

**MINUTES
BOROUGH COUNCIL MEETING
APRIL 16, 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, Solicitor Scott and Engineer Walton.

President Daly called the meeting to order at 8:00 p.m. and led the salute to the flag. President Daly observed a moment of silence for the passing of Richard Quigley and Harry Kalas. Councilman Cunningham suggested that Borough Council forward a letter of condolence to the Kalas family.

Approval of the Minutes

Vice-President Hall made a motion to adopt the March 19, 2009 Public Hearing minutes and March 19, 2009 Council Meeting minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Announce Reason for Executive Session

President Daly mentioned that Borough Council held an Executive Session at 7:30 p.m. this evening to discuss potential litigation and real estate matters.

Privilege of the Floor

Candice Caprice, business owner at 2 E. State Street and member of the Media Business Authority, mentioned her Mass Gathering Permit Application for a boutique sale to be held on July 19, 2009 with approximately 30 boutiques interested in participating. Ms. Caprice hopes to make this an annual event.

Michael Jordan, 620 N. Monroe Street, suggested that Council hold a town meeting with Rose Tree Media School District to discuss their proposed tax increase. It was mentioned that any resident can attend school board meetings and the Borough encourages them to do so. President Daly mentioned that he will request that Borough Manager Smith send a letter to the Rose Tree Media School District letting them know that our facility is available to hold meetings.

Monika Rehoric, 110 W. State Street, announced that the Media Historical Society banquet will be held on Wednesday, April 22, 2009, 6:00 p.m. at Broomall's Lake Country Club. Tickets are \$35 and are available at Kenny's Flower Shoppe.

Councilman Cunningham mentioned a letter from Susan Serbin pertaining to her concerns regarding Borough events. Ms. Serbin indicated that she will elaborate and follow-up with Council on the specifics at a later date.

Engineer's Report

Councilman Cunningham inquired about the timing of the light at the intersection of State Street and Providence Road. Engineer Walton responded that he is awaiting feedback from the Borough's electrical contractor.

Solicitor's Report

There was much discussion surrounding the status of the CMAQ Project. Solicitor Scott mentioned that he attended a meeting with Nether Providence Township regarding Grandview Drive. Solicitor Scott mentioned that a Right-of-Way easement was never issued for this intersection as it is on private property. Engineer Walton indicated that there are no Right-of-Way drawings for the Borough's traffic signals included in this project and that PennDOT drawings were used. Engineer Walton mentioned that they will attempt to place a clause on the drawings in order to satisfy PennDOT. Engineer Walton also mentioned that NDI Engineering is discussing this project with PennDOT and will report back to Council. Councilman Alyanakian expressed his displeasure with this project taking approximately 12 years. Councilman Cunningham mentioned his belief that the Borough's financial hole on this project is getting deeper. Councilman Alyanakian mentioned that the Borough has expended in excess of \$200,000 in 12 years for this project. Councilman Cunningham made a motion to take the necessary steps to inform PennDOT and the Federal Department of Transportation that the Borough is no longer interested in pursuing this project. Councilman Alyanakian seconded the motion. President Daly recalls this project beginning in 1999 and further explained the improvements to the traffic signals on Baltimore Pike and Providence Road. The improvements include a closed loop system that will allow the signals to interact with each other as opposed to each signal operating on its own. President Daly mentioned his belief that this project would be beneficial for the Borough. Councilman Cunningham mentioned his belief that the Borough should not waste any more money on this project. President Daly asked how much the project will cost. Engineer Walton mentioned that the cost of construction for this project is approximately \$1.4-\$1.5 million and it involves the Borough receiving new signalized intersections along the project area. Councilman Alyanakian believes that Borough should abandon the project considering the current financial situation of the Borough. Councilman Williamson mentioned that he does not believe the Borough should cut this project off now when we are almost there. The motion to take the necessary steps to inform PennDOT and the Federal Department of Transportation that the Borough is no longer interested in pursuing this project was defeated 5-2, with President Daly, Vice-President Hall, Councilwoman Simpson and Councilmen Williamson and Derrickson casting the majority votes. Councilmen Cunningham and Alyanakian voted in favor of abandoning the project.

Mayor's Report – Mayor McMahan

Mayor McMahan reported that the Police Department received and investigated 852 complaints during the month of March. There was one (1) reported burglary on March 17, 2009 along the unit block of West Jefferson Street.

Council Committee Reports

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

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 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.

Councilman Alyanakian mentioned that summer camp sign-up is underway at the Media Youth Center. Please visit www.mediayouthcenter.com for more information.

Councilman Alyanakian mentioned that there was a 46% response from residents with regard to the parking study. The Parking Committee will host a Public Hearing to discuss the many recommendations within the comprehensive parking study. Borough Manager Smith noted that the Parking Committee came up with a tentative date of Thursday, May 14, 2009 at 7:00 p.m. for the Public Hearing. Councilman Cunningham mentioned that while the study is comprehensive, he does not believe that residents should pay to park in their own residential area. Councilman Cunningham also listed three (3) areas of concern that he believes the study did not address: 1) congestion areas, 2) potential parking not being utilized along Baker and Jasper Streets and 3) congestion on Baker Street due to two-way traffic. Councilman Alyanakian mentioned his disagreement with Councilman Cunningham on the third item. Councilman Alyanakian mentioned that the County may make the jury parking garage available to their employees in order to alleviate parking congestion.

Public Safety, Highway & Emergency Management – Mr. Derrickson

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Per Lei Boutique's fashion sale along State Street from Olive to Monroe Street on July 19, 2009. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Intermunicipal Cooperation Agreement. This is a police grant with Media Borough's share of \$10,725. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to authorize the Solicitor to draft and advertise amendments to the Mass Gathering Ordinance as it pertains to block parties. Vice-President Hall seconded the motion. The motion carried unanimously. Solicitor Scott determined that fee amendments can be completed via resolution.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for The Sporting Gentleman to participate in Town Talk Newspapers' Super Sunday event on April 19, 2009. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Kaos Surf Shop to hold a Skate Jam on April 25, 2009. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for the Delaware County Chapter Parents of Murdered Children, Inc. to hold their annual Candlelight Vigil on April 29, 2009. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit/Block Party Application along Fourth Street for a graduation party on May 2, 2009 with the fee waived. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Nativity B.V.M.'s Race for Education event to be held on May 8, 2009. Councilwoman Simpson seconded the motion. The motion carried 6-1, with Vice-President Hall casting the dissenting vote.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Town Talk Newspapers' Art Exhibition and Craft Fair on June 7, 2009. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for the Media 5 Mile Race to be held on June 19, 2009. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Media Arts Council's Bastille Day event on July 11, 2009. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Community Development – Mr. Williamson

Councilman Williamson mentioned that the Planning Commission reviewed the R1 Multi-Family Conversion amendments and had some concerns. They are supportive, but asked that this matter go back to the Community Development Committee for review and discussion with the Solicitor.

Councilman Williamson mentioned that the Planning Commission reviewed the proposed Stormwater Management Ordinance amendments with a 300 square foot exception and had no concerns.

Councilman Williamson made a motion to adopt Ordinance No. 1059, repealing Ordinance No. 1030 (acceptance of a Deed of Dedication of open space) for a real estate parcel of open space to the rear of Astor Square. Vice-President Hall seconded the motion. The motion carried unanimously.

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	\$ 214,501.96
Recreation Fund	\$ 152.80
Liquid Fuels Fund	\$ 0
Capital Fund	<u>\$ 1,270.00</u>
Total	\$ 215,924.76

President Daly motioned that bills be paid when properly approved for all funds. Councilman Simpson seconded the motion. Councilman Cunningham inquired if CMAQ and Third Street Bridge project invoices were included with the bills. Treasurer Deitch responded that no invoices for the CMAQ and Third Street Bridge projects are included this month. The motion carried unanimously.

Treasurer Deitch provided an update on the Finance Committee meeting held earlier this evening as follows:

- Act 511 taxes are on the low side, but the Borough was informed of a large chunk of money that just came in.
- Energy bills have been high, but the Finance Committee is working on ideas to alleviate that issue.
- The committee is working on other structures for handling finances and to increase transparency.

President Daly indicated that the Finance Committee will meet with the auditors next month and then the Central Tax Bureau in June. It is anticipated that the committee will then begin working on the mid-year budget update.

President Daly made a motion to approve a request from the Media VFW to utilize the municipal parking lot at Orange Street and Baltimore Avenue. Councilman Williamson seconded the motion. The motion carried unanimously.

President Daly referenced a letter received from Congressman Sestak's office in relation to the submission of projects for federal stimulus funds. President Daly made a motion to authorize the Borough Manager to submit the project list as done previously prior to the April 27, 2009 deadline with the addition of the Third Street Bridge project. Councilwoman Simpson seconded the motion. The motion carried unanimously.

President Daly made a motion to accept the insurance renewal proposal from Brokerage Professionals, Inc., which is less than \$100 more than last year, and sign the renewal documents. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Alyanakian inquired if the Finance Committee discussed the potential revenue shortfall and what will be cut from the budget on the expenditure side. President Daly indicated that the Finance Committee discussed this issue, with no resolution at this time.

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

Vice-President Hall mentioned as a follow-up to previous discussions regarding an Anti-idling Ordinance, it was determined that the Borough will not be able to adopt such legislation.

Vice-President Hall made a motion to authorize a payment in the amount of \$3,968 for the installation of a solar array at the highway garage. The majority of funds are coming from a Department of Environmental Protection (DEP) grant. Councilman Williamson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to authorize a payment in the amount of \$5,500 to repair the solar array at the Media Theatre due to flooding last year. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Vice-President Hall announced the following events for earth and environment events:

- Saturday, April 18, 2009
 - Clean Up, Green Up Day in Media
 - 10:00 a.m. - Rain Barrel Unveiling near Tot Lot by the Community Hall
Featuring river and rain themed poetry read by students from Nativity B.V.M., songs by the Mustang Chorale of Media Elementary School, and a presentation by students of Media Providence Friends School.
 - 10:45a.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 by the Ridley Busted! Group, students from Penncrest and other area high schools. Anyone is welcome to join this effort. Meet at noon at Borough Hall parking lot at 4th and Jackson Streets.
 - 1:30 p.m. - Houtman Park Tour led by Art Brown of the Media Recreation Board and Borough Councilwoman Simpson. Meet at State and Olive Streets in front of the Franklin Mint Bank.
 - 3:00 p.m. - Tree, Shrub, and Flower Tour led by Marcia Tate, gardener, photographer, and Media Environmental Advisory Council member. Meet at the Third Street entrance to Media Borough Hall.
 - All day - Various store window displays on environmental themes.
 - 6:00 p.m. – 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 a.m. - 11:30 a.m. - 12th Annual CRC Streams Clean-Up
Media Clean-up sites: Glen Providence Park and Houtman Park.

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

Councilwoman Simpson announced that there will be a tour of Houtman Park on April 18, 2009 at 1:30 p.m. Copies of the Houtman Park Master Plan, depicting the proposed enhancements, will be on hand for review.

Councilwoman Simpson made a motion to approve Media Business Authority's Mass Gathering Application for their Dining Under the Stars event beginning on May 13, 2009 with the condition that Council reserves the right to review the permit on a monthly basis. This event is held Wednesday evenings from May 13, 2009 through September 30, 2009. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilwoman Simpson made a motion to authorize the Code Enforcement Director to submit a letter to the Pennsylvania Liquor Control Board (PLCB) on behalf of the Dining Under the Stars applicants. Solicitor Scott mentioned that he is comfortable with the motion and indicated that he has been in contact with the PLCB. Vice-President Hall seconded the motion. The motion carried 6-1, with Councilman Derrickson casting the dissenting vote.

Solicitor Scott suggested amendments to the Open Container Ordinance to add an exception for the Dining Under the Stars events. Councilwoman made a motion to authorize the Solicitor to draft and advertise amendments as outlined by Solicitor Scott. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilwoman Simpson made a motion to appoint Jonathon A. Schaffer to the Media Business Authority for a term of three (3) years, expiring December 31, 2011. Councilman Cunningham seconded the motion. The motion carried unanimously.

Councilwoman Simpson recommends that all Borough business owners review the business briefs newsletter as distributed by the Media Business Authority.

Councilwoman Simpson announced that the Americana Roots Ramble will be held on Saturday, April 18, 2009, 7:30 p.m.-1:00 a.m., throughout the business district.

Councilwoman Simpson mentioned that the Fair Trade Committee is hard a work planning various fundraiser events:

- A presentation to Media Rotary on April 30, 2009.
- A celebration of World Fair Trade Day on May 9, 2009.
- A Fair Trade Prom on May 16, 2009 from 7:00-10:00 p.m.

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

Councilman Cunningham encourages everyone interested to attend the Media Historical Society banquet.

Councilman Cunningham mentioned that he has highway matters that he will address with Councilman Derrickson.

Councilman Cunningham requested that the Borough send a letter to Aqua Pennsylvania mentioning that the Borough is considering approaching SEPTA about the feasibility of expanding their parking lot at the Media Train Station to alleviate parking congestion in nearby residential neighborhoods. One of the suggestions is to consider expanding parking on to the rear of the wastewater treatment plant property. Borough Manager Smith will follow-up on this request.

Public Comment & Privilege of the Floor

Monika Rehoric, 110 W. State Street, reminded everyone that Wednesday, April 22, 2009 is Administrative Professionals' Day.

With regard to mass gatherings, Monika Rehoric inquired about the Bastille Day event survey that was addressed to businesses. Councilman Derrickson mentioned that an informal survey was completed. Ms. Rehoric inquired if this would be an ongoing trend for mass gatherings. Councilman Derrickson responded that he could not answer the question and that it would be reviewed on a case-by-case basis. Ms. Rehoric mentioned that Trader Joe's may not be in favor of Per Lei's boutique sale mass gathering.

Councilman Derrickson congratulated Engineer Walton on his recent award from the Pennsylvania Society of Professional Engineers.

An e-mail was received in the "questions" account inquiring why Per Lei Boutique was not required to conduct a survey with regard to their Mass Gathering Permit Application.

An e-mail was received in the "questions" account inquiring how late solicitors can go door-to-door. Solicitor Scott determined that the Federal Court upheld door-to-door soliciting until 9:00 p.m.

A business owner at 112 W. State Street sent an e-mail to the "questions" account inquiring about A-frame signs. It was determined that Borough Manager Smith will follow-up with the Code Enforcement Department on this matter.

Adjournment

Councilman Cunningham motioned to adjourn the meeting at 10:40 p.m. Vice-President Hall seconded the motion. The motion carried unanimously.

Respectfully submitted,

Jeffrey A. Smith
Borough Manager/Secretary