

**ST. LAWRENCE BOROUGH COUNCIL  
MEETING MNUTES  
THURSDAY, MAY 8, 2008**

**ATTENDANCE:**

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

**OTHERS IN ATTENDANCE:**

Allison A. Leinbach, Borough Manager  
Susan D. Eggert, Borough Secretary  
William C. Daniels, Code Enforcement/Zoning  
Joshua Kehs, Borough Engineer (Van Cleef Eng.)  
Joan London, Esq., Borough Solicitor (KS)  
Caroline Bohn, Borough Resident  
David Kostival, Reading Eagle  
Brian Sands, Plumbing Inspector

**ABSENT:**

Warren Lubenow, Borough Mayor

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

**APPROVAL OF THE MINUTES:** The minutes of the meeting held Thursday, April 10, 2008, were distributed to the members of Council for review. There were no questions or corrections. **MOTION:** Mrs. Joan Eshelman made the motion to approve the minutes as presented; seconded by Mr. Eggert; all were in favor and the motion carried.

**TREASURER'S REPORT:** The treasurer's report was distributed to the members of Council for review. Ms. Leinbach indicated that the treasurer's report could be approved as presented and filed for audit. **MOTION:** Dr. Ivison made the motion to approve the treasurer's report as submitted; seconded by Mr. James Simmons; all were in favor and the motion carried.

**GENERAL:** \$260,409.66 **SEWER:** \$164,896.02 **LIQUID FUELS:** \$106,688.75 **CAPITAL RESERVE:** \$82,685.80

**APPROVAL AND PAYMENT OF THE BILLS:** The list of the bills needing ratification and approval for payment from the general fund and the sewer fund were presented to Council. The general fund total was \$33,027.53 including one check out of the recreation operations account; the total to be paid out of the sewer fund is \$52,546.69. All questions were answered. **MOTION:** Mr. Eggert made the motion to approve payment and ratification of the bills presented; seconded by Mrs. Eshelman; all were in favor and the motion carried.

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

**MRS. CAROLINE BOHN -LEVAN STREET** - Mr. Daniels told Council that he looked at the situation for which Mrs. Bohn presented to Council in April with regard to a tree laying on the fence that adjoins her property and her neighbor's property. Mr. Daniels also contacted Mr. Greg Koontz from Exeter to see if he had ever had any situations like this one in Exeter. Mr. Daniels indicated that Mr. Koontz never had a situation similar to this one and has researched the property maintenance code but has been unable to come up with any violations. Mrs. Bohn herself had stated that they are not sure who the fence belongs to because the fence was up when she moved into the property as well as the neighbors. Mr. Daniels consulted with Mrs. London and both agree that this is a private dispute between neighbors and there is really nothing that the Borough can do to resolve the matter.

**APPEAL FROM RESIDENT ON ORCHARD COURT** - The Borough did receive a letter with regard to one of the code enforcement letters that was sent out however we have not responded back to the resident as of yet.

**REPORT OF THE BOROUGH SOLICITOR - JOAN LONDON, ESQ – KOZLOFF STOUTD**

**STORM WATER MANAGEMENT ORDINANCE #389** - Ms. London presented the ordinance, this was advertised in the Reading Eagle on 4/28/08. The ordinance was presented to Council last month and the revisions requested by Council were made. The County and DEP require that the Borough adopt this ordinance. There were no questions. **MOTION:** Mr. Eggert made the motion to adopt Storm Water Management Ordinance #389; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**IPMC – ORDINANCE #390** - Mrs. London was authorized to prepare this ordinance; Ms. Leinbach advertised the ordinance in the Reading Eagle on 4/28/08. Ordinance #390 is for adoption of the International Property Maintenance Code 2006 by the ICC as the property maintenance code for the Borough of St. Lawrence with certain sections modified for the Borough of St. Lawrence, prosecution of violation as a summary offense under the current state code; weed height which is the same as the present ordinance and under motor vehicles allows for one uninspected, unregistered vehicle with the exception of allowing overhaul in an enclosed garage which is different from the existing ordinance. **MOTION:** Mr. Eggert made the motion to adopt the IPMC 2006 as the property maintenance code for the Borough of St. Lawrence which allows for the enforcement in matters of property maintenance; seconded by Mr. Simmons; all were in favor and the motion carried.

**JACKSONWALD AVENUE TITLE SEARCH** - Ms. London did pass along to First Energy the Jacksonwald Avenue title search requesting that the properties be quick claimed to the Borough. Ms. London stated that she heard from their legal office and was passed along to the real estate office and is expecting a reply shortly.

#### **REPORT OF THE BOROUGH MAYOR - WARREN LUBENOW**

Mayor Lubenow was not present this evening and due to the earliness of the meeting there were no police reports for review.

#### **BUDGET & FINANCE - ALLISON LEINBACH**

**CASH FLOW DOCUMENTS** - The cash flow documents were available for review. There were no questions.

#### **STREETS & LIGHTS - JOAN EHELMAN**

**PRE-EMPTION TRAFFICE DEVICE GRANT** - Ms. Leinbach indicated that the Borough has until the end of June to use the grant or we need to return the money to the state. Ms. Leinbach indicated that she had spoken to Telco and the \$18,000 quote for the Bingaman Street intersection was \$8,000 for the controller and \$10,000 for the pre-emptive device. After reviewing the grant documentation the only intersection that had been submitted for was Bingaman Street. There was a short discussion; Mr. May asked if the grant money could be used for the updating of the controller and return the balance of the money to the state; Ms. Leinbach indicated that she interpreted the grant documentation to say that it was for the device only and not the controller. Mr. May asked if Ms. Leinbach to find out if the money could be used for the controller and if so he felt that the controller should be updated now since we know that that has to be done. **MOTION:** Mr. Eggert made the motion authorizing Ms. Leinbach to investigate further if we can upgrade the controller on the Bingaman Street traffic signal for future installation of the traffic pre-emptive device and if that is permissible under the grant that we should proceed forward with that and if not then we should formally return the grant money; seconded by Dr. Ivison; all were in favor and the motion carried.

#### **PLANNING COMMISSION - ALLISON LEINBACH**

**ZONING ORDINANCE** - The new proposed zoning ordinance was distributed to the members of Council. There were some changes made to the back half of the zoning ordinance involving parking and home occupation. The recommendations for parking were changed to three parking spaces per dwelling unit not to include the garage which matches Exeter's zoning ordinance. Parking has created some problems and the Commission felt that this change was necessary. There was a short discussion with regard to parking and Council agreed that three parking spaces not to include the garage was a good idea and supported the change. Parking for schools has been changed to match Exeter's zoning ordinance which the Commission felt reflected the current driving habits and needs. There was a short discussion and Mr. Kehs told Council that this was in line with what all of the other municipalities have in place. Ms. Leinbach told Council that the biggest area of issue has to do with property lines and setbacks for fences and walls. The current zoning ordinance allows fences on the property line; the recommendation by the engineer was five feet, it was then knocked down to two feet. The Commission went back and forth on this issue; the Commission decided to just leave it with the property line; Council agreed to leaving it on the property line. Home occupation regulations were also discussed. Home occupation regulations limits home occupation to single family detached dwelling which limits where a home occupation is allowed. Ms. Leinbach indicated that the current zoning ordinance restricts this as well. Ms. London indicated that the rational basis for home occupations that are not no impact do have impact on neighboring properties and by limiting this to a single family detached dwelling lessens the impact. The regulations also require that person who want to conduct the home occupation has to provide off street parking. The only thing that the Commission did not do that Exeter requires with a home occupation is only allow home occupations by conditional use and charge an annual permit fee to continue the home occupation. By limiting it to single family dwelling this does limit locations that can operate now anyway so whether or not there is a need for this is really up to Council. Ms. Leinbach and Mr. Daniels indicated that they don't feel that anybody has abused the home occupation regulations and that there has not been any complaints received about anybody with a home occupation. Mr. May asked about the neighbor impact letters; neighbor impact letters needs to be defined in the definitions. Ms. London indicated that the neighbor impact letters should be defined as the applicant you need to prepare an analysis of how it will impact the neighbors if at all and also a plan for the remediation and/or mitigation of said impacts.

Ms. Leinbach was looking for Council to approval the draft zoning ordinance so that it can sent to the County and the municipalities in the joint comprehension plan for review. Ms. London also asked for authorization for advertisement of the ordinance once the County review and the submission to the neighboring municipalities in the comprehensive plan has been completed. There will be a public hearing prior to adoption of the ordinance and postings for the Borough Center and resident notification letters will need to be sent. It was decided to do a mass mailing to the residents for notification of the new zoning ordinance in the form of a newsletter to all residents. **MOTION:** Mr. Eggert made the motion to authorize the Borough Manager and Solicitor to move forward on submitting the draft zoning ordinance to the County for review as well as the municipalities in our joint comprehensive plan, have the Solicitor put some appropriate wording in for neighbor impact letters and to sent notification in the form of a newsletter certain aspects of this ordinance as well as other recently adopted ordinances for informational purposes to the residents as well as making copies available at Borough Hall for review. Also posting of the new zoning change and mailing of the notifications by first class mail to addresses on the tax records; seconded by Mrs. Eshelman; all were in favor and the motion carried.

#### **SANITARY SEWER - ALLISON LEINBACH**

**ANN WIERZBICKI** - Mrs. Wierzbicki sent a request to the Borough for relief on her sewer bill for the first quarter. Mrs. Wierzbicki had called a plumber after receiving the a high water/sewer bill and was told that the pressure valve went bad. The plumber told her that he believed that the water was recycling through. According to the Borough plumbing inspector he believed that it was most likely water being used. Council took no action on this request therefore there will be no relief of the sewer bill granted.

#### **TRASH & RECYCLING - CARY G WHITMAN**

**SPRING CLEAN UP** - Spring clean up is scheduled for Thursday, May 15.

**RECYCLING** - Ms. Leinbach indicated that the recycling truck has been full. The driver stops in the Borough Hall on pick up days and will try to write down the addresses from properties that are not recycling at all or simply throwing it in the regular trash so that the Borough can send enforcement letters.

#### **RECREATION - DAVID EGGERT**

**BASKETBALL BACKBOARDS** - Mr. Eggert told Council that there has been ongoing problems with the basketball court and felt that the NBA regulation backboards have been causing more of the problems. There has been persistent problems with trash, foul language, and threatening of residents who say anything to the people who are playing basketball. Mr. Eggert proposes that we somehow eliminate the NBA regulation back boards and replace them with regular playground backboards and move the poles creating two half courts vs. full court. Mr. Eggert indicated that this will eliminate the bigger kids making the smaller kids leave the court and make the courts less attractive to the crowds who are causing problems. Ms. Leinbach indicated that she has received complaints from residents who have been cleaning up the court who were threatened. Council's feeling is that ever since the NBA style backboards were installed we have had nothing but problems. There was a short discussion; Dr. Ivison asked what the cost of replacement would be and the significance of the problem. Mr. May indicated that he felt that these backboards attracted an older age group and possibly by replacing these backboards with standard playground backboards would be more age appropriate. **MOTION:** Mr. Eggert made the motion to eliminate the NBA backboards as soon as possible and get the new poles and backboards installed as soon as possible prior to playground season if possible as well as returning the donated backboards to the person who donated them; seconded by Rev. Bennethum; all were in favor and the motion carried.

**PLAYGROUND LEADERS** - Mrs. Eggert indicated that the playground leaders have accepted the positions as approved by Council at the last meeting. At least one playground leader needs CPR training and Mr. Eggert will be contact to schedule that training.

#### **EMERGENCY MANAGEMENT COORDINATOR - ROBERT MAY**

**RESOLUTION # 658** - Resolution 658 is for the adoption of the emergency operations plan. The plan was made available for review by Council. Mr. May explained that once municipal borders get crossed to different municipalities it becomes a county issue because they have more resources. Mr. May stated that we meet the minimum requirements. **MOTION:** Mr. Whitman made the motion to adopt Resolution 658 adopting the emergency operations plan as laid out in the Borough of St. Lawrence's Emergency Operation Plan; seconded by Mrs. Eshelman; all were in favor and the motion carried.

#### **BOROUGH HALL - ALLISON LEINBACH**

**ROOF** - Ms. Leinbach indicated that the roof is approximately half-way done. The total price of the project is \$82,000 with a \$1500 change order currently. Ms. Leinbach indicated that she suspects that the roof will take another 2 wks weather permitting.

**NEWSLETTER - ALLISON LEINBACH**

A newsletter just went out and the next newsletter will be approx mid June.

**BOROUGH MANAGER’S REPORT - ALLISON LEINBACH**

The report was available for review.

**UNFINISHED BUSINESS**

**RENTER REGISTRATION** - This was discussed previously and information was made available for Council’s review. No further action was taken this evening. Ms. London will prepare a generic ordinance for the next meeting with a sample registration form.

**MR. DANIEL’S WAGES:** There was a short discussion about changing the wages for code enforcement and zoning to an hourly rate vs. per violation. Mr. May asked Ms. Leinbach to come up with a recommendation; Ms. London indicated that this should be done by resolution; this will be prepared for June’s Council meeting.

**SLUDGE DRYER** - Mr. May attended the sludge drying exhibit that Exeter held and updated Council on Exeter’s intentions for purchasing a sludge dryer and what benefits it could have to the Borough. The Borough has no say in what Exeter does with regards to the purchase of a sludge dryer but may have to pay for operating costs in the long run.

**INCOMING & OUTGOING COMMUNICATIONS**

**INVITATION FOR BREAKFAST WITH THE COMMISSIONERS** - The invitation for the Breakfast with the Commissioners scheduled for Friday, May 23 was distributed to the members of Council. Anyone wishing to attend should contact Mrs. Eggert and the reservations will be made.

**PUBLIC HEARINGS**

**CAROLINE BOHN – LEVAN STREET** - Mrs. Bohn arrived after Mr. Daniels gave his report. Mrs. Bohn was informed that the Borough has found no violations with regard to property maintenance and the problem with the fence is a civil matter between neighbors.

**ADJOURNMENT - MOTION:** Mr. Whitman made the motion to adjourn; seconded by Mrs. Eshelman; all were in favor and the motion carried. The meeting of the St. Lawrence Borough Council adjourned at 8:51 PM.

Respectfully submitted,

Signed/Susan D. Eggert

Susan D. Eggert  
Borough Secretary