

**MINUTES
BOROUGH COUNCIL MEETING
MAY 20, 2010**

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

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

Approval of the Minutes

Councilman Cunningham made a motion to adopt the April 1, 2010 Workshop meeting minutes. Councilwoman Roe seconded the motion. The motion carried unanimously.

Vice-President Simpson made a motion to adopt the April 15, 2010 Council meeting minutes. Councilwoman Rehoric seconded the motion. The motion carried unanimously.

Presentation of Check from Media Business Authority to Media Police Association

Zubair Khan, Executive Director of the Media Business Authority, presented a check to the Media Police Association. Patrolmen Eric Gavin and Richard Leight accepted the check on behalf of the Media Police Association.

Engineer's Report

Engineer Walton mentioned that crosswalk repair work and indicated that some patching work is needed along State Street.

Engineer Walton mentioned that the crosswalk at State and Jackson Streets requires significant changes. Engineer Walton will provide more information at a later date.

Councilman Cunningham mentioned that he noticed areas of concern in the roadway along State Street that need to be addressed prior to the 5 Mile Race. Engineer Walton mentioned that he was hoping to address these road improvements block-by-block, but it is more cost effective to do the work all at once. With that said, a contractor has been hired to begin the road improvements in the form of patching of deteriorated areas along State Street in between Monroe & Lemon Streets. The work is slated to begin on Monday, May 24, 2010 and may last two (2) days, weather permitting. Councilman Alyanakian inquired if businesses have been notified. Councilman Cunningham responded that letters to business have been distributed. Councilman Alyanakian inquired if the parking meters will be bagged. Borough Manager Smith mentioned that the Public Works Director is working with the Police Department on this issue. The meters will be bagged on Sunday evening. The Police Department will make every effort to contact people in order to move their vehicles off of the street.

Councilwoman Rehoric inquired about sinking bricks along State Street. Borough Manager Smith mentioned that Borough Council previously authorized the Highway Department to look at these areas and re-set the bricks. Borough Manager Smith mentioned that anyone should feel free to submit a list of areas to address with regard to sinking bricks.

Solicitor's Report

Solicitor Scott mentioned that the Borough received a settlement on the ambulance matter this past week.

Mayor's Report – Mayor McMahon

Mayor McMahon reported that the police department received and investigated 765 complaints during the month of April. There were no reported burglaries during the month of April.

Mayor McMahon mentioned that the police department performed 52 traffic details during the month of April.

Mayor McMahon reported that Patrolman Anthony Dintino returned to the department on light duty as of May 3, 2010.

Mayor McMahon announced that the Memorial Day Parade will be held on Monday, May 31, 2010 at 10:00 a.m. Kane Kallas will sing two (2) songs during the event. Mayor McMahon mentioned that he needs to confirm that a well-known athlete will also be in attendance to speak about his combat history. The parade will begin at State & Edgmont Streets and proceed toward the Court House for a ceremony.

Councilman Cunningham inquired if there were any traffic details on Haldeman Street at Second Street or N. Jackson Street at 7th & 8th Streets. Mayor McMahon responded that he believed so, but that he would report back.

Councilman Cunningham inquired about the status of hiring additional part-time officers. Mayor McMahon responded that the two (2) selected candidates have an opportunity for full-time positions elsewhere. If they accept the other positions, the Borough will have to begin the process again for hiring part-time officers.

Councilman Cunningham mentioned that the police overtime budget, at the present rate, will be going over the budgeted amount.

Councilman Cunningham requested that the coordinators of the Memorial Day Parade consider stopping at the Scott-Lowrie playground in order to honor the two individuals, Lieutenant Lowrie and Corporal Scott, who lost their lives during the Vietnam War.

Announce Executive Session

President Williamson mentioned that Borough Council met in Executive Session prior to the Council meeting in order to discuss a litigation matter.

Preliminary/Final Land Development Application – 301-311 E. Baltimore Avenue

Bob Linn, Architect, made a presentation to Borough Council concerning a Preliminary/Final Land Development Application for 301-311 E. Baltimore Avenue. Mr. Linn mentioned that various individuals spend a great deal of time reviewing these types of applications from the Code Enforcement Officer, Community Design Committee, Planning Commission, Borough Engineer, Zoning Hearing Board, Delaware County Planning Commission and ultimately Borough Council. President Williamson mentioned that the Planning Commission was pleased with Mr. Linn's design on the project. President Williamson made a motion to approve the Preliminary/Final Land Development Application for 301-311 E. Baltimore Avenue with the following conditions:

1. that the property be now known as 311 E. Baltimore Avenue,
2. that the Borough Engineer's review comments detailed in the NDI memo of 3/28/10 be completed to the Borough Engineer's satisfaction,
3. that the applicant obtain a sewer module or waiver from DEP,
4. that the two (2) required street lights be installed on Radnor Street flanking the proposed Radnor Street portico exit and be connected with conduit,
5. that the final plan contain the following:
 - a. further articulation of the brick wall façade below 2nd level bay window
 - b. incorporation of a bike rack
 - c. connection of accessible sidewalk from Baltimore Avenue to handicapped curb cut
 - d. incorporation of sunshade on both facades perpendicular to Baltimore Avenue
 - e. reduction in scale of tower
 - f. bump out the two cast stone archways 2 inches each
 - g. incorporation of a bike rack
 - h. addition of landscaping on 9' grass strip at southeast edge of property
6. that a crosswalk compliant with standards of LD7 be installed across the proposed Radnor Street driveway exit.

The applicant is seeking the following waivers from the land development code:

- a. LD2.3--off-street parking lots, to authorize the parking area behind the Baltimore Avenue building wall
- b. LD8.3--street edge strips, to authorize an edge strip with a width equal to the strip in front of the adjacent property at 311 E. Baltimore Avenue, said strip not being 30" wide
- c. LD9.3--street trees, to plant a Fastigate Oak Tree or an Armstrong Red Maple
- d. LD15.3 & LD15.4--benches, to not provide a bench upon the Baltimore Avenue frontage due to space constructions
- e. LD19--bus shelter, to not provide a bus shelter due to space constraints created by requirement to construct the new building at the street line

Vice-President Rehoric seconded the motion. Councilman Cunningham mentioned that while he admires Mr. Linn's work, he believes that this project does not contain the historical vision for Baltimore Avenue. Councilman Cunningham mentioned the objectives of the traditional overlay district and mentioned his belief that this application does not meet the objectives. Councilman Alyanakian mentioned that he does not agree and that proposal is merely replacing what is there today. Councilman Alyanakian mentioned that while the proposed building is approaching Baltimore Avenue a little more than the current building, he hopes that this is what buildings will look like in the future along this roadway. The motion to approve the Preliminary/Final Land Development Application for 301-311 E. Baltimore Avenue carried 6-1, with Councilman Cunningham casting the dissenting vote.

Council Committee Reports

Special Projects, Recreation, Parking & Library - Mr. Alyanakian

Councilman Alyanakian mentioned the following for the Recreation Board:

- Family Movie Night will be held on Tuesday, June 8, 2010, 8:00 p.m. at Barrall Field,
- A casino trip is scheduled for Monday, June 21, 2010 and
- Summer camp registration at the Media Youth Center is underway. Camp starts on Monday, June 28, 2010,

Councilman Alyanakian mentioned that the Media-Upper Providence Library will hold their annual meeting on May 24, 2010 in which they will unveil their new logo.

Councilman Alyanakian made a motion to deny a handicapped parking request at 320 N. Jackson Street due to the availability of existing parking. Vice-President Simpson seconded the motion. There was a question concerning the availability of a handicapped access ramp. Councilman Cunningham made a motion to table the motion to deny a handicapped parking request at 320 N. Jackson Street until there is further information available concerning a handicapped access ramp. Councilwoman Roe seconded the motion. The motion carried unanimously.

Councilman Alyanakian mentioned that the County of Delaware will install period lighting around the Court House. Councilman Cunningham asked for clarification on the lighting installation. Councilman Alyanakian mentioned his belief that the old lights will be removed and new lights will be installed to match the Borough's Streetscape project.

Councilman Alyanakian mentioned that Media Elementary School will be celebrating Earth Day tomorrow with information on composting.

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

Councilwoman Rehoric made a motion to regretfully accept the resignation of Natalie Whitted (term expires 12/31/14) from the Historic Archives Commission. Councilman Alyanakian seconded the motion. The motion carried unanimously. Borough Manager Smith was asked to retrieve the previous letter of interest from Ed Homa to serve on the Historic Archives Commission.

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

Councilwoman Roe mentioned the Police Department overtime as follows: 41 hours of double-time, 52 hours of court time, 8 hours of special events and 7 hours of investigation for a total of 108 hours.

Councilwoman Roe mentioned an e-mail question that was received previously concerning the police overtime budget. Councilwoman Roe explained that although dispatchers were transferred to the 911 Center, two (2) dispatchers were hired as Public Information Officers. Councilwoman Roe further explained that all police personnel received a 3.5% salary increase in 2010, insurance premiums have increased significantly and animal control costs have increased significantly as well.

Councilwoman Roe made a motion to approve a Mass Gathering Application for the Memorial Day Parade to be held on Monday, May 31, 2010. Councilman Stein seconded the motion. The motion carried unanimously.

Councilwoman Roe made a motion to approve a Mass Gathering Application for Nativity B.V.M. School's Race for Education event to be held on Thursday, May 27, 2010. Councilman Cunningham seconded the motion. The motion carried unanimously.

Councilwoman Roe mentioned that the Media Arts Council will host a summer solstice party on Saturday, June 19, 2010 from 6:00-9:00 p.m. The event will consist of a silent auction, buffet dinner, etc. Tickets are \$30 in advance and \$35 at the door.

Councilwoman Roe mentioned that today is the second appearance of the farmers market. Councilwoman Roe encouraged everyone to visit the farmers market on Thursdays through November, 2010. Councilwoman Rehoric expressed her concern over the location of the parked box trucks for the farmers market. Councilwoman Roe mentioned that this matter is currently under discussion and is being fine-tuned.

Community Design, Finance & 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	\$ 284,672.37
Recreation Fund	\$ 5,242.17
Liquid Fuels Fund	\$ 0
Capital Fund	\$ 72,462.83
Total	\$ 362,377.37

President Williamson motioned that bills be paid when properly approved for all funds. Councilman Stein seconded the motion. Councilman Cunningham inquired if CMAQ and Third Street Bridge project invoices were included with the bills. Treasurer Deitch responded there was one bill included for CMAQ in the amount of \$404 and one for Third Street Bridge in the amount of \$855. The motion carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Williamson mentioned that the Finance Committee met earlier this week in order to discuss the budget. It appears that revenues are slightly above the budgeted amount. President Williamson mentioned that the Borough must remain vigilant regarding the budget.

President Williamson made a motion to adopt Resolution #2010-05 for a snow reimbursement. Borough Manager Smith explained that this resolution endorses him to act as the "Applicant Agent" in securing reimbursement funds from the Federal Emergency Management Agency for the snow emergency in February. It appears that the Borough will receive at least \$25,000, but hopes to receive more for the purchase of the new backhoe. Councilman Cunningham seconded the motion to adopt Resolution #2010-05. The motion carried unanimously.

President Williamson made a motion to adopt Resolution #2010-06, awarding the sale of the Ford Crown Victoria to the third highest bidder in the amount of \$2,400 since the high bidder and second high bidder are no longer interested. Vice-President Simpson seconded the motion. The motion carried unanimously.

President Williamson made a motion to authorizing the drafting and advertisement of an Attorney's Fee Ordinance. Vice-President Simpson seconded the motion. The motion carried unanimously. This will allow the Borough to be reimbursed attorney's fees when a property is liened, etc.

President Williamson made a motion to award the highway garage fire sprinkler system bid to S. A. Comunale in the amount of \$15,900. Borough Manager Smith mentioned that no bids were received the first time this project was put out to bid. The Fire Marshal checked into S. A. Comunale and is recommending awarding to them as per the bid. Vice-President Simpson seconded the motion. The motion carried unanimously.

President Williamson mentioned the request for an extension of the Zoning Hearing Board variances for 306 E. Baltimore Avenue and mentioned that he is in favor of granting the request. Councilman Cunningham made a motion to oppose this request. Councilman Cunningham mentioned that he is not in favor of their style of development. Councilman Cunningham mentioned that while they are asking for more time on this development, they did not extend the same courtesy to the businesses that were located in their building. Councilman Cunningham's motion to oppose the request for an extension of the Zoning Hearing Board variances for 306 E. Baltimore Avenue failed for lack of a second.

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

Vice-President Simpson made a motion to ratify the license agreements with farmers market vendors. Councilman Cunningham mentioned that he will not vote in favor of this matter considering he did not approve of how the process for the farmers market was handled. Vice-President Simpson amended her motion to ratify the license agreements with the farmers market conditioned upon the insurance documents being submitted. Councilman Stein seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote.

Vice-President Simpson made a motion to award the video taping proposal to Video Edge on a month-to-month basis. Councilwoman Roe seconded the motion. The motion carried 6-1, with Councilman Alyanakian casting the dissenting vote.

Vice-President Simpson announced that the Media 5 Mile Race will be held on Friday, June 18, 2010 and reminded everyone to register early as the amount of runners will be capped.

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

Councilman Stein made a motion to regretfully accept the resignations of Rachel Benari, Bobbi Dallas and Harry Havnoonian from the Media Business Authority. Vice-President Simpson seconded the motion. The motion carried unanimously.

Councilman Stein mentioned that the Media Business Authority revised their by-laws in order to design a process for refreshing their membership. The by-laws have been revised to allow any business owner paying taxes to become a non-voting member of the Media Business Authority.

Councilman Stein mentioned that the Media Business Authority hosted a business breakfast earlier this month that included networking and breakout sessions in order to discuss common business district issues.

Councilman Stein announced that the Blues Stroll will be held on Saturday, June 12, 2010.

Councilman Stein mentioned that Dining Under the Stars is off to a successful start.

Councilman Stein mentioned that the Environmental Advisory Council held a retreat recently in order to discuss strategic goals.

Infrastructure, Code Enforcement, Health & Historic Architectural Review Board - Mr. Cunningham

Councilman Cunningham made a motion to award the street/storm sewer maintenance bid as follows: Lots 1-4 & 6 to A. F. Damon, Inc. and Lot 5 to Joseph E. Sucher & Sons. Vice-President Simpson seconded the motion. The motion carried unanimously.

Councilman Cunningham inquired as to how the rates compare to the 2009 rates. Engineer Walton mentioned that the milling and paving rates are slightly less. Engineer Walton mentioned his belief that the Borough is receiving very good rates. Councilman Cunningham mentioned that the Borough needs to maximize these dollars.

Councilman Cunningham mentioned that costs for the Third Street Bridge project are going up. With that said, Councilman Cunningham made a motion to authorize Schnabel Engineering to proceed with design work on the Third Street Bridge and to authorize Council President to execute the necessary documentation. Vice-President Simpson seconded the motion. The motion carried unanimously.

Councilman Cunningham mentioned cigarette litter that gets stuck in between bricks along the sidewalk. With regard to this, Councilman Cunningham mentioned that the Borough has assumed responsibility and cleaned public areas such as the Plum Street Mall. Councilman Cunningham encourages businesses to join in and do their part in this effort. Councilman Stein mentioned that perhaps the Media Business Authority could consider a shared services committee.

Councilman Cunningham mentioned his belief that the Borough should re-evaluate legal issues pertaining to 1 W. State Street. The Borough is beginning to spend money on legal fees and has not seen any return on dollars owed to the Borough. President Williamson requested a report from Solicitor Scott at the next Workshop meeting pertaining to prospects for the recovery of legal fees. This matter will be discussed in Executive Session.

Public Comment & Privilege of the Floor

Michael York, South Avenue, expressed his concern regarding possible damage to trees from Asplundh's tree trimming service throughout the Borough. Councilman Cunningham mentioned that the Borough has little control over these trees due to the fact that the Right-of-Way is guaranteed to PECO, who hires Asplundh. Solicitor Scott mentioned that PECO is a regulated by the Public Utilities Commission.

Mr. York mentioned his concern regarding severe sewer back-ups on South Avenue. Mr. York mentioned that it is anticipated that Aqua will jet out the pipes more often. Mr. York mentioned that grease traps in restaurants could be part of the problem and inquired if the Borough inspects regularly. Engineer Walton explained how the sewer system is affected by grease, etc. and mentioned that this is a Code Enforcement matter rather than an engineering matter. Borough Manager Smith mentioned that the Health Officer will discuss this matter with the Board of Health in regards to inspecting the restaurants more frequently than bi-annually.

Ms. Katie York, South Avenue, mentioned her feeling that the farmers market is a fantastic addition to the Borough.

Ms. York mentioned that perhaps the Borough could consider posting restaurant inspections online similar to the state of California. Mayor McMahan agreed that this is something the Borough could look into.

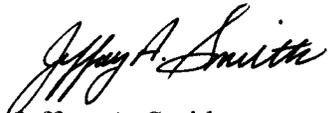
Ms. York is pleased with Borough Council's concern over littering and mentioned that Doylestown Borough has implemented a significant fine for litter, which may be a model for Media.

Robert Dimond, E. Third Street, announced the Memorial Day Parade to be held on Monday, May 31, 2010 at 10:00 a.m.

Adjournment

Councilman Cunningham motioned to adjourn the meeting at 9:30 p.m. Councilwoman Roe seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith
Borough Manager/Secretary