

**MINUTES
BOROUGH COUNCIL MEETING
SEPTEMBER 16, 2010**

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

President Alyanakian called the meeting to order at 7:30 p.m. and led the salute to the flag.

Vice-President Rehoric asked for a moment of silence for John Sennott, a resident on Jackson Street, who passed away last month and for Councilman Stein's mother who passed away this month.

Approval of the Minutes

President Alyanakian made a motion to adopt the August 5, 2010 Special meeting minutes. Vice-President Rehoric seconded the motion. The motion carried unanimously.

President Alyanakian made a motion to adopt the August 5, 2010 Workshop meeting minutes. Vice-President Rehoric seconded the motion. The motion carried unanimously.

President Alyanakian made a motion to adopt the August 19, 2010 Council meeting minutes. Vice-President Rehoric seconded the motion. The motion carried unanimously.

Public Comment & Privilege of the Floor

Kent Davis of West Street inquired as to why it took 13 years for the 3rd Street Bridge/Dam issue to be resolved. President Alyanakian mentioned that recently a few Council members met at the 3rd Street Bridge/Dam with Christine Fizzano-Cannon from Delaware County Council to discuss the design plans for the bridge/dam. The total amount for the design would be \$150,000 and Borough Council has \$60,000 in the budget with a possible \$75,000 grant coming from the County.

Miles Blair of E. Lincoln Street commented on the increase in traffic and parking for Cocco's Pizza that is being planned at the intersection of Manchester Street and Radnor Street. Mr. Blair mentioned that he has a handicap and is concerned about Cocco's customers parking in front of his home and losing his parking space. Mr. Blair questioned the possibility of establishing residential parking on his street. President Alyanakian commented that Mr. Blair should send a letter to Borough Council requesting residential parking on E. Lincoln Street and Council will consider the request.

Letitia Jeavons of N. Monroe Street questioned the efforts of Council in securing a tenant for 1 W. State Street or selling the property. Councilwoman Simpson mentioned that Council put bids out for 1 W. State Street but did not receive any proposals. Councilwoman Simpson commented that Council has an item on the agenda tonight to ratify the hiring of a commercial realtor for 1 W. State Street.

Jamie Moore of E. Lincoln Street inquired if Borough Council is making any attempt to block Cocco's Pizza from opening on Manchester Avenue and Radnor Street. Councilman Cunningham mentioned that the building is not in Media Borough. The space behind the building is in the Borough and recently the highway department painted an "X" in that space so that the trash dumpster can not be placed there. Solicitor Scott commented that the business will have to relocate the dumpster, which will limit parking around the building. Solicitor Scott mentioned that the Borough has filed an appeal with Upper Providence Township to stop Cocco's Pizza from occupying the building. Solicitor Scott mentioned that something will be forthcoming next month on the appeal. Mr. Moore mentioned that his property is located on the corner directly across from the proposed business. Solicitor Scott mentioned that the Borough is doing everything possible, but Upper Providence Township has jurisdiction. Councilwoman Simpson suggested residents attend the Upper Providence Township Council meetings. Solicitor Scott mentioned that might be the logical step.

David Palmer of N. Olive Street commented that he noticed no one resigned since the last Council meeting. Mr. Palmer commented that he felt that he was threatened at the last Council meeting by Councilman Cunningham and wanted to know if there was any disciplinary actions taken against him. President Alyanakian apologized and said he was sorry that Mr. Palmer was offended and that he did not intend on taking any disciplinary action. Solicitor Scott mentioned that anyone can submit a letter to Borough Council to complain about a situation.

Engineer's Report

Councilman Cunningham questioned Engineer Walton on the timeline for the repair of the crosswalk at State Street and Jackson Street. Borough Manager Smith commented that at this time we do not know the exact cost of the repair, but there is money available in the budget. Councilman Cunningham was concerned that the winter season is approaching and this project will not be done by then. Engineer Walton will report back to Council when he receives the cost for the repair.

Solicitor's Report

Councilman Cunningham questioned Solicitor Scott on the progress with the Hampton Inn project. Solicitor Scott mentioned there is another meeting scheduled for October concerning the Hampton Inn zoning relief in Nether Providence Township.

Mayor's Report

Mayor McMahon mentioned Proclamation #2010-07, concerning Dorrine Jones and the Abounding Grace Family Workshop Center.

Mayor McMahon reported that the police department received and investigated 820 complaints during the month of August.

Mayor McMahon reported that the police department performed 43 traffic details during the month of August.

Mayor McMahon reported that there were two burglaries during the month of August. One burglary was reported on the 200 block of E. Fourth Street sometime between August 27, 2010 and September 1, 2010, while a homeowner was on vacation. Mayor McMahon mentioned that several items were removed from the home but the young man was captured and the items were returned to the homeowner. Mayor McMahon reported that there was one burglary at Sovereign Bank on the corner of Front Street and Orange Street on August 24, 2010. Mayor McMahon mentioned that three men from Philadelphia were arrested. No one was injured and all the monies were recovered.

Mayor McMahon mentioned that residents should keep their cars, shed and garages locked and do not hesitate to call 911 when they witness a crime, parking issues, animal problems, etc.

Mayor McMahon mentioned National Take Back Day on September 25, 2010 from 10:00 a.m. until 2:00 p.m. at the Media Police Department located at 301 N. Jackson Street. This event allows residents to turn in unused or expired medications at Police Departments. The national effort is being sponsored by the Drug Enforcement Agency, who will take responsibility for the proper disposal of the medications. Currently, we are one of 14 departments signed up to participate in Delaware County.

Mayor McMahon mentioned that on October 16, 2010 from 7:00 a.m. until 3:00 p.m. members of our police department will participate in practical hands-on training exercises along with County law enforcement entities at the Delaware County Court House. Participating agencies will include Delco CID, Court House police, sheriffs department and our multi-jurisdictional tactical teams.

Council/Committee Reports

Public Safety, Lighting & Shade Tree – Mr. Cunningham

Councilman Cunningham made a motion to appoint the Mayor, Council President and Police Chief to develop a plan to detour traffic on Orange Street between Jasper Street and Baker Street during the closure of Orange Street for Media Business Authority's Annual Food and Craft Festival scheduled for October 3, 2010. Vice-President Rehoric seconded the motion. The motion carried unanimously. Councilman Cunningham questioned if the Borough has received the permit from PennDot for the closure of Orange Street for the Food and Craft Festival. Borough Manager Smith mentioned that PennDot will be reviewing the request next week.

Councilman Cunningham mentioned that since a four way stop sign was not approved for Second Street and Monroe Street he felt the designated crosswalk that was painted on the street should be removed for safety reasons. Councilman Cunningham made a motion to remove the painted crosswalk at the corner of Second Street and Monroe Street. Vice-President Rehoric seconded the motion. The motion carried unanimously.

Councilman Cunningham mentioned the littering of cigarette butts by Court House employees on properties at Front Street and Olive Street. President Alyanakian mentioned that the Borough should erect signs concerning fines for littering. Councilwoman Simpson questioned the amount of the fine and how this ordinance would be enforced. Solicitor Scott mentioned that the maximum fine is \$600. Councilman Stein commented that the Borough should post signs in other areas and the first offense should be around \$50. Vice-President Rehoric mentioned that there are no ash trays by the trolley stops on State Street and that this should be considered.

Library, Media Business Authority & Recreation – Dr. Stein

Councilman Stein made a motion to accept the proposal from Joe Scheidly & Son Construction to resurface the tennis courts for \$8,900. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Stein made a motion to accept the resignation of Kevin Boyer of the Recreation Board. Councilwoman Simpson seconded the motion. The motion carried unanimously. Councilman Stein commented that Mr. Boyer had to resign for personal and professional reasons and that the Borough appreciates all the work he has done with the Recreation Board. Councilman Stein encouraged residents to apply for the open position. Councilwoman Simpson commented that Mr. Boyer will be missed. Councilman Cunningham commented that the Borough should send Mr. Boyer a letter thanking him for his service to the board.

Councilman Stein mentioned that there are vacancies on the Media Business Authority.

Councilman Stein mentioned the Food and Craft Festival on October 3, 2010 from 9:00 a.m. to 5:00 p.m.

Councilman Stein mentioned the Jazz by Night celebration scheduled for October 16, 2010.

Public Property & Economic Development, Health & Historic – Mrs. Rehoric

Vice-President Rehoric made a motion to approve the application for a Certificate of Appropriateness for 110 W. Front Street. Councilman Cunningham seconded the motion. The motion carried unanimously. Vice-President Rehoric mentioned that this was for the color of paint on the body of the building.

Vice-President Rehoric commented that negotiations are going well with the Media Theatre to recoup some of the money for repairs on the Theatre.

Vice-President Rehoric commented that the meeting with the community organizations went well, but work is needed to be done.

Code Enforcement, Environmental Advisory Council & Parking- Mr. Alyanakian

President Alyanakian made a motion to authorize the drafting and advertisement of a Residential Parking Ordinance amendment. Vice-President Rehoric seconded the motion. The motion carried unanimously. President Alyanakian commented that the amendment would extend residential parking from 5:00 p.m. to 8:00 p.m., only on the north side of Front Street.

President Alyanakian commented on the parking restrictions in the vicinity of Media Friends School on 4th Street. President Alyanakian mentioned that there were problems with parents double parking on 4th Street to pick up their children from school. President Alyanakian mentioned that the Borough would like to extend the no parking restrictions, which was approved by the Mayor. Borough Manager Smith will discuss this with the Public Works Director, Ralph DeRosa, and post signs on 4th Street with the restrictions.

President Alyanakian made a motion to approve the handicapped parking request for 431 W. Baltimore Avenue. Vice-President Rehoric seconded the motion. The motion carried unanimously.

Community Design, Finance, Public Works & Infrastructure- 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	\$ 305,975.37
Recreation Fund	\$ 8,086.73
Capital Funds	<u>\$ 4,923.15</u>
Total	\$ 318,985.25

Vice-President Rehoric made a motion to approve the payment of bills for August as outlined by Treasurer Deitch. Councilwoman Simpson seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote.

Councilman Cunningham made a motion to authorize the drafting and advertisement of an amendment to impervious coverages. Vice-President Rehoric seconded the motion. The motion carried unanimously. Councilman Cunningham commented that there needs to be more flexibility to avoid an expensive zoning hearing board process for residents who wish to build front porches or decks in a set back area.

Councilman Cunningham made a motion to authorize the adoption of the 2011 Minimum Municipal Obligation (MMO) for non-uniformed employees and police pension plans in the amount of \$122,623 and \$420,285, respectively. Vice-President Rehoric seconded the motion. The motion carried 6-1 with Councilman Cunningham casting the dissenting vote. Councilman Cunningham commented that each year the pension plan needs more money set aside because the investments have been poor or negative. Treasurer Deitch mentioned that the Borough has to kick in every year no matter what the investments are doing.

Councilman Cunningham mentioned the Zoning Hearing Board application for 1 W. Front Street to have an old time soda fountain where Benjamin's Market was located. Councilman Cunningham commented that the Planning Commission reviewed the plans and would like Borough Council to vote in favor of the special exception. President Alyanakian mentioned that Edward and Patrick Hanway, father and son, who are opening the business, are in attendance tonight and if they could comment on the upcoming plans for the business. Mr. Hanway commented that there are no family oriented establishments in the Borough and he felt this would be a great community gathering place. Mr. Hanway mentioned organizing programs with Media Elementary School and the library. Mayor McMahan questioned the hours and age groups. Mr. Hanway commented that the business would be open until 10:00 p.m. on Friday and Saturday nights and closed on Sundays and would serve the business community and families. Mr. Hanway commented that he hopes this business will be a magnet for outside communities. Councilman Stein offered to assist with the business plan.

Fair Trade, Fire, Media Arts Council & Special Projects- Mrs. Roe

Councilwoman Roe commented that all the borough organizations should join forces and borough council will begin working on ways to streamline services and maximize opportunities in the coming months.

Councilwoman Roe mentioned that the Media Fire Company responded to 164 EMS calls during the month of August.

Councilwoman Roe mentioned that the Media Arts Council is sponsoring a photo contest and the information is on their webpage.

Councilwoman Roe mentioned that the Scare Trade Ball is going to be held on October 23, 2010 in the Community Center at Borough Hall.

Personnel, Technology & Emergency Management- Mrs. Simpson

Councilwoman Simpson made a motion to ratify the hiring of Jeff Dowd, commercial realtor, of Zommick McMahon Real Estate to represent Media Borough in the listing of 1 W. State Street. Vice-President Rehoric seconded the motion. The motion carried unanimously. Councilwoman Simpson commented that the Borough followed protocol on the bid process and needs professional help to market and handle paperwork on the sale or lease of the property.

Councilwoman Simpson made a motion to approve the revised HIPAA agreement with Brokerage Professional Inc. (BPI), the Borough's insurance broker. Vice-President Rehoric seconded the motion. The motion carried unanimously.

Councilman Stein mentioned that the Global Connect Emergency Notification System is still collecting e-mail addresses and phone numbers from businesses. Councilman Stein commented that 50%-60% of the businesses have registered their e-mail address. Councilwoman Simpson mentioned that the Global Connect Emergency Notification System does apply to residents who do not have a computer but would notify them by phone in an emergency. President Alyanakian mentioned that this should be mentioned in the newsletter.

Public Comment and Privilege of the Floor

Robert Yosua of E. Lincoln Street commented on the graffiti on the building at Manchester Avenue and Radnor Street, the proposed Cocco's Pizza. President Alyanakian commented that Mr. Yosua should contact the Upper Providence Township Code Enforcement Department because the building is located in Upper Providence Township.

Mr. Yosua also questioned who is paying for liability insurance for property damage if the bridge/dam breaks. President Alyanakian commented that at this moment there is no

determination on the owner of the property so it is not insured by either the Borough or the County of Delaware. Councilman Cunningham commented that he felt the ownership of the bridge/dam should be between the Borough of Media and the County of Delaware, not with lawyers involved. Mayor McMahon commented that this problem has been ongoing since 1998.

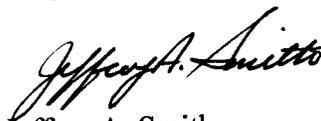
President Alyanakian mentioned that he wanted to make a comment about an earlier question from Kent Davis of West Street about the 3rd Street Bridge/Dam. President Alyanakian commented that for a few years there has been a question on the owner of the bridge/dam. President Alyanakian commented that in 2000 Media Borough signed a design contract with the state with Media Borough as the owner of the bridge/dam. In 2005, a title search determined that the County of Delaware was the owner, not the Borough. President Alyanakian commented that 60 years is the life of a dam and it has to be taken into consideration who is responsible for the repair. President Alyanakian commented that even after the bridge/dam is repaired it would cost \$3,500 per year for regular inspections and clean outs. Mr. Davis questioned whether or not the road could be turned into a walking trail. President Alyanakian commented that if the bridge/dam was not repaired then it would have to be breached. Engineer Walton commented that breaching is very expensive and there would have to be studies done upstream and downstream.

Bill Martin of E. Front Street inquired about the Borough's pension plans, specifically if ERISA applied to them. It was determined that state legislation governs the pension plans. Mr. Martin believes Council should stay up-to-date and well versed on pension matters and not rely on the advice of the actuary and investment managers.

Adjournment

President Alyanakian made the motion to adjourn the meeting at 9:21 p.m. Councilman Cunningham seconded the motion. The motion carried unanimously.

Respectfully Submitted,



Jeffrey A. Smith
Borough Manager/Secretary