

**MINUTES**  
**BOROUGH COUNCIL MEETING**  
**January 17, 2019**

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Hall, Vice-President A. Johnson, Councilmen Boyer, Robinson and Williamson, Councilwomen Dixon and L. Johnson. Also present were Solicitor Scott, Engineer Matson and Manager Smith.

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

**Approval of Minutes**

President Hall made a motion to approve the December 6, 2018 Workshop meeting minutes. Councilman Robinson seconded the motion. The motion carried unanimously.

President Hall made a motion to approve the December 20, 2018 Public Hearing meeting minutes. Councilwoman Dixon seconded the motion. The motion carried unanimously with Councilman Williamson abstaining.

President Hall made a motion to approve the December 20, 2018 Council meeting minutes. Councilwoman Dixon seconded the motion. The motion carried unanimously with Councilman Williamson abstaining.

**Public Comment and Privilege of the Floor**

Terry Rumsey of West 4<sup>th</sup> Street mentioned the dismissal of the lawsuit brought against the Borough and officials by Broomalls Lake Country Club and feels it was an attempt to bully Council and intimate Council. Mr. Rumsey mentioned the agenda item to rescind the MERC Ordinance and is requesting that a public hearing be held before Council takes action on this item. Mr. Rumsey asked the members to reply to his request, President Hall mentioned that the issue will be discussed by Council when they reach that portion of the agenda.

Robin Lasershon of West 4<sup>th</sup> Street mentioned that she finds it frustrating that there hasn't been the opportunity for the public to weigh in on the issues. She encourages Council to be proactive and provide the community the opportunity to weigh in.

President Hall mentioned that all discussions regarding this issue were held in executive session because the discussions were about a litigation matter. Ms. Lasershon mentioned that if there is currently no active litigation, then the discussion should not be deemed for executive session.

Sandra Samuel of the Media Upper Providence Free Library thanked Council for their support and mentioned the library is now open on Saturdays. She also mentioned upcoming events.

Terry Rumsey of West 4<sup>th</sup> Street reminded Council that the sunshine law prohibits public policy from being discussed in executive session and reiterated that there is a request to hold a public meeting on zoning policies.

President Hall mentioned that one of the terms of the settlement agreement with Broomalls Lake Country Club is that formal action take place tonight. Solicitor Scott confirmed and mentioned that the settlement agreement with BLCC includes no appeal if the Borough rescinds the MERC ordinance.

### **Engineer's Report**

Engineer Matson mentioned he is preparing a road list for the 2019 road program. Engineer Matson mentioned that Orange Street has re-opened.

### **Solicitor's Report**

Solicitor Scott had no report.

### **Mayor's Report**

Mayor McMahon reported that the police department received and investigated 587 complaints during the month of December. Mayor McMahon mentioned the Police Chief has returned from medical leave.

### **Council/Committee Reports**

#### **Properties, Public Works and Fire** – Mr. Robinson

Councilman Robinson made a motion to authorize the Council President to sign a letter of commitment for the Ridge Road Stormwater Improvement Project. Councilwoman Dixon seconded. The motion passed unanimously.

#### **MBA, Historic, Public Safety and Civil Service** – Ms. L. Johnson

Councilwoman L. Johnson made a motion to adopt Resolution #2019-01 to reappoint Frank Daly and Courtney Rozsas to the Media Business Authority (MBA) for a term of three (3) years. Councilwoman Dixon seconded the motion. The motion carried unanimously.

#### **Fair Trade, Farmer's Market, Shade Tree and EAC** – Mrs. A. Johnson

Vice President A. Johnson made a motion to adopt Resolution #2019-02 reappointing Brendan O'Rioradan to the Environmental Advisory Council for a term of three (3) years. Councilman Robinson seconded the motion. The motion carried unanimously.

Vice President A. Johnson made a motion to adopt Resolution #2019-03 reappointing Chris McNichol to the Shade Tree Commission for a term of five (5) years. Councilman Robinson seconded the motion. The motion carried unanimously.

Vice President A. Johnson made a motion to accept the resignation of Maggie Dunn from the EAC. Councilman Robinson seconded the motion. The motion carried unanimously.

**Community Development, Personnel and Media Arts Council** – Mr. Hall

President Hall made a motion to adopt Resolution #2019-04 reappointing Elizabeth Rohr and Rebecca Ross to the Historic Architectural Review Board. Vice President A. Johnson seconded the motion. The motion carried unanimously.

President Hall made a motion to adopt Resolution #2019-05 to reappoint James Tangorra to the Planning Commission for a term of four (4) years. Councilman Robinson seconded the motion. The motion carried unanimously.

President Hall made a motion to adopt Resolution #2019-06 to reappoint Harry Dumas to the ICC/Life Safety Appeals Board for the term of five (5) years. Councilman Robinson seconded the motion. The motion carried unanimously.

President Hall made a motion to adopt Resolution #2019-07 to reappoint Joan Hagan to the Vacancy Board for a term of one (1) year. Councilman Robinson seconded the motion. The motion carried unanimously.

President Hall made a motion to adopt Resolution #2019-08 to reappoint Todd Gibian and William Martin to the Zoning Hearing Board for a term of three (3) years. Councilman Robinson seconded the motion. The motion carried unanimously.

President Hall made a motion to adopt Resolution #2019-09 authorizing a grant agreement for PennDOT Multimodal Transportation Fund Grant for Wayfinding Signage. Councilman Robinson seconded the motion. The motion carried unanimously.

President Hall made a motion to ratify the stipulation settlement with Broomalls Lake Country Club (BLCC) and to rescind Council's prior authorization of an ordinance rezoning the Broomalls Lake Country Club property and others as MERC. Councilman Robinson seconded the motion. President Hall mentioned that the lawsuit brought by BLCC was dismissed in federal court. Attorneys for the Borough and BLCC have been in discussion because the club has appeals rights. Council met with the exception of Vice President Johnson and agreed to a settlement with BLCC. The agreement is that BLCC will not file an appeal, will not take State Court action and has withdrawn their zoning application on their property. Under the terms of the settlement, the Borough will rescind the MERC ordinance and will take action on this tonight. Councilman Robinson mentioned that Council has fiduciary responsibility to all of the residents of the Borough and feels this settlement represents that. Councilwoman L. Johnson mentioned she is not clear on the terms and questioned whether BLCC can sue individuals on Council again. Councilwoman L. Johnson asked for clarification on who was named in the lawsuit by BLCC. Solicitor Scott mentioned that Council as a whole, each council member, Manager Smith and himself. Solicitor Scott suggested that Councilwoman L. Johnson's concerns should be discussed in executive session.

Councilman Robinson made a motion to recess to executive session for clarification. President Hall seconded the motion. The motion carried, 5 – 2, with Councilman Boyer and Williamson casting the dissenting votes. Council recessed at 8:55 p.m. Council reconvened at 9:05 p.m.

Vice President A. Johnson restated the motion. The motion carried unanimously.

**Recreation and Board of Health** – Mr. Boyer

Councilman Boyer made a motion to adopt Resolution #2019-10 reappointing Shyam Sujan to the Recreation Board for a term of five (5) years. Councilwoman Dixon seconded the motion. The motion carried unanimously.

Councilman Boyer made a motion to adopt Resolution #2019-11 reappointing Richard Dimonte to the Board of Health for a term of five (5) years. Councilwoman Dixon seconded the motion. The motion carried unanimously.

**Finance and Library** – Mr. Williamson

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

General Fund	\$ 219,117.71
Recreation Fund	7,211.71
Liquid Fuels Fund	0.00
Capital Fund	<u>203,296.31</u>
Total	\$ 429,625.73

Councilman Williamson made a motion to approve the payment of bills for December. Councilwoman Dixon seconded the motion. The motion carried unanimously.

Councilman Williamson mentioned the 2018 Operating Budget preliminarily realized a \$300,000 surplus.

**Personnel, Public Relations and Historical Archives** – Ms. Dixon

Councilwoman Dixon made a motion to adopt Resolution #2019-12 authorizing paid time off for part-time employees. Councilman Robinson seconded the motion. The motion passed unanimously.

**Public Comment and Privilege of the Floor**

Terry Rumsey of West 4<sup>th</sup> Street asked who initiated contact with the Borough. President Hall mentioned he did not recall because it was handled by outside counsel. Mr. Rumsey asked why the stipulation to the agreement was not listed on the agenda. President Hall will consult with the administrative staff on this issue. Mr. Rumsey feels Council’s decision to rescind the MERC ordinance allows for a lawsuit every time BLCC has an issue with the Borough.

**Adjournment**

President Hall made a motion to adjourn the Council meeting at 9:24 p.m. Councilman Williamson seconded the motion. The motion carried unanimously.

Respectfully submitted,

Jeffrey A. Smith  
Borough Manager/Secretary