

**MINUTES
BOROUGH COUNCIL MEETING
MARCH 19, 2009**

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Daly, Vice-President Hall, Councilpersons Alyanakian, Simpson, Cunningham, Williamson and Derrickson. Also present were Borough Manager Smith, Treasurer Deitch, Assistant Solicitor McClean and Engineer Walton.

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

Approval of the Minutes

Councilwoman Simpson made a motion to adopt the February 19, 2009 Council Meeting minutes. Councilman Cunningham seconded the motion. The motion carried unanimously.

Privilege of the Floor

Letitia Jeavons, 216 N. Monroe Street, inquired if the Borough is monitoring water drainage issues in the vicinity of uneven sidewalks, as the water could freeze in colder temperatures making it difficult for pedestrians to travel throughout the Borough. Vice-President Hall mentioned that the Code Enforcement Department performs sidewalk checks throughout the Borough and has been making efforts to replace concrete blocks that have been heaved by Borough-owned trees.

Engineer's Report

Engineer Walton indicated that his original estimate to breach the Third Street Dam is \$1,925,000.

Mayor's Report – Mayor McMahon

Mayor McMahon reported that the Police Department received and investigated 826 complaints during the month of February. There was one (1) reported burglary on March 17, 2009 along the unit block of West Jefferson Street.

Mayor McMahon indicated that Officers Brown and Nolan completed Penn State University's "POSIT" course as per the Department of Community and Economic Development (DCED) report.

Mayor McMahon mentioned that the Pennsylvania Veterans Museum's film premier of *Women in the Military* was successful. Future showings are being planned at the Pentagon and U. S. Senate.

Mayor McMahon read a press release from the Police Department regarding the Dispatchers' transition to the Delaware County 911 Center, effective October 1, 2009. President Daly made a motion for the Borough to notify Union Local 473 mentioning that Borough Council is exercising its option to terminate police dispatching services as of September 30, 2009. Councilwoman Simpson seconded the motion. The motion carried 6-1, with Councilman Derrickson casting the dissenting vote. President Daly noted the following: 1) Media Borough is the last community in Delaware County to maintain independent dispatching services, 2) there is a \$1.00 surcharge on each resident's telephone bill, which goes to the County 911 Center, 3) Borough officials met with County 911 Center officials and it was determined that they need approximately one (1) month advance notice for the transition of Borough Dispatchers to their facility, and 4) dispatching services is a \$220,000 line item in the Borough's budget, however, is currently costing more due to the fact that two (2) dispatchers are currently out.

With that said, Councilman Derrickson made a motion to move the Borough Dispatchers to the Delaware County 911 Center, effective October 1, 2009 at 12:01 a.m. Councilman Williamson seconded the motion. The motion carried unanimously.

With regard to Police Department overtime, Councilman Cunningham mentioned that he encourages Mayor McMahon and the Police Chief to discuss the scheduling of officers in District Court with Judge Klein.

Council Committee Reports

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

Councilman Cunningham mentioned that the Borough is in the process of upgrading intersection streetlights to sodium vapor, which is a more energy efficient bulb. This is being completed along the north/south intersections initially and will be phased in throughout the Borough eventually.

As a follow-up to last month's discussion regarding the Rose Tree Media School District proposed tax increase of approximately 6.4%, Councilman Cunningham mentioned that the school district will increase taxes by 4.13%.

Councilman Cunningham mentioned that as a reminder the Borough does not enforce parking meters on Saturdays.

President Daly inquired about the Media Historical Society annual dinner. Councilman Cunningham mentioned that it may be held in April and asked Borough Manager Smith to follow-up with the Historical Society.

Councilman Williamson inquired about the light quality of the sodium vapor lights. Councilman Cunningham responded that the lighting is more effective. Residents should contact the Borough if they feel the lighting is too harsh.

Councilman Williamson inquired about requests to plant street trees. Councilman Cunningham mentioned that anyone requesting a street tree to be planted in front of their property should contact the Borough office and the Shade Tree Commission will review it accordingly.

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

Councilwoman Simpson mentioned the Media Business Authority is working on their upcoming 2009 calendar of events as follows:

- Americana Roots Ramble – April 18, 2009
- State Street Blue Stroll – June 13, 2009
- Jazz by Night Celebration – October 13, 2009

Information on events can be obtained at www.visitmediapa.com.

Councilwoman Simpson announced the anticipated return of Dining Under the Stars throughout the business district on Wednesday evenings during the spring and summer months.

Councilwoman Simpson mentioned the International Fair Trade banana eating Guinness record attempt was successful with hundreds of people participating in three (3) locations.

Councilwoman Simpson announced that the Fair Trade Committee is planning a fundraiser for the first weekend in May.

Councilman Cunningham mentioned that he noticed an overabundance of cigarette litter along the 100 block of West State Street and inquired as to whether the Media Business Authority would consider launching a campaign, which would compel businesses to clean up in front of their stores.

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

Vice-President Hall made a motion to approve the Community Action Agency's request to hang flags along State Street from the last week in April until Memorial Day.

Councilman Derrickson seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote.

Vice-President Hall thanked and congratulated the Media Arts Council for a very successful film festival event.

Vice-President Hall announced the following springtime activities related to the "Earth and the Environment:"

- Saturday, April 11, 2009
- 6:00-10:00 p.m. - Second Saturday Celebration along State Street. The theme for this evening's festivities is "The Environment."
- Tuesday, April 14, 2009
- 7:30 p.m. - Rain Barrel Talk in the Community Center. Learn about the use of rain barrels for easing the effects of stormwater run-off.

- Saturday, April 18, 2009
Clean up, Green Up Day in Media
 - 10:00 a.m. - Rain Barrel Unveiling near Tot Lot by the Community Center
 - 10:45 a.m.-11:45 a.m. - Installation of Rain Barrels at the Media-Providence Public Library
 - 12:00-2:00 p.m. - Cigarette litter clean-up
 - 1:30 p.m. - Houtman Park Tour
 - 3:00 p.m. - Tree, Shrub, and Flower Tour
 - 6:00-10:00 p.m. - Americana Roots Ramble (Clean Up, Green Up Day coincides with one of Media's favorite annual musical events)
- Saturday, May 2, 2009
 - 9:00-11:30 a.m. - 12th Annual CRC Streams Clean-Up

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	\$ 220,669.36
Recreation Fund	\$ 6,340.49
Liquid Fuels Fund	\$ 0
Capital Fund	<u>\$ 34,552.32</u>
Total	\$ 261,562.17

President Daly motioned that bills be paid when properly approved for all funds. Councilman Simpson seconded the motion. The motion carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly mentioned the Third Street Bridge design agreement, which is on the agenda this evening. President Daly inquired if there is a time limit on approving the design agreement. Borough Manager Smith responded that there is no specific deadline, however the Pennsylvania Department of Transportation notified the Borough that the funds for this project are available now and that they cannot guarantee they will remain for an unspecified amount of time. President Daly mentioned that he does not intend on making a motion on the agreement at this time due to the outstanding ownership issue with the County.

President Daly mentioned that the Finance Committee met this evening and discussed Liquid Fuels funding, which will go toward road resurfacing. President Daly inquired if this can be completed in stages or if it needs to be accomplished all at once. Engineer Walton mentioned his belief that it can be done either way. President Daly mentioned that he would like to see some of the paving take place in May. Engineer Walton mentioned that the Borough should obtain state approval with regard to the intersections. President Daly requested a paving priority report. Engineer Walton indicated that there is a 0-3 year priority listing available.

There was some discussion concerning a \$4,000 budget item with regarding to a solar panel installation at the highway garage. President Daly made a motion to move forward with the solar panel installation on the highway garage not to exceed \$5,000 and then withdrew the motion pending a refund from the Sustainable Development Fund (SDF).

Community Development – Mr. Williamson

Councilman Williamson made a motion to adopt Ordinance No. 1057 pertaining to a Front Yard Setback. Councilwoman Simpson seconded the motion. The motion carried unanimously. Councilman Williamson explained that the amendment to the Borough's Zoning Code will add provisions permitting an unenclosed porch to extend into a front yard setback up to one-third the depth of the required front yard. This ordinance will allow a resident to enhance their property with a porch without having to seek a zoning variance.

Councilman Williamson made a motion to approve the Final Land Development Application for a second story addition to 849 North Providence Road. Vice-President Hall seconded the motion. Councilman Cunningham mentioned his belief that the application is too intensive a use for that particular property. Councilman Williamson mentioned that this is a by-right application. The motion to approve the Final Land Development Application for 849 North Providence Road carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

Councilman Williamson made a motion to approve the wireless community facility request for Cricket Communications on the condition that they meet all requirements of the Borough Engineer. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to approve the Cricket Communications lease agreement in order to install a cellular tower at Borough Hall and for their equipment to be housed in a room on the third floor of the Municipal Center. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to authorize the Solicitor to draft and advertise an ordinance repealing Ordinance No. 1030, which accepted the Deed of Dedication for Astor Square. Councilman Derrickson seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote.

As a follow-up to Sovereign Bank's façade enhancements, Councilman Williamson mentioned that he believes the bank still owes the Borough sidewalk improvements such as the installation of brick, street trees and lights. Borough Manager Smith will follow-up with the Code Enforcement Department accordingly.

As a follow-up to last month's discussion regarding the conversion of structures in the R-1 District and the fact that the Zoning Code permits converting a structure up to three (3) units, Councilman Cunningham mentioned that he prepared two (2) amendments and asked Borough Manager Smith to share them with the Community Development Committee, Borough Solicitor, Council and Planning Commission members. Borough Manager Smith will follow-up accordingly.

Public Safety, Highway & Emergency Management – Mr. Derrickson

Councilman Derrickson made a motion to adopt Ordinance No. 1058 pertaining to Mass Gathering Ordinance amendments. Vice-President Hall seconded the motion. The motion carried unanimously. President Daly mentioned that Borough Council may want to consider additional amendments at a later date to incorporate Pennsylvania Liquor Control Board definitions, etc.

Councilman Derrickson made a motion to adopt Resolution #2009-08 pertaining to the Application for County Aid in the amount of \$25,000 to be used for milling and resurfacing of various Borough streets. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Derrickson announced that the Media Fellowship House Board of Directors chose Borough Council to receive the Dorothy James Community Service Award, which will be presented during their annual awards dinner on April 23, 2009 at 6:00 p.m. in the Community Center.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Media Arts Council's Bastille Day event to be held on Saturday, July 11, 2009. Councilwoman Simpson seconded the motion. Councilman Alyanakian inquired about the conditions of the approval including street closures and the result of a business survey regarding the event. It was determined that Drew Arata, Media Arts Council will move forward with the survey and present the results to Council in the near future. Councilman Derrickson withdrew his motion to approve the Mass Gathering Permit Application at this time.

Councilman Cunningham mentioned that modifications should be made to the "no right turn on red" coming out of Bowling Green, as it is his belief that the restriction is outdated and encourages members of Council to take a look at this for themselves. Councilman Derrickson mentioned that the Police Department will monitor this and report back. Vice-President Hall mentioned his belief that it is a good idea to be more restrictive with regard to vehicular traffic in favor of pedestrians. President Daly inquired if this intersection is part of the CMAQ project. The Borough Engineer responded that it is incorporated in the CMAQ project.

Recreation, Fire, Parking, Library & Homeowners Association (HOA) – Mr. Alyanakian

Councilman Alyanakian announced that the Friends of the Library will hold their first annual beef and beer fundraiser on April 25, 2009, 7:00 p.m., at the Delaware County Institute of Science. Tickets are \$25 and are available at the Media-Upper Providence Library.

Councilman Alyanakian announced that the Media-Upper Providence Library will hold their spring book sale event on April 18, 19 and 20 in the Community Center.

Councilman Alyanakian mentioned that a draft of the final parking study/report, as prepared by UrbanTrans, has been submitted to the Borough. Councilman Alyanakian would like to discuss the contents of the report with Council members during the next Workshop meeting.

Councilman Alyanakian mentioned that summer camp registrations are now being accepted. Please contact the Media Youth Center for more information.

Councilman Alyanakian mentioned that an Oakmont Homeowners Association meeting is being planned in order to discuss an open space issue.

Public Comment & Privilege of the Floor

President Daly mentioned that an Executive Session was held prior to this evening's Council meeting in order to discuss personnel, real estate and possible litigation matters.

Robert Green, 40 E. Jefferson Street, inquired about the status of a Borough-owned property at 1 W. State Street. President Daly mentioned that an appraisal has been completed, but the Borough is not moving forward with the sale of the property at this time.

Robert Green inquired about the status of the Hampton Inn & Suites application. President Daly indicated that this matter is involved in litigation within the Commonwealth Court.

Robert Green inquired about the availability of community service volunteers for the Clean-up, Green Up Day events. President Daly responded that the Borough does contact the County from time-to-time in order to utilize community service volunteers, however, the Clean-up, Green Up Day events are specifically for residents.

Robert Green inquired if the 2009 budget includes funding for new police vehicles. President Daly responded that two (2) police vehicles are budgeted for 2009, which are mostly being paid for by a legislative initiative grant through Senator Pileggi's office.

Borough Manager Smith read an e-mail received through the "questions" e-mail account pertaining to Police Department overtime suggesting that one (1) officer attend District Court in a given day in order to cover all of the cases. President Daly mentioned that Mayor McMahan will follow-up with the Police Department on the suggestion.

President Daly mentioned that municipalities may be violating prevailing wage rates if they use highway personnel for projects while receiving federal money from grants. Using highway personnel for projects has been a common practice in order to defray costs. Solicitor McClean will ask Solicitor Scott to look into this matter and report back to Council.

Adjournment

Councilwoman Simpson motioned to adjourn the meeting at 9:50 p.m. Councilman Cunningham seconded the motion. The motion carried unanimously.

Respectfully submitted,

Jeffrey A. Smith
Borough Manager/Secretary