

**MINUTES  
BOROUGH COUNCIL MEETING  
JUNE 15, 2006**

The 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, Derrickson, Williamson and Tyson. Also present were Borough Manager Smith, Engineer Walton and Solicitor Middlebrooks.

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 Jan Nieweg and Judge Edward S. Lawhorne. Mrs. Jan Nieweg was an active member of the community, serving as a crossing guard and a valuable member of the Shade Tree Commission. The Honorable Edward S. Lawhorne was a Common Pleas Judge in Delaware County for 10 years and served as the Borough Solicitor from 1982-1989.

**Approval of the Minutes**

Vice-President Hall made a motion to approve the May 18, 2006 Borough Council Meeting minutes. Councilman Williamson seconded the motion. The motion carried unanimously.

**Public Comment & Privilege of the Floor**

President Daly reminded viewers watching the meeting at home they can e-mail any questions/comments for Borough Council to [questions@mediaborough.com](mailto:questions@mediaborough.com) and they will be addressed during the meeting. With that said, President Daly read an e-mail from a resident requesting that he speak up and directly into the microphone during the meeting.

Jane Rowland, E. Second Street, mentioned there are two (2) shade trees within the 200 block of E. Second Street that may need attention. Councilman Alyanakian took note of the location and will report back to the Shade Tree Commission.

Zubair Khan, Executive Director of the Media Business Authority, mentioned the 6<sup>th</sup> Annual State Street Blues Stroll was a huge success and thanked Council, Borough Manager Smith, Administrative staff, the Police and Fire Departments and all business that participated in the event. President Daly also recognized Mr. Khan, Paul Patchel and the Media Business Authority for a great job on the event.

**Mayor's Report** – Mayor McMahon

Mayor McMahon reported the Police Department received and investigated 952 complaints during the month of May. There were no reported burglaries during the month of May.

Mayor McMahon mentioned that a film production company is at the Media Theatre filming for a show called The Block, which appears on Nickelodeon. The episode will air on September 10, 2006.

### **Proclamation #2006-06**

Mayor McMahon read Proclamation #2006-06 honoring Mary Ellen Goldfarb for her services of outstanding leadership and dedication to the Rose Tree Media School District and for her services locally, regionally, and nationally and extending best wishes for her long and happy retirement.

### **Council Committee Reports**

#### **Health, Historic Preservation & Library** – Mr. Tyson

Councilman Tyson mentioned the Media-Upper Providence Library will host “Jungle John”, featuring live animals, on Monday, June 26, 2006 at 1:00 p.m. in the Community Center.

For the adults, Councilman Tyson announced there will be a Sherlock Holmes presentation at the Media-Upper Providence Library on Wednesday, June 21, 2006.

Councilman Tyson announced the deadline to register your child for the Science in the Summer Program is Friday, June 16, 2006. This program is open to children in second through sixth grade.

The events/programs listed above are part of the Media-Upper Providence Library summer reading program taking place from June 23 through August 18, 2006. For more information, please visit their website at [www.medialibrary.org](http://www.medialibrary.org).

The Minshall House, located at Front and Providence Road, is now open on Sundays from 1:00-4:00 p.m. for tours.

Councilman Tyson mentioned Historic Preservation will host a historic house tour within the Borough during December. Details to follow.

#### **Recreation, Technology, Media Business Authority & Lighting** –

Mrs. Simpson

Councilwoman Simpson announced the following events for the Recreation Board:

- The Media 5 Mile Race will be held on Friday, June 16, 2006 at 7:00 p.m. The children’s races will be held at 6:15 p.m. and 6:30 p.m. The start and finish of the race will be held on State Street this year. There are approximately 900 runners registered thus far. Volunteers are still needed to marshal during race. There are approximately 34 businesses sponsoring the race, 30 of which are located within the Borough.

- The Phillies Home Run Derby will be held on Saturday, June 24, 2006 (rain date) at 9:00 a.m. on Barrall Field. This event is free to kids 14 and under.
- An Outdoor Movie Night will be held on Sunday, June 25, 2006, featuring Madagascar. This event is free.
- The Media Community Festival will be held on Friday, June 16, 2006 from 10:00 a.m.-4:30 p.m. prior to the Media 5 Mile Race.

Councilwoman Simpson read Resolution #2006-08, establishing a policy within the Borough of Media to serve Fair Trade products at its meetings and in its offices. Also through this resolution, the Borough of Media will consider appointing a local committee to ensure ongoing education and commitment to Fair Trade and encourage its businesses and institutions to use and sell Fair Trade Certified products whenever possible for the well being of producers, consumers and the planet. “Fair Trade” is an innovative, market economy system that promotes fair labor practices and healthy, safe work environments through the production of food and other goods. Councilman Tyson inquired about the ramifications of this resolution for businesses that do not sell Fair Trade products. Councilwoman Simpson replied that there will be no negative impact on businesses choosing not to participate and sell Fair Trade products. There will be no lists made detailing businesses that participate versus non-participants. Currently, businesses participating are selling Fair Trade coffee and cocoa. Councilwoman Simpson made a motion to adopt Resolution #2006-08, establishing the Borough of Media as a Fair Trade Town—the first Fair Trade Town in the United States. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilwoman Simpson noted that the Lighting Committee’s review of the entire town’s lighting situation is ongoing. Please contact Borough Manager Smith if there are areas you notice where lights are out, not enough lighting, etc.

President Daly inquired about the time and location for last minute registrants of the Media 5 Mile Race. Councilwoman Simpson responded that registration will be from 5:00-7:00 p.m. in front of the Court House. Anyone interested in volunteering to be a marshal should report to the front of the Court House by 6:15 p.m. President Daly thanked Councilwoman Simpson, Arthur Brown and the rest of the Recreation Board members for their coordination of Media 5 Mile Race. President Daly also thanked the Highway, Police and the Fire Departments for their efforts with this event. Councilwoman Simpson thanked everyone as well, in particular, she mentioned the Recreation Office Manager Paula Tenaro.

Councilwoman Simpson made a motion to release the full amount of Mercantile Tax proceeds (approximately \$92,000 budget) to the Media Business Authority. Councilman Tyson seconded the motion. The motion carried unanimously.

**Public Safety, Media Arts Council & Streetscape** – Mr. Hall

Vice-President Hall made a motion to adopt Resolution #2006-09 pertaining to the Transportation Enhancement Program – Streetscape Project. Through this resolution the Borough of Media is requesting the Pennsylvania Department of Transportation reduce the amount of inspection funds allocated to the Streetscape Project from \$171,909.71 to

\$78,000 and apply the difference to construction. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to authorize the advertisement of bids for the purchase and installation of decorative streetlights. Councilman Derrickson seconded the motion. The motion carried unanimously. Vice-President Hall explained that the Borough is putting out to bid approximately 18 decorative streetlights for areas that are deemed to be dark. The County of Delaware has agreed to purchase six (6) lights, which will be installed in the vicinity of the Court House. Councilwoman Simpson inquired as to whether the six (6) streetlights around the Court House will be replacement lights. Vice-President Hall replied that they were not replacement lights. Councilwoman Simpson also inquired if any of the streetlights will be installed along the west end of State Street. Vice-President Hall responded that there are two (2) streetlights proposed as options (if funding is available) for the 300 block of West State Street.

Vice-President Hall made a motion to authorize the Solicitor to draft and advertise amendments to the False Alarm Ordinance. Councilman Williamson seconded the motion. The motion carried unanimously. Councilman Tyson clarified that 99 percent of false alarms are due to malfunctions and that they are not maliciously set.

Vice-President Hall congratulated the Media Business Authority for a job well done on the State Street Blues Stroll event held on Saturday, June 10, 2006. This event also coincided with the Media Arts Council Second Saturday event, which worked out well.

Vice-President Hall congratulated all high school and college graduates, in particular he mentioned Councilwoman Simpson's daughter who graduated from Penncrest High School and was the keynote speaker at the ceremony.

**Personnel, Public Properties, Finance & Insurance** – Mr. Daly

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

General Fund	\$ 553,241.77
Recreation Fund	\$ 2,256.30
Liquid Fuels Fund	\$ 14,546.53
Total	\$ 570,044.60

President Daly motioned that bills be paid when properly approved for all funds. Councilman Tyson seconded the motion. The motion carried unanimously.

President Daly made a motion to adopt Resolution #2006-10 opposing both state and national franchising legislation currently being considered by the Pennsylvania State Legislature and the United States Congress. Councilwoman Simpson seconded the motion. The motion carried unanimously.

The passing of Dr. Robert Gioggia created a vacancy with the Borough of Media's Treasurer position. There was much discussion as to whether or not to fill the position or combine the Treasurer's duties with the duties of the Borough Manager, in which an ordinance must be adopted. President Daly mentioned that Borough Manager Smith is willing to accept the duties, however, he is not campaigning for the position. President Daly mentioned that the Finance Committee voted 2-1 to keep the Treasurer position as is. Councilman Tyson noted that he is not in favor of keeping the position as is since he believes the Borough Manager and staff members are performing the duties. Councilman Alyanakian echoes Councilman Tyson's thoughts by stating this is a bookkeeping position that can be handled by the administrative staff and would like to internalize the position. Vice-President Hall noted that the \$3,000 annual salary for the position is a modest cost to have an additional set of eyes assuring the budget stays in tact. Councilman Tyson made a motion to authorize the Solicitor to draft and advertise an ordinance for the Borough Manager to hold the dual position. Councilman Alyanakian seconded the motion. The motion was defeated 5-2, with President Daly, Vice-President Hall, Councilwoman Simpson, Councilmen Derrickson and Williamson casting opposing votes.

President Daly made a motion to adopt Resolution #2006-11, establishing an annual salary of \$3,000.00 to be paid to the position of the Borough Treasurer. Councilwoman Simpson seconded the motion. The motion carried 4-3, with Councilmen Williamson, Alyanakian and Tyson casting dissenting votes.

President Daly made a motion to appoint Robert Dimond to the position of Treasurer within the Borough of Media. Councilman Derrickson seconded the motion. The motion carried unanimously. Treasurer Dimond took his position at the side table.

President Daly mentioned that the Borough put out a Request for Proposals (RFP) for banking services and received eight (8) proposals. President Daly made a motion to accept the proposal of First Keystone Bank as they offered the most attractive rates, etc. Councilman Alyanakian seconded the motion. The motion carried unanimously. President Daly thanked Commerce Bank for their many years of service and the fact that they have been a great corporate citizen.

Due to an administrative error, a tax bill was not forwarded to Brodeur's on State Street, a property leased by the Borough of Media to Mr. Dan Brodeur. This error caused the second tax installment to be missed, therefore, penalty fees were assessed. In order to correct this mistake, President Daly made a motion to apply a rent credit in the amount of \$1,239.76 to Brodeur's on State Street. Councilman Alyanakian seconded the motion. The motion passed 6-1, with Vice-President Hall casting the dissenting vote.

### **Code Enforcement and Community Development** – Mr. Williamson

Councilman Williamson recommended that Borough Council not oppose the Zoning Hearing Board Application for 113 W. 4<sup>th</sup> Street to build a deck. The applicant is seeking a lot coverage and side yard variance. The Planning Commission recommended Council not oppose the application.

Councilman Williamson made a motion to approve the Preliminary Subdivision and Land Development Application for 404-406 Taylor Street contingent upon the addition of landscaping, parking in the rear and installation of a sidewalk as well as any items in the NDI review memo. The Planning Commission recommended preliminary approval. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to enter into a license agreement with Iron Hill Brewery for five (5) parking spaces to be used for outdoor dining in the amount of \$5,000 per year contingent upon final review by Solicitor Middlebrooks and execution by the President of Council and Borough Secretary. Councilman Alyanakian seconded the motion. The motion carried 5-2, with Vice-President Hall and Councilman Derrickson casting dissenting votes. Mayor McMahon indicated while recruiting Iron Hill Brewery to come to the Borough a few years back, discussions were held about allowing outdoor dining. It is the Mayor's belief that during these discussions the Borough indicated they would support outdoor dining in the future. President Daly mentioned the Comprehensive Plan recommends adding outdoor dining to the town as it will create ambiance. President Daly noted the Parking Committee supports the request as well. Councilwoman Simpson mentioned that all members of the Media Business Authority have approved the idea of entering into the license agreement with Iron Hill Brewery for outdoor dining. Vice-President Hall is opposed to this agreement as he believes it will set a precedent for the private gain of businesses.

Councilman Williamson made a motion to authorize the drafting and advertisement of Noise Ordinance amendments. Borough Manager Smith explained that Council may want to amend the ordinance in order to ban construction noise after 6:00 or 7:00 p.m. Councilman Tyson mentioned further discussion needs to be held regarding the distinction between construction noises. Councilman Williamson withdrew his motion.

Councilman Williamson made a motion to approve the Telcove application to run fiber optic cable underground from Baker Street to Veterans Square. Councilman Derrickson seconded the motion. The motion carried unanimously. The applicant agrees to mill and resurface the streets affected by this endeavor.

Councilman Williamson mentioned a Low Interest Loan Program is being offered to residential properties for the purpose of façade enhancements. Borough Manager Smith noted this is a program that was unveiled by previous Council members to commercial properties, but has not been extended to residential properties. It was initially offered to properties along West Jefferson Street and apartment complexes that are in need of façade enhancements.

Councilman Williamson noted that a Zoning Hearing Board Application will go before Upper Providence Township as it pertains to placing billboards in the location of 721 Painter Street and 700 West Baltimore Avenue. The Borough has direct interest in this application as the proposed locations are close to the gateway into the Borough. The Borough will have representation at the Upper Providence Township Zoning Hearing Board meeting in order to monitor this issue.

**Highway, Recycling & Emergency Management** – Mr. Derrickson

Councilman Derrickson made a motion to authorize the advertisement of maintenance bids for street maintenance, etc. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson reported that an effort is ongoing to replace light bulbs in streetlights to more energy efficient bulbs.

Councilman Derrickson noted that the Emergency Management Committee held a meeting with Dr. Kerr, Superintendent of the Rose Tree Media School District, to discuss emergency management procedures.

**Shade Tree Commission & Environmental Advisory Council** – Mr. Alyanakian

Councilman Alyanakian made a motion to adopt Ordinance No. 1012 creating the Environmental Advisory Council. Councilman Williamson seconded the motion. The motion carried unanimously.

The Environmental Advisory Council received grant funding to produce an educational brochure pertaining to stormwater trees and our drinking water. This informative brochure was distributed with the summer 2006 newsletter.

Councilman Alyanakian made a motion to authorize Council to send letters to Middletown Township Land Conservancy and Middletown Township administrative office in regard to supporting the preservation of the Elwyn Tract, which is the 79-acre land known as Mineral Hill and is the land adjacent to our drinking water intake. Councilman Tyson seconded the motion. The motion carried unanimously.

Councilman Alyanakian noted that with the passing of Jan Nieweg, a vacancy on the Shade Tree Commission has been created. Interested individuals should send a letter of interest and resume to Borough Manager Smith.

**Public Comment & Privilege of the Floor**

President Daly reported that an ongoing litigation matter pertaining to a property located on the southwest corner of Fourth and Orange Streets has been successfully concluded.

Jane Rowland, E. Second Street, inquired as to who enforces the Noise Ordinance within the Borough. It was determined that this falls within the realm of the Police Department duties.

Jane Rowland requested further clarification on the street maintenance bid. Councilman Derrickson responded that we are bidding out for companies to do milling and resurfacing of various Borough streets, etc.

Elizabeth Killough, Associate Director of the Idyll Development Foundation, thanked Borough Council for passing the Fair Trade Town resolution and congratulated them on their forward thinking. Ms. Killough indicated that being the first Fair Trade Town in the United States will provide positive local, national and international coverage for the Borough of Media.

Monika Rehoric indicated that the town looks great, especially with the completion of the Streetscape project, new plantings, etc.; however, she was hoping the Borough could look into enhancing the area on West Baltimore Avenue as it leads into the Borough. She particularly mentioned there are some rusted light poles. Borough Manager Smith responded that work will begin in this area in the near future.

President Daly mentioned some interest has been expressed in updating the Industrial District with new business signage and perhaps a new name (i.e. Media Business Center).

Councilman Alyanakian thanked Ralph DeRosa, Public Works Director, and the entire department for their landscaping work throughout the Borough and particularly the Five Points area.

Councilman Derrickson also commended the Public Works Department for their landscaping work.

Councilman Derrickson thanked Councilwoman Simpson and the Recreation Board for the coordination of the Media 5 Mile Race.

Councilman Derrickson welcomed Robert Dimond as the Borough Treasurer.

Treasurer Dimond thanked everyone and mentioned he is honored to follow in Dr. Gioggia's footsteps as the Borough Treasurer.

### **Adjournment**

Councilwoman Simpson motioned to adjourn the meeting at 10:10 p.m. Councilman Williamson seconded the motion. The motion carried unanimously.

Respectfully submitted,

Jeffrey A. Smith  
Borough Manager/Secretary