

**MINUTES
BOROUGH COUNCIL MEETING
JUNE 18, 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. Councilman Derrickson left the meeting early.

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

Approval of the Minutes

Vice-President Hall made a motion to adopt the May 21, 2009 Council Meeting minutes. Councilman Alyanakian seconded the motion. Councilman Cunningham mentioned that his opposition to the submittal of a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST) should reference his belief that the federal funds involved are not operational, but borrowed money through the stimulus funding. Councilman Cunningham mentioned that the purpose of the stimulus program is to create substantial and meaningful jobs and this is not going to do that. Councilman Cunningham mentioned his belief that this will create temporary jobs. Vice-President Hall and Councilman Alyanakian accepted the revision to the minutes. The motion carried unanimously with the revision as noted above.

Proclamation #2009-06 – Hometown Senior Center

Mayor McMahon read Proclamation #2009-06 congratulating the Hometown Senior Center on the occasion of their 25th anniversary. Kathy Henderson, Center Director, thanked Council for the honor and mentioned they are proud to be a community-based aging service in the Borough.

Privilege of the Floor

President Daly reminded viewers watching the meeting at home they can e-mail any questions/comments to Borough Council at questions@mediaborough.com and they will be addressed during the Public Comment & Privilege of the Floor segments of the meeting.

Jo Anne Schultze, Executive Director of the Pennsylvania Veterans Museum, mentioned that she met with the Planning Commission regarding the museum's request to utilize the door along State Street and place a canopy over the door. Councilman Williamson mentioned that this is coming before Council due to the fact that the Borough is the landlord of the building. Councilman Williamson made a motion to approve the utilization of the door along State Street and place a canopy over the door with the following conditions:

1. the roof shall be arched and the arch shall closely mimic the arch of the existing first floor windows,
2. the supporting posts shall be, at a minimum, 2" material and be black in color,
3. minimally invasive bolts shall be used to attach the canopy to the building per the recommendation of Rachelle Green of the Delaware County Planning Department,
4. the canopy shall be kept low, meeting the minimal vertical clearance of the building code on the downslope and not blocking any windows at the apex,
5. the color of the canopy shall be a dark blue and shall not support any text,
6. no sign shall be attached to the canopy,
7. 8" valance shall be used, and
8. the canopy shall end where the buttress meets the building facade.

Councilman Derrickson seconded the motion with the conditions as listed above. Councilman Cunningham mentioned that the Borough requested the input of Rachelle Green, Planner with the Delaware County Planning Department, on this matter. Ms. Green reviewed the request and the Planning Commission recommendations and suggested that the canopy be black or a very dark blue. Councilman Cunningham mentioned that if there is going to be a freestanding sign, he is recommending that there be no other temporary sign. Councilman Cunningham would prefer that the sign be moved closer to the steps and also believes that no more than a five (5) foot sign would be appropriate. The motion to approve the utilization of the door along State Street and place a canopy over the door carried unanimously. There will be no vote on the sign this evening. Mayor McMahon inquired if there could be a temporary sign in place until July 26, 2009, due to the 56th anniversary of the end of the Korean War, if the permanent sign is not completed in time. President Daly mentioned that if any organization puts up a sign not consistent with the sign ordinance, they will receive a notice to remove it within 30 days. Councilman Cunningham inquired if his recommendations on the sign will be taken to the Planning Commission. Councilman Williamson mentioned that he will bring his recommendations to the Planning Commission. President Daly is also recommending a perpendicular sign.

James Buckler, attorney representing Tim Phillips of Concord Auto Body, mentioned that his client expressed interest in being added to the towing rotation for the last couple of years; however, Council did not vote in favor of this matter. Mr. Phillips is once again expressing his interest in being added to the towing rotation. Most recently, Mr. Phillips received a letter with a proposed contract and it has been signed and sent back to the Borough along with the necessary paperwork. Dean Keyes of Keyes Towing, Inc. mentioned his desire for the towing rotation to remain the same with the four (4) existing towers. Mr. Keyes mentioned that he would be in favor of bringing someone else on if one of the existing towers no longer wanted to be a part of the rotation. Pete Jensen of Media Auto Service, Inc. recalled having to defend his position in the rotation a year ago as the rotation was going to be decreased to three (3) towers. Mr. Jensen expressed his displeasure that the amount of towers will be increased to five (5) with a 20% hit on the other towers. Mr. Jensen indicated that he does not have anything personal against Mr. Phillips or his company; however, he mentioned that there may be some confusion with

five (5) contractors. Mr. Jensen also expressed his concern about the possibility of anyone with a tow truck being able to apply with Borough Council. Mr. Jensen mentioned that there have been four (4) contractors for years and that he could understand an addition to the rotation if someone wanted to quit or if they did not meet the requirements. Councilman Derrickson explained that the Police Department does not wish to add a contractor at this time. Councilman Derrickson concurs. Councilman Alyanakian inquired about previous problems with the current towing contractors. Councilman Derrickson responded that the problems concerning response time, etc. have been resolved. Councilman Alyanakian inquired who contacts the towing contractors when necessary. Councilman Derrickson responded that the Police Department (dispatchers) makes these calls as necessary. Councilman Derrickson mentioned his belief that this duty will be transferred to the Delaware County 911 Center. Councilman Derrickson made a motion to keep the four (4) towing contractors as follows: Lampert's Auto Body, Steve Luongo's Towing, Inc., Keyes Towing, Inc. and Media Auto Service, Inc. The motion failed for a lack of a second. President Daly mentioned he intends to abstain from voting on the motion. Councilman Alyanakian made a motion to recommend the four (4) current towing contractors: Lampert's Auto Body, Steve Luongo's Towing, Inc., Keyes Towing, Inc. and Media Auto Service, Inc. and also add Concord Auto Body, Inc. of Media to the rotation as well. Councilman Williamson seconded the motion. Councilwoman Simpson inquired if the Borough's towing needs are the sole source of income for the towing contractors. It was determined that the Borough's towing is not their sole source of income. Councilman Cunningham inquired if the Police Department stated why they did not want Concord Auto Body, Inc. added to the rotation. Councilman Derrickson responded that the Police Department is currently satisfied with the rotation "as is." The motion to recommend the four (4) current towing contractors: Lampert's Auto Body, Steve Luongo's Towing, Inc., Keyes Towing, Inc. and Media Auto Service, Inc. and also add Concord Auto Body, Inc. of Media to the rotation passed 5-1, with Councilman Derrickson casting the dissenting vote. President Daly abstained.

Council Committee Reports

Public Safety, Highway & Emergency Management – Mr. Derrickson

Councilman Derrickson made a motion to approve Resolution #2009-05, assessing a \$150 administrative fee for the review of Mass Gathering Permit Applications by appropriate staff. Councilman Williamson seconded the motion. Councilman Cunningham inquired if this will apply to the Media Business Authority. President Daly mentioned his belief that fees for the Media Business Authority will be delayed until 2010 when the Authority and the Borough adopts the budget. The motion to adopt Resolution #2009-05 carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

Councilman Derrickson mentioned that the Borough is keeping current on local emergency operations plan (state and federal) with suggested updates every few years. An emergency operations tabletop exercise session is being planned for August.

Councilman Derrickson announced that the Media Fire Company has begun their 2009 fire fund drive. The Fire Company appreciates the support of residents.

Engineer's Report

Councilman Cunningham inquired about the approximately \$60,000 in additional costs associated with the CMAQ project. Engineer Walton responded that PennDot will need to perform a study of Providence Road and Mulberry Lane. President Daly mentioned that the state will be requested to pick up the additional costs. Engineer Walton mentioned that the Borough will have to wait and see as this is a modification of the existing project.

Solicitor's Report

Solicitor Scott mentioned that the Attorney General's office announced that registration is now open for home improvement contractors. Under the new law, contractors must register by July 1, 2009. President Daly inquired how much of an impact this new legislation will have on the Borough. Borough Manager Smith mentioned that the Code Enforcement Director indicated that it will be a minimal amount. Councilman Alyanakian made a motion to authorize the Solicitor to draft and advertise amendments to the Borough Code concerning licensing of contractors. Vice-President Hall seconded the motion. The motion carried unanimously. Vice-President Hall inquired if the general public will be able to view a list of contractors. Solicitor Scott indicated that a list can be viewed online with the Attorney General's office.

Mayor's Report – Mayor McMahan

Mayor McMahan reported that the Police Department received and investigated 827 complaints during the month of May with two (2) reported burglaries and one (1) attempted burglary.

Mayor McMahan congratulated Bob Dimond on the coordination of a very successful Memorial Day parade.

Mayor McMahan indicated that the Pennsylvania Veterans Museum will have a Korean War opening beginning July 26, 2009.

Councilman Cunningham gave credit to the Police Department for the successful clearing of various robberies.

Councilman Cunningham inquired about traffic checks along Haldeman Street during the last 30 days. Mayor McMahan will check with the Police Chief and follow-up accordingly.

Council Committee Reports (continued)

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

Councilman Alyanakian made a motion to adopt Ordinance No. 1063 pertaining to the Residential Parking Ordinance amendments. Councilman Williamson seconded the motion. Councilman Cunningham mentioned his displeasure with “piece meal” adjustments and would prefer an overall adjustment. President Daly mentioned that this is a housekeeping matter. Councilman Alyanakian noted that this brings the ordinance up-to-date with the residential parking spaces that are currently around the Borough. The motion to adopt Ordinance No. 1063 pertaining to amendments of the Residential Parking Ordinance carried unanimously.

Councilman Alyanakian mentioned that the first day of summer camp, as hosted by the Media Youth Center, is June 22, 2009.

With regard to the Barrall Field park enhancements, Councilman Alyanakian anticipates that a decision will be made in July.

Councilman Alyanakian announced that the Media-Upper Providence Library will host a summer reading program.

Vice-President Hall mentioned that it is anticipated the budgets for libraries within Pennsylvania will be significantly affected by state budget cuts. Vice-President Hall encouraged everyone to write to Senator Pileggi, Representative Killion and Governor Rendell on this matter. Councilman Alyanakian mentioned his belief that the library budgets seem to be “under the gun” every year. Councilman Alyanakian suggested that interested individuals should e-mail Senator Pileggi. Councilman Alyanakian made a motion for the Borough to prepare a letter to Senator Pileggi, Representative Killion and Governor Rendell in support of the Media-Upper Providence Library and to keep the budget in tact. Vice-President Hall seconded the motion. The motion carried unanimously.

President Daly inquired about the amount of summer campers that have signed up this year. Councilman Alyanakian mentioned that there are approximately 35 campers signed up thus far. This number is reduced from last year.

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

Councilman Cunningham mentioned a request for reimbursement of a sidewalk replacement for 200 E. 5th Street. Councilman Cunningham noted that the sidewalk has been replaced previously due to trees located in the Right-of-Way. The Shade Tree Commission reviewed the trees, determined that they are healthy and should not be removed. Councilman Cunningham mentioned that the Borough covered sidewalk replacement for a commercial property in a similar situation previously. Councilman Cunningham made a motion for approve the request for reimbursement of a sidewalk replacement for approximately \$1,600. Councilman Williamson seconded the motion indicating that this is not a usual situation, but this appears to be a persistent problem.

Councilman Derrickson inquired what would be the Borough's course of action if this should happen again. It was determined that the Borough may want to take a different approach such as removing the tree and planting a smaller one. The motion to approve the request for reimbursement of a sidewalk replacement in the amount of \$1,600 carried unanimously.

Councilman Cunningham mentioned that the visibility at the municipal parking lots is good quality with high-pressure sodium lighting. President Daly inquired about the lighting at the Front and Olive Street lot. Councilman Cunningham responded that he found it to be good, however, there was some shrubbery that needs trimming. The Public Works Department will trim the shrubbery for better illumination. President Daly noted that he found that lot not well lit going from State Street to Olive Street. Councilman Cunningham mentioned that he can take a look at it. President Daly mentioned that it does not appear to be an inviting parking lot. Councilman Alyanakian agreed and suggested that the Shade Tree Commission take a look. Councilman Cunningham will follow-up accordingly.

Councilman Cunningham congratulated Michael Jordan for his follow-up on the Rose Tree Media School District proposed tax increase matter.

Councilman Cunningham mentioned that he has prepared amendments to the Borough's Code of Ethics for Council's consideration. The proposed amendments to Chapter 12 are as follows: Chapter 12-9—It shall be incompatible for any appointed Borough officer or appointed member of any Borough government board or commission to support, oppose or render assistance to any group, interest, or commercial enterprise with a proposal, plan or project pending before the Borough Council, by signing or distributing petitions or soliciting in any manner public or private support or contributions advocating or opposing such plan, project, enterprise or activity. Nor shall any appointed officer or appointed member of any Borough board or commission be an officer or hold any leadership post or position in any such group when it has a project pending before the Borough Council or the particular Borough government board or commission of which he or she is a member; Chapter 12-10—It shall be incompatible for any appointed Borough officer or appointed member of any Borough government board or commission to function as a political party election poll worker unless that appointed officer or appointed member is a candidate for elected office; Chapter 12-11—It shall be incompatible for any elected Borough official, appointed officer or appointed member of any Borough government board or commission to serve as an officer or director or any group, interest, or commercial or non-profit enterprise which received direct public funding from the government of the Borough of Media, or to appear before any Borough agency, board or commission to support any proposal, plan or project advocated by such group, interest or enterprise in which he or she is an officer or director; and Chapter 12-12—It shall be incompatible for any appointed Borough officer to make any financial contribution or offer any service in lieu of a financial contribution to any candidate for elected Borough office or the political party organization or campaign committee supporting the candidate for election to Borough office. President Daly mentioned that the Solicitor will reviewed the proposed amendments. Along those lines, Councilman Alyanakian recommended that anyone employed by the Borough, any Borough consultant or anyone receiving any funds from the Borough be prohibiting from handing out literature or participating in Election Day activities. Councilman Cunningham suggested that Councilman Alyanakian draft a proposed amendment, which will be included with his Code of Ethics proposed amendments, for Solicitor Scott's review.

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

Councilwoman Simpson congratulated the Media Business Authority on another successful State Street Blues Stroll event, which was held on Saturday, June 13, 2009.

Councilwoman Simpson congratulated the sponsors for their support of the Bike 4 Sight event, which was held on Sunday, June 14, 2009.

Councilwoman Simpson announced that the cap on the amount of runners for the Media 5 Mile Race has been reached. There was an overwhelming online registration this year. Councilwoman Simpson mentioned that volunteers for the event are still needed.

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

Vice-President Hall thanked the law firms of Marcus & Hoffman and Gallagher, Schoenfeld, Surkin, Chupein & DeMis for their sponsorship of the architectural tour of Media Borough. There is a possibility that another tour will be scheduled in the fall.

Vice-President Hall announced that a Fourth of July celebration will be held on Saturday, July 4, 2009 at Barrall Field.

Vice-President Hall announced that the next Media Arts Council Second Saturday event will be held on July 11, 2009.

Vice-President Hall announced that the Media Arts Council is sponsoring the third annual Media Icons Photography Contest. Please check their website for further information.

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	\$ 226,059.81
Recreation Fund	\$ 2,869.79
Liquid Fuels Fund	\$ 0
Capital Fund	<u>\$ 53,539.78</u>
Total	\$ 282,469.38

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 there is one (1) in the amount of \$4,500 for the Third Street Bridge fencing and another in the amount of \$1,660 for legal fees with regard to the Third Street Bridge. The motion to pay the bills carried 4-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly mentioned that the Finance Committee met earlier this evening. Treasurer Deitch mentioned that the committee discussed Act 511, Earned Income Tax and Mercantile Tax receipts to date. The Borough recently received a large tax revenue check, which brings the Borough current. Treasurer Deitch mentioned that the Committee met with Mike Hill of the Central Tax Bureau who is optimistic that the Borough will meet projections. Treasurer Deitch noted that Act 32 was discussed, which will concentrate tax collection by county. The committee went over budget line items in preparation for the mid-year budget update. President Daly mentioned that the Finance Committee continues to monitor the 2009 budget. President Daly stated his belief that Act 32 is unnecessary legislation.

President Daly made a motion to authorize the Solicitor to draft and advertise amendments to the Police Pension Ordinance. Councilman Williamson seconded the motion. The motion carried unanimously.

With regard to the Third Street Bridge/Dam design agreement, President Daly mentioned that Borough officials are planning to meet with County officials pertaining to a side agreement. The Borough will meet with County officials as long as a member of County Council is present.

President Daly mentioned that an Executive Session will be held this evening regarding potential litigation and real estate matters.

Community Development – Mr. Williamson

Councilman Williamson reported that he was approached by a resident regarding an odor from a sewer vent in the vicinity of 4th and Lemon Streets. Borough Manager Smith noted that the Public Works Department has been in contact with Aqua and this matter should be rectified shortly. Councilwoman Simpson mentioned that since this seems to be a recurring problem perhaps the Borough can follow-up and request regular maintenance on this vent. Borough Manager Smith will follow-up accordingly.

Councilman Williamson made a motion to adopt Ordinance No. 1062 pertaining to Stormwater Management regulations. Vice-President Hall seconded the motion. Councilman Cunningham mentioned that the Delaware County Planning Commission established a higher threshold of 499 square feet and inquired why the Borough would be more restrictive. Councilman Williamson noted that the Borough is a dense area. Vice-President Hall expressed his feeling that the Borough should be more restrictive. Councilman Cunningham mentioned his belief that commercial developers are not held to the same standard. In particular, Councilman Cunningham mentioned the 300 E. Baltimore Avenue development and the Vernon Street development. There was discussion regarding water runoff/mud at the Vernon Street development. Engineer Walton indicated that he has not seen this and will follow-up on this matter. Engineer Walton also indicated that the Code Enforcement Director visits the site on a weekly basis. President Daly mentioned that the Borough does not exempt commercial developers on this matter. The motion to adopt Ordinance No. 1062 pertaining to Stormwater Management carried 5-1, with Councilman Cunningham casting the dissenting vote.

Councilman Williamson mentioned a Zoning Hearing Board application for 318 N. Edgmont Street. The Planning Commission recommends that Council not oppose and that the applicant adhere to their recommendations and the Engineer's comments.

With regard to a Zoning Hearing Board application for 315-323 E. Baltimore Avenue, Councilman Williamson reported this application has been withdrawn and will be brought before Council again next month.

Public Comment & Privilege of the Floor

Since it was not addressed during the appropriate report, Councilwoman Simpson made a motion to approve the Media Business Authority's Media Antiques Day event on July 12, 2009. Councilman Williamson seconded the motion. Councilman Cunningham inquired if additional police will be needed for the event. Councilwoman Simpson responded that there will not be any additional police needed for this half day event. The motion to approve this event carried unanimously.

Robert Dimond thanked all participants of the Memorial Day Parade.

Robert Dimond announced two (2) patriotic concerts on June 30, 2009 at the Reformation Lutheran Church at 4:00 p.m. and 7:00 p.m. All proceeds will benefit the Veterans Legal and Pennsylvania Veterans Museum.

Robert Dimond mentioned a plaque at the War Memorial honoring Vietnam and Korean War veterans is presently covered by a pine tree. Councilman Cunningham will ask the Public Works Director to follow up on this matter.

Councilman Cunningham mentioned that 65 years ago this month is the anniversary of D-Day. Councilman Cunningham mentioned that the Borough should recognize at least four (4) individuals who participated in this event: George Weaver, Ray Scruggs, Bill Wenlock and George Anthony.

Adjournment

Councilman Cunningham motioned to adjourn the meeting at 10:20 p.m. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Respectfully submitted,

Jeffrey A. Smith
Borough Manager/Secretary