory Valley. President Williamson asked Councilman Cunningham to look into this matter.

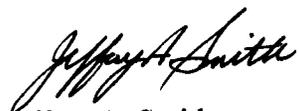
Jane Rowland, E. Second Street, inquired about the status of 1 W. State Street. President Williamson mentioned that a sub-committee has been formed in order to address this matter. There has been a lot of interest in this property. The sub-committee is reviewing this matter carefully.

Jane Rowland inquired about the status of the Hampton Inn Hotel application. President Williamson mentioned that the court case has been settled and that site plans have been filed with the Borough recently. President Williamson indicated that Borough Council will discuss this matter in Executive Session this evening.

### **Adjournment**

Councilman Cunningham motioned to adjourn the meeting at 9:55 p.m. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith  
Borough Manager/Secretary