

**ST. LAWRENE BOROUGH COUNCIL
MEETING MINUTES
THURSDAY, MARCH 13, 2008**

ATTENDANCE:

Robert J. May, Council President
Joan Eshelman, Councilwoman
Ronald Ivison, Councilman
James G. Simmons Jr., Councilman
D. Michael Bennethum, Councilman
Cary G. Whitman, Councilman

OTHERS IN ATTENDANCE:

Warren Lubenow, Borough Mayor
Allison A. Leinbach, Borough Manager
Susan D. Eggert, Borough Secretary
Joshua Kehs, VanCleaf Engineering
Joan London, Esq., Borough Solicitor
Derek Hicks, Reading Eagle
Larry Readinger, Borough Resident
Sherry Readinger, Borough Resident

ABSENT:

David W. Eggert, Council Vice-President
William Daniels, Code Enforcement Officer

CALL TO ORDER: The meeting of the St. Lawrence Borough Council was called to order by Mr. Robert May, Council President at 7:30 PM.

APPROVAL OF THE MINUTES: The minutes from the February 14, 2008 meeting of Borough Council were distributed prior to the meeting for review. There were no questions or changes. **MOTION:** Mrs. Eshelman made the motion to accept and approve the minutes of the February 14, 2008 meeting as presented; seconded by Mr. Whitman; all were in favor and the motion carried.

TREASURER'S REPORT: The treasurer's report was distributed to the members of Council prior to the meeting for review. Ms. Leinbach indicated that the treasurer's report could be approved as presented. There were no questions or concerns.

MOTION: Mr. Whitman made the motion to accept and approve the treasurer's report as presented; seconded by Mrs. Eshelman; all were in favor and the motion carried.

GENERAL: \$92,476.71 **SEWER:** \$143,800.47 **LIQUID FUELS:** \$69,998.51 **CAPTIAL RESERVE:** \$82,460.28

APPROVAL AND PAYMENT OF THE BILLS: Ms. Leinbach indicated that the bills needing approval and ratification out of the general fund was \$35,888.76 and out of the sewer fund \$4,672.56. There were no questions or concerns. **MOTION:** Mrs. Eshelman made the motion to approve and ratify the bills presented for payment; seconded by Mr. Simmons; all were in favor and the motion carried.

PUBLIC HEARINGS & PETITIONS, ETC

LARRY READINGER/SHERRY READINGER, 496 PARKVIEW ROAD - Mr. Readinger presented to complain about the problem with raw sewage getting into his basement every time it rains. Mr. Readinger indicated that he called DEP and they came to check it out, he called the Borough Hall and also Exeter. Exeter agreed to give him \$150 for clean up cost; a letter was sent by Exeter Township and Mr. Readinger indicated that he is not willing to accept that offer and will be taking this matter further. Mr. May asked Ms. Leinbach which line this overflowing causing this problem for the Readinger's; Ms. Leinbach indicated that she thought that it was the Exeter interceptor line. This line backs up into St. Lawrence's line and causes an overflow in St. Lawrence's line. Mr. May explained to Mr. Readinger that the Borough and Exeter are currently working on a correction action plan with DEP. Mr. Readinger indicated that he was aware of that but was told that it could take until 2010 for the problem to be fixed and he would like something to be done sooner. Ms. Leinbach indicated that the Exeter interceptor line is the problem it will take a while to correct the plan. Mr. May indicated that the Borough will talk to Exeter and see where they are with the project; Mr. May admitted that we know that there is a problem in this area and that the Borough will talk to Exeter further about this problem. Mayor Lubenow indicated that the Borough has gotten the entire St. Lawrence sewer system televised and has done some repairs on the system.

REPORT OF THE ZONING/CODE ENFORCEMENT OFFICER - WILLIAM C. DANIELS

ORCHARD COURT PROPERTY - Mr. Daniels was not in attendance this evening however Ms. Leinbach indicated that Mr. Daniels does have some updated paperwork that he will be passing on to her next week at her convenience.

REPORT OF THE BOROUGH SOLICITOR - JOAN LONDON, ESQ

BURN BAN ORDINANCE - Ms. London indicated that she prepared a draft burn ban ordinance which was based off of Exeter's to make it easier for enforcement. It was advertised in the newsletter that the Borough authorized the Solicitor to prepare an ordinance banning burning with the exception of fire training, camp fires with a permit, and burning with a permit for certain materials on certain properties located 100 ft or more from any building or structure which would leave out a lot of residential properties on smaller lots but allow it on larger lots where the burning of brush is necessary. This will allow for controlled burning in the form of grills, chimneas, and manufactured outdoor fireplaces but prohibits most of the uncontrolled burning of trash and recyclables which occurs in other places. This will also provide for burn permits and burn weekend at the same time as Exeter Township. Ms. Leinbach told Council that we cannot apply for any type of grant for acquiring equipment or bags until there is a ban on burning. **MOTION:** Mr. Whitman made the motion to move forward with the advertisement of the ordinance for public review for a ban on burning to be adopted at a later meeting, Ms. London will clean up the formatting; seconded by Mrs. Eshelman; all were in favor and the motion carried.

MCDEVITT EASEMENT - Ms. London distributed a letter that she received for Attorney Forry which at this point is more informational than anything else. This letter basically indicated that there is an underlying private road case which is called McDevitt vs. Fried; our involvement is that we the Borough have permitted the McDevitt's to use the fire trail to access their property and had we not done that the entire property would be land locked. The intention of the McDevitt's would be that there would be one residence only on the property which is reflected in the agreement however there are concerns raised by Mr. Steven Fried that this would lead to subdivision of the property. In this case there was a pre-trial conference with Judge Stallone who suggested that the fire trail easement would not be sufficient; Ms. London indicated that she has not heard exactly why it would not be sufficient. Before any action is taken by the Borough Attorney Forry has asked to be advised if this matter is going to be discussed and if the Borough is going to take any further action other than what has already been done which it to allow the McDevitt's to use the fire trail to access their property. At this time Ms. London recommended that no further action needs to be taken unless the Borough is ordered to do so. Ms. Leinbach indicated that we had received a letter from the property owner the day after Council gave approval to the easement. Ms. London indicated that Mr. Fried is opposed to our easement and anything that would allow future development of the McDevitt property.

JACKSONWALD AVENUE TITLE SEARCH - Ms. London indicated that she needed some further information from Ms. Leinbach. Mayor Lubenow asked how long it would take after she receives the information that she needs; Ms. London indicated that it would properly only take a few weeks.

REPORT OF THE BOROUGH ENGINEER - JOSHUA KEHS, VAN CLEEF ENGINEERING

Mr. Kehn gave an update on the storm water management ordinance. Mr. Kehn indicated that Mr. May asked about the exemption criteria for the storm water management ordinance. Mr. Kehn indicated what was approved by the DEP is what the Borough has to adopt. There is little lead way in changing the guidelines but there is however a section specifically on exemption where there is some lead way with regard to impervious area. The Borough can set a number of square footage that is disconnected meaning not directly connected to a storm sewer via pipe anywhere from 250 to 1000 square feet. This would be the exemption number which would not require a storm water plan. Mr. Kehn indicated that they are currently reviewing this ordinance and will provide comment to the Borough; the Borough needs to decide what that number should be whether it is 250, 1000 or anything in between that. Mr. May indicated that the municipal planning code says anything under 5000 square feet does not require a land development plan however you must still abide by the set backs but you are not required to come in with a surveyor. However another ordinance that we need to adopt, since we were a stage II storm water municipality and have a permit from DEP, concerning all of the storm water that goes into Antietam creek indicates that you must regulate any impervious or any type of paving or anything that has to do with not letting storm water soak back into the ground. Mr. Kehn indicated that if you read the Schuylkill Water Shed Act 167 Ordinance which will become the storm water management ordinance the way they establish what triggers the need for these plans includes meeting certain criteria for rate control and getting rid of the quantity of storm water or quality which is defined as either a subdivision or a land development or is anything that requires a building permit and/or creates disturbance.

REPORT OF THE BOROUGH MAYOR - WARREN LUBENOW

Mayor Lubenow indicated that the incident reports are included in the packet. There is nothing unusual on the incident reports. The police are doing speeding details once again and were on Parkview Road about 2-3 wks ago. They will also be doing some details on some of the smaller roads in the near future. In addition Mayor Lubenow indicated that the police will also be doing some checks for seat belt. Apparently they are being encouraged by the state to do seat belt checks within Exeter and St. Lawrence.

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There was a discussion as to whether or not cameras can be put on the traffic signals for ticketing purposes; Ms. Leinbach indicated that she believed that if you did that you could only ticket the owner of the vehicle and not necessarily the driver. Mayor Lubenow attended the Round Table discussion about 2 wks ago to try to improve communications within municipalities and school boards. Exeter Township was present but no one from Exeter Township School Board was present. The one thing that was recommended was that municipalities meet on a regular basis and not wait until a crisis exists such as now trying to find a location for an elementary school to try to resolve any potential problems and keep open communications. There was such a thing back about 10-15 years, a quarterly meeting between Exeter School Board and St. Lawrence. Mayor Lubenow indicated that this may not be a bad idea to try to get going again to avoid friction between municipalities and school districts. Mayor Lubenow answered all questions

BUDGET & FINANCE - ALLISON LEINBACH

PA STATE TREASURY DEPARTMENT - This was approved about one year ago however the paperwork was never completed because Commerce Bank had a much higher interest rate. Since that is no longer the case Ms. Leinbach wanted approval to complete and submit the paperwork for setting up this account. This is an account that is available for local governments and nonprofit organizations. **MOTION:** Mrs. Eshelman made the motion authorizing Ms. Leinbach to complete the paperwork for the purpose of setting up the account with the state treasury department; seconded by Mr. Simmons; all were in favor and the motion carried.

PLANNING COMMISSION - ALLISON LEINBACH

ANNUAL REPORT - The Planning Commission submitted the annual report which is required under the Municipal Planning Code. This report was reviewed; there was a typo error with regard to the year; this will be changed from 1993 to 2007. Ms. Leinbach and Mayor Lubenow who sits on the Planning Commission gave further information on the meeting with Exeter School District who presented a few options for a new elementary school down on the Lausch Elementary property.

ZONING ORDINANCE - Ms. Leinbach indicated that the Commission is taking the opportunity to re-look at the new zoning ordinance to make some more recommendations to Council on a couple of areas. This should be ready to be presented to Council next month and then it can then be sent back to the County for review along with the missing sections from the last time.

SANITARY SEWER - ALLISON LEINBACH

TELEVISION PROJECT - Ms. Leinbach indicated that the televising project is actually complete. There is an application for payment which will work the same way as the previous application. We currently do not have all of the documents necessary to process payment because their entire office is suffering from the flu. Ms. Leinbach is looking for a contingent approval for \$14,205.04 to be paid to Utility Services Group once all the paperwork is received that is required. **MOTION:** Mr. Whitman made the motion authorizing payment of the invoice from Utility Services Group, Inc. for \$14,205.04 contingent on the additional paperwork that is required; seconded by Mrs. Eshelman; all were in favor and the motion carried.

TRASH & RECYCLING - CARY WHITMAN

SPRING CLEAN UP - Spring Clean up is scheduled for May 15, 2008.

RECYCLING - Dr. Ivison indicated that he read in the newsletter about trying to get people to comply with recycling so that we can bring down the cost of trash removal. Dr. Ivison indicated that he had asked about a year or so ago as to whether or not we could include other numbers rather than just 1 and 2 in terms of plastics. Ms. Leinbach indicated that we are limited at the moment by the contract that is in place. We have an ordinance dating back to 1996 however we are in the midst of updating the ordinance; this ordinance was put on hold until the issue of how to deal with multiple units was decided. There are some technical issues that we are going to try to work out with the company who picks up our recycling but expanding what we pick up would mean renegotiating the contract. We are currently in the second year of a three year contract with two one year renewals. Ms. Leinbach indicated that she is going to talk to Eagle Disposal about getting a dumpster here for recycling and then let some of the smaller businesses in the Borough bring their recycling here rather than forcing them to get their own dumpster. We could offer this for smaller business but we just cannot handle a super huge amount here. Currently our goal would be to get the residents who are not recycling to recycle.

RECREATION - DAVID EGGERT - ABSENT THIS EVENING

EGG HUNT - The annual egg hunt is scheduled for March 21 at 9:00 AM. Mt. Penn Fire Company will be providing the transportation for the Easter bunny. We will be stuffing eggs on Wednesday, March 19 and there are some Exeter High School students who need community service hours as well as other volunteers coming to help stuff the eggs. We have received a lot of donations from businesses and residents.

PLAYGROUND LEADERS - We will be holding playground leader interviews on Friday, March 14 at 3:00 PM. Mrs. Eshelman will be present for the interviews.

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EMERGENCY MANAGEMENT COORDINATOR - ROBERT MAY

EOP - Ms. Leinbach is currently working on the emergency operation plan.

BOROUGH HALL - ALLISON LEINBACH

ROOF - Ms. Leinbach has talked to the roofing company and because of the weather over the last month or so they are behind schedule. Ms. Leinbach informed Richard Sensenig Roofing that they will not be able to work on the roof on election day; they understood and will either be done with the project before then or start after that timeframe.

MUNICIPAL LANDS - WARREN LUBENOW

GYSKY MOTH SPRAYING - Mayor Lubenow indicated that the Borough is included in the gypsy moth spraying; we have already paid for this to be done.

NEWSLETTER- ALLISON LEINBACH

Ms. Leinbach indicated that the newsletter had to be expanded a page due to the quantity of information. The next newsletter will be the playground newsletter; the municipal newsletter will go out shortly thereafter (May timeframe). Dr. Iverson indicated that he felt the newsletter was very informative.

LIBRARY LIAISON - MICHAEL BENNETHUM

Rev. Bennethum spoke to Linda Strain after our last meeting. She is putting together a packet with orientation information which he has not yet seen. The next meeting is March 20th although it turns out because of work related travel Rev. Bennethum will not actually get to a meeting until July. Mr. May indicated that he will try to attend in Rev. Bennethum's place until July.

BOROUGH MANAGER'S REPORT - ALLISON LEINBACH

The report was made available for the Council's review. There were no questions.

UNFINISHED BUSINESS

LANDLORD TENANT REGISTRATION - Ms. London indicated that she had review the Berwick case on the landlord tenant registration ordinance. The ordinance was challenged in federal court on various constitutional claims such as right to privacy and protection because of treating tenants differently than homeowners. It survived those challenges. There were also some state law claims though that the court stated that they were not going to rule on. These will need to be taken up in state court; there are potential challenges to tenant registration in state court. Ms. London indicated that the ordinance has not been tested in a state court and has not been tested in the eastern district of Pennsylvania which could potentially rule differently in some of the views. Ms. London told Council that the landlord tenant registration as of now has survived court challenges but that is not a guarantee that the state court or a different federal court might not look at it differently. Rev. Bennethum thanked Ms. Leinbach for sending the file in PDF format for Council's review.

NEW BUSINESS

RIGHT TO KNOW LAW - Ms. Leinbach indicated that there is a "Right to know law" that the state has passed which will take effect at the end of the year. This information was handed out to members of Council for review. We do have an ordinance in place that was originally done in 2002 but it will need to be updated by the end of the year. Council will review this information over the next several months; this will need to be revisited by the October meeting.

INCOMING & OUTGOING COMMUNICATIONS

INVITATION FOR THE BOROUGH OFFICIALS DINNER - Invitations were distributed to the Council members for the 2008 Dinner for Borough Officials. Anyone who is interested in attending will let Mrs. Eggert know if they are interested in attending and the reservations will be made, the date of the dinner is Friday, April 4th.

THANK YOU LETTER - Mrs. Eggert presented a thank you letter that was received from the Center for Community Leadership for our \$500 contribution.

ADJOURNMENT - MOTION: Mr. Whitman made a motion to adjourn; seconded by Mrs. Eshelman; all were in favor and the motion carried. The March meeting of the St. Lawrence Borough Council adjourned at 8:35 PM.

Respectfully submitted,

Signed/Susan D. Eggert

Susan Eggert, Borough Secretary
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