

**ST. LAWRENCE BOROUGH COUNCIL  
MEETING MINUTES  
THURSDAY, OCTOBER 9, 2008**

**ATTENDANCE:**

Robert J. May, Council President  
David W. Eggert, Council Vice-President  
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 Officer  
CJ Levan, Project Manager Van Cleef Engineering  
Joan London, Esq., Kozloff Stoudt – Borough Solicitor  
Warren Lubenow, Borough Mayor  
Karyn Feick, Reading Eagle  
Pamela Hilbert, Borough Resident

**CALL TO ORDER:** The meeting of the St. Lawrence Borough Council was called to order by Robert J. May, Council President at 7:31 PM.

**APPROVAL OF THE MINUTES:** The minutes of the September 11, 2008 meeting were distributed to members of Council for review. There were no questions or corrections. **MOTION:** Mrs. Joan Eshelman made the motion to accept the minutes as presented; seconded by Mr. David Eggert; all were in favor and the motion carried.

**TREASURER'S REPORT:** The treasurer's report was distributed to the members of Council for their review. All questions were answered. **MOTION:** Mr. Eggert made the motion to accept the treasurer's report as presented; seconded by Mr. Cary Whitman; all were in favor and the motion carried.

**GENERAL:** \$168,736.54    **SEWER:** \$146,553.03    **LIQUID FUELS:** \$107,567.42    **CAPITAL RESERVE:** \$83,366.79

**APPROVAL AND PAYMENT OF THE BILLS:** A list of the bills requiring payment and ratification were presented to Council. Ms. Leinbach indicated that the sewer bills included a payment to Exeter for sewer processing and semi-annual debt services payment totaling \$54,663.98. The total amount of bills presented for payment and ratification from the general fund was \$42,964.57; sewer fund \$79,412.58. **MOTION:** Mr. David Eggert made the motion authorizing payment and ratification for all bills presented; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**REPORT OF THE CODE ENFORCEMENT/ZONING OFFICER:** Mr. Daniels reported the speed sentry is back up and operating out in front of Borough Hall. Ms. Leinbach explained the speed sentry report that was presented to Council for review. This report was gone over and reviewed in detail. The maximum speed recorded on St. Lawrence Avenue was 69 MPH.

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

**ORDINANCE #393** - Ms. London indicated that this ordinance was advertised for adoption in the Reading Eagle on 9/20, 9/25 and 10/2. This ordinance indicates Council's desire to enact a Municipal Services Tax in the amount of \$52.00. This tax is collected by employers from its employees who work in the Borough. Berks EIT will be the tax collector. **MOTION:** Mrs. Eshelman made the motion to adopt ordinance #393 enacting a municipal services tax; seconded by Mr. James Simmons; Mr. Eggert, Mrs. Eshelman, Rev. Bennethum and Mr. Simmons voting in favor; Mr. Robert May, Mr. Whitman and Dr. Ivison opposing. The motion carried with a 4-3 vote. Ms. London indicated that accompanying this ordinance she has a resolution naming Berks Earned Income Tax Bureau as the collector of the tax at a compensation rate not to exceed 2.5% of the tax collected which works out to \$550.00. **MOTION:** Mr. Eggert made the motion to adopt Resolution 670-2008 naming Berks EIT as the tax agent for the municipal services tax enacted by ordinance #393; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**ORDINANCE #394** - This ordinance would set the compensation at \$500 per year with the change in compensation to commence on the first day of the new term of the Mayor which would be January 4, 2010 which is the day that the Borough would reorganize in 2010 and the new term for the Mayor would start. This also provides that the Mayor will receive the same compensation as members of Borough Council. Ms. London indicated that in the event that the President and Vice President of Council would at any time be paid more than other members of Council this ordinance would have to be revisited as the compensation of the Mayor is tied to Council members and Borough Code indicates that the Mayor can not be compensated less than any Council member. **MOTION:** Mr. Eggert made the motion to adopt Ordinance #394 which sets the compensation for the Mayor starting in the year 2010 to \$500 which is the same compensation as all Council members; seconded by Mr. Whitman; all were in favor and the motion carried.

**TRASH & RECYCLING ORDINANCE** – Ms. London indicated that she gave a draft trash and recycling ordinance to Ms. Leinbach for review and Council’s review, this should be considered for the November meeting. Ms. Leinbach was asked to get Council copies of this ordinance once she has reviewed it.

**PARKVIEW VILLAGE** - With regard to the dedication of Maci Way, there are two minor items outstanding including payment of review fee bill and construction observation bill and also one street light that is not working. Forino has been notified of that that needs to be taken care before the deed of dedication can be recorded and the resolution passed. We do have the signed deed of dedication but that does need to be addressed before that can be recorded.

**FISHER PROPERTY** - Ms. London gave an update on the Fisher property and the parking situation. A letter was sent to Mr. Jay Fisher, the owner of the property, requesting some clarifications regarding the availability of parking for proposed businesses on the site.

**SUBURBAN PETROLEUM/WOLFE, DYE & BLEACH** - Letters were sent to both of these property owners asking that they contact us or further enforcement action would be taken. We are currently working with Wolfe, Dye & Bleach on their Parkview Road property.

#### **REPORT OF THE BOROUGH ENGINEER - CJ LEVAN, VAN CLEEF ENGINEERING**

**MACI WAY** - Mr. Levan told Council that they went out and revisited the wearing course and it looks like they have made the improvements to the wearing course and they are fine with the work that was done.

**ANTIETAM VALLEY SHOPPING CENTER** - The shopping center cleared the hillside of all vegetation. The Conservation District was notified and they have looked at it and basically said that if we get a heavy rain there could be a huge disturbance. Their recommendation is to mulch the area or get some vegetation back in there. Ms. Leinbach indicated that she had contacted Kevin Cannon, the manager of the shopping center, and they are planning to hydro-seed the area.

**FORINO LETTER OF CREDIT FOR RELEASE FROM ESCROW # 9** - This application was reviewed by SSM; the amount requested for release is \$18,521.38. SSM has found this to be in order and recommends the release of funds from escrow. **MOTION:** Mr. Eggert made the motion authorizing release of \$18,521.38 from the Forino escrow for Parkview Village; seconded by Mrs. Eshelman; all were in favor and the motion carried.

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

**INCIDENT REPORT** - The police report was made available for Council’s review. Mayor Lubenow indicated that the police did a speed trap on St. Lawrence Avenue and in an hour and a half they only issued two tickets and that they are finding that this is the case on 422 and all around traffic has slowed down. One year ago they were stopping cars and issuing tickets as soon as they got one ticket done they were onto the next. Mr. May asked if they could perhaps get a car count; Ms. Leinbach will look into the matter as well as Mayor Lubenow. Mr. Simmons asked if any speed traps were going to be done on Parkview; Mayor Lubenow indicated that the police department said that they did not forget but haven’t had the chance. Mr. Simmons indicated that the neighbors there are quite concerned about the speeding.

**FOREIGN FIRE INSURANCE** - Ms. Leinbach indicated that the Foreign Fire Insurance money has been received and needs to be distributed. The amount of the check received was \$12,090.58. Mr. May asked if Exeter Township formed an Exeter Township Fire Department and if they are now under the jurisdiction of the township Supervisors. Mr. Eggert indicated that it was his understanding that this is a volunteer fire company. They have recently made available applications for volunteer chief officers and then once those are in place they are going to have applications for volunteer line officers at each company and eventually there is talk about a third station in the township. Long term this could be a transition toward a paid department but currently this is a volunteer company and not a department of Exeter Township. Last year’s distribution was 60% Mt. Penn; 40% Reiffon. There was a discussion about the distribution of the funds; Mr. Eggert abstained from any discussion because of his affiliation with Mt. Penn Fire Company as an officer. **MOTION:** Mr. Whitman made the motion to distribute the money in the same fashion as last year which was 60% Mt. Penn and 40% Reiffon; seconded by Mrs. Eshelman; all were in favor and the motion carried. Mr. Eggert abstained because of his affiliation with Mt. Penn Fire Company.

**MT. PENN FIRE CHIEF'S REPORT** - The Mt. Penn Fire Company's Chief Report was made available for review.

**BUDGET & FINANCE - RONALD IVISON**

**OCT 20 & 27-** Budget meetings are set for 10/20 and 10/27. Ms. Leinbach and Mrs. Eggert were already authorized to advertise the meetings however Mrs. Eggert was looking for approval of the dates. Advertising will be done; the meetings will begin at 7:30 PM.

**STREETS & LIGHTS - JOAN ESHELMAN**

**SIDEWALKS** - Ms. Leinbach indicated that she had sent a letter off to District 5 Penn DOT head of engineering expressing our concern about sidewalks on either side of the bridge and that when the final design is done for the bridge over Antietam Creek that it include sidewalks on both sides which at this point of its life it did not have. The design right now has the same as what currently exists. The design has not gone that far yet and they have responded that they acknowledge our concern that it have pedestrian legitimate access on both sides.

**TRAFFIC LIGHTS** - Mayor Lubenow indicated that there was an accident on St. Lawrence Avenue which wiped out one of our traffic lights. The fire police were there directing traffic as they were removing the damaged pole and getting a temporary one up; Mayor Lubenow did go down and expressed appreciation on behalf of the Borough to the volunteers for their effort and the hours that they were putting in directing traffic. Ms. Leinbach asked Mayor Lubenow if he could find out how much money the fire police get or if there is a budget for the fire police whether they are included in Exeter's police budget or not. Ms. Leinbach indicated that she knows that they will be asking the Borough for a contribution and it would be nice to know how much of what we are paying is already being used as part of the police budget.

**SANITARY SEWER - ALLISON LEINBACH**

**SEWER REHABILITATION** - Ms. Leinbach indicated that she received an estimate from Mr. Conrad for the portions of the rehab project that we talked about doing immediately which was relining of the sanitary sewer line from Lynn Avenue down to the meter pit at the creek which is the whole run in the open area which has some significance in the amount that is going there, the unknown where it goes lateral on Bingaman Street which is a dig up to close off the line; this line is across from the Arbor Inn and some spot repairs along the Bingaman Street line to a total of somewhere around \$150,000-\$160,000. It has been estimated that if we do these repairs it was calculated eliminating something around a cost of \$80,000 a year in fees based off the reduction of gallons that we would stop coming in. Ms. Leinbach indicated that Mr. Conrad was looking for authorization to go ahead with the bid package to put the bid out and we will use a lot of electronic copies of documents vs. paper. Ms. Leinbach indicated that the engineering fees to put this together look to be somewhere around \$2000 and as we did the last time we will go ahead and put the bid package together, we do all of the contract work and go through Ms. London to take care of that but they asked that there definitely is construction observation by the engineers included in that for some of the trickier portions of what is being done. Ms. Leinbach indicated that is important to move forward with this because the best time to get into the open area to do the relining is in the wintertime because trucks were stuck there last year during the summer. **MOTION:** Mr. Eggert made the motion authorizing Spotts, Stevens & McCoy to proceed with the bid preparation and information for the above items of the sewer rehabilitation; seconded by Mrs. Eshelman; all were in favor and the motion carried.

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

Ms. Leinbach is going to be reviewing the trash & recycling ordinance. There has been a few problems over the last month with the timing of trash pick up. Ms. Leinbach has been in contact with Eagle Disposal and has been assured that they will not reoccur. People have been having trash missed and Mr. Daniels has been picking it up and putting it in our dumpster.

**RECREATION - DAVID EGGERT**

We have done some preordering of arts & crafts because it was on 25% off and free shipping. The playground is closed except for the bathrooms which we will have the plumbing inspector closed but otherwise we are wrapped up and everything has been cleaned out which could be harmed by any moisture.

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

**GENERATOR PROPOSAL** - Mr. May indicated that over the last 4 years we have been pricing out a generator for the Borough Hall. We currently have a government surplus generator that is on wheels which should work if we had to power the building. The proposal received is a natural gas generator which can be hooked up to the natural gas line. The cost of the generator with an aluminum housing is approx \$8420, auto switch is \$1053 and we need to do approx \$1000 of electrical work which includes installing the switch. There was a short discussion about the need for a generator and the benefits of having a generator. The total cost would be approx \$11,000. Dr. Ivison asked if this was mandated and Mr. May indicated that it is not mandated but there are requirements that need to be met through the emergency operations plan. **MOTION:** Mr. Eggert made the motion authorizing the purchase of a generator, installation using our normal plumbing guy and electrical guys for total expenditures of \$11,000 including about \$8400 for the generator itself; seconded by Mr. Whitman; all were in favor and the motion carried.

## **ZONING HEARING BOARD - ALLISON LEINBACH**

**ALTERNATE TO THE ZONING HEARING BOARD** - Mr. May indicated that he felt that Council should appoint an alternate to the zoning hearing board in case of availability. When interviewing for Council two years ago Mr. Michael Fritz who was an applicant interviewed for the Council position and was an alternate choice for that position was contacted and is willing to fill that position. **MOTION:** Mr. Whitman made the motion to appoint Mr. Michael Fritz as an alternate to the zoning hearing board; seconded by Mr. Eggert; all were in favor and the motion carried.

**ZONING ORDINANCES** - New zoning ordinances have been delivered to the zoning hearing board members along with a letter indicating that since they have not met for a while and there has since been a new member appointed that they want to meet. There is no chairman and should at least meet to elect a chairman. Whenever educational seminars come up for zoning hearing board members this is forwarded to the members.

## **BOROUGH HALL - ALLISON LEINBACH**

**BRICK WORK** - The brick work has been completed, the work up in the attic was fairly significant and there were two change orders with what was done.

**AIR CONDITIONERS** - The POS of A will be informed that their air conditioners need to be removed since the heat is now kicking on overnight. Ms. Leinbach indicated that we have saved a lot on fuel oil over the last year since the heat gets turned back at 2 o'clock. We have looked into central air and replacing the heating system with gas but at this time it would not be cost effective.

**WINDOWS** - Ms. Leinbach is currently looking into replacement windows. We are waiting on the carpenter to come out and give an estimate for installing the windows. No work will be started prior to election day.

## **MUNICIPAL LANDS - ALLISON LEINBACH**

**HUNTING SIGNAGE** - Mayor Lubenow indicated that he had called DCNR about signage. He indicated that he was hiking down at Monocracy and they have signs that state No gunning by order of Amity Townshipl. Council does want to allow archery but no gunning. We have purchased heavy laminated paper to make the signs. There was a lengthy discussion about enforcement and preservation of the land. Mayor Lubenow and Dr. Ivison will report back to Council on areas of the woods that they feel altering vehicles should not be allowed. Mayor Lubenow indicated that he would like to host walks through the woods type tours. This will be advertised in the newsletter in the spring. There was a discussion about keeping the fire lanes open. Mr. Eggert will contact Thomas Kemery to see if he can give us an idea of where we should have fire lanes through the woods.

## **INSURANCE - ALLISON LEINBACH**

Waiting for the quotes from other companies.

## **NEWSLETTER - ALLISON LEINBACH**

The newsletter just went out a few weeks ago. The article about the walk through the woods with the Mayor will be in the next two newsletter. The newsletter with the winter information has been outlined.

## **LIBRARY LIASION - D. MICHAEL BENNETHUM**

The library is planning an antique auction on October 18 which was advertised in the newsletter as well as a schedule of the activities that take place at the library. They are currently working on the budget for next year; they are anticipating no increase in their request for funds. Dr. Ivison asked if the library has any themes and do they advertise this at all i.e. financial industry and what books are recommended to better educate the general public. Rev. Bennethum indicated that he would bring this up at their next meeting.

## **UNFINISHED BUSINESS**

**WOLFE, DYE & BLEACH** - Mr. May indicated that he would like to go into executive session to discuss possible litigation.

**TENANT & LANDLORD REGISTRATION** - Ms. Leinbach indicated that she would like to move ahead with the registration for commercial and residential property owners as an ordinance as step one and not go right into the property inspections so that something can be established prior to the first of the year before we tackle the inspection process. Ms. Leinbach would like to have the names of adults over 18 years of age be listed on the registration application as well. **MOTION:** Mr. Eggert made the motion authorizing the Borough Solicitor and Borough Manager to work on advertisement of a tenant and landlord commercial and residential registration; seconded by Mrs. Eshelman; all were in favor and the motion carried. The final review will be done at the next meeting and amended if needed. Once the final review is done by Ms. Leinbach and Ms. London this will be distributed to members of Council.

## **INCOMING & OUTGOING COMMUNICATIONS**

**INVITATION TO THE FALL DINNER** - Invitations were distributed to members of Council; all reservations are needed by October 17, 2008.

**MUNICIPAL LAW FORUM** - An invitation to this event co-hosted by Kozloff Stoudt was received; the forum is October 24. Anyone interested in attending needs to RSVP.

**EXECUTIVE SESSION - MOTION:** Mr. Eggert made the motion to go into executive session to discuss possible litigation with Wolfe, Dye & Bleach; seconded by Mrs. Eshelman; all were in favor and the motion carried. Borough Council moved into executive session at 8:50 PM. Council moved out of executive session at approx 9:15 PM. Mr. May proposed that we have inspections done with regard to fire code, building code and structural code on two properties within the Borough; Wolfe, Dye & Bleach and Suburban Petroleum. Council is asking that these property owners live up to their responsibilities under the building and maintenance property code. Mr. Daniels indicated that the Suburban Petroleum property was already inspected by a structural engineer however Mr. May would like to have it looked at again to make sure that it has not gotten worse. **MOTION:** Mr. Eggert made the motion to have a fire code inspection, building inspection and structural engineering inspection done on the Wolfe, Dye & Bleach building and the Suburban Petroleum building; seconded by Mr. Whitman; all were in favor and the motion carried.

**ADJOURNMENT: MOTION:** Mr. Eggert made the motion to adjourn; seconded by Mr. Whitman; all were in favor and the motion carried. The meeting of the St. Lawrence Borough Council adjourned at 9:23 PM.

Respectfully submitted,

Susan D. Eggert  
Borough Secretary