

**ST. LAWRENCE BOROUGH COUNCIL
MEETING MINUTES
THURSDAY, SEPTEMBER 11, 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
Joan London, Esq., Borough Solicitor – KS
Warren Lubenow, Borough Mayor
CJ Levan, Project Manager – Van Cleef Engineering
Derek Hicks, Reading Eagle
Norman Flamm, Borough Property Owner
Marilyn Gross, Borough Resident
Max Gross, Borough Resident

CALL TO ORDER: The regular business meeting of the St. Lawrence Borough Council was called to order by Council President, Mr. Robert J. May, at 7:46 PM. This was followed by a public hearing regarding the adoption of Borough Ordinance #392 which is a new Borough zoning ordinance and creation of the Borough Center District.

APPROVAL OF THE MINUTES: Copies of the August 14, 2008 minutes were distributed to the members of Council for their review. There were no corrections, clarifications or additions to the minutes. **MOTION:** Mrs. Joan Eshelman made the motion to accept the minutes as presented; seconded by Mr. James Simmons; all were in favor and the motion carried.

TREASURER’S REPORT: The treasurer’s report was distributed to the members of Council for review. There were no questions or clarifications. **MOTION:** Mr. David Eggert made the motion to accept the treasurer’s report as presented; seconded by Mrs. Eshelman; all were in favor and the motion carried.

GENERAL: \$181,992.32 **SEWER:** \$142,633.09 **LIQUID FUELS:** \$197,417.08 **CAPITAL RESERVE:** \$83,250.27

APPROVAL AND PAYMENT OF THE BILLS: A bill report was presented to Council for their review. Under the sewer bills, the bill is for Exeter Township which was left out. **MOTION:** Mr. Cary Whitman made the motion to pay and ratify the bills requiring payment; seconded by Mr. Eggert; all were in favor and the motion carried.

PUBLIC HEARINGS, PETITIONS:

MARILYN GROSS, 3606 St. Lawrence Avenue, Reading, PA 19606 – Mrs. Gross presented to Council about the apron curb at her property at 3606 St. Lawrence Avenue, which was repaired approx 10 years ago. This was repaired at the homeowners cost of approx \$1,400. Mrs. Gross told Council that the curb is now cracked because of all of the delivery trucks that use the driveway adjacent to her property to make deliveries to the business next door. She is requesting that reflector poles be placed to prevent delivery trucks from running over the curb and making it worse because Mrs. Gross feels that she should not have to pay to have this repaired again. Mrs. Gross also asked Council about trash pick up. She presented to Council a few months ago about commercial trash pick up. Mrs. Gross’s concern is with trash trucks coming by the side of her home which is 7 ft away from the driveway that would be used by the trucks; Mrs. Gross indicated that they really do not have that much trash at the business next door. In addition, Mrs. Gross has a concern about the air conditioning unit at the business next door to her home at 3606 St. Lawrence Avenue and the volume of noise created which is quite disturbing to her and her family. Mr. May indicated that we will have to go out to the business with a noise meter and determine whether or not they are in violation of the noise ordinance.

NORMAN FLAMM - Property Owner - Mr. Flamm owns the building at 3550 St. Lawrence Avenue. He had a tenant complain about almost being rear ended on St. Lawrence Avenue because of a yard sale that was going on across the street. Mr. Flamm indicated that there is a yard sale at this property every weekend and it seems like this may be more of a business than an actual yard sale. The people coming to the yard sale are also parking in his lot which leaves the tenants no place to park.

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

SUBURBAN PETROLEUM PROPERTY - The trash has been cleaned up at this property. The Borough brought in a dumpster and the property owner was billed for the clean up.

BINGAMAN STREET BRIDGE - Mr. Daniels has cut the weeds at the Bingaman Street bridge that were sticking out in the roadway.

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

ZONING ORDINANCE #392 - There was a public hearing held prior to the meeting as advertised. The newspaper advertisement referred to a vote being taken at the time of this meeting. Ms. London checked sections 609 and 610 of the MPC to make sure that the advertisements were compliant and Ms. London feels secure in taking a vote on the passage of Ordinance #392 at this time. Mr. Eggert asked Ms. London if he had to abstain from the vote because he is in the proposed Borough Center zoning district. Ms. London indicated that living in the district in of itself has no personal financial interest and therefore would not prevent him from voting under the ethics act, however, you may abstain from a vote at any time as long as you provide a reason.

MOTION: Mrs. Eshelman made the motion to adopt Ordinance #392 amending the current zoning ordinance and zoning map; seconded by Mr. Simmons; Mr. May, Rev. Bennethum, Mrs. Eshelman, Dr. Ivison, Mr. Simmons and Mr. Whitman voting in favor; Mr. Eggert abstained because he lives in the new Borough Center District; the motion carried.

CONDITIONAL USE HEARING FEE - Later in the meeting Ms. Leinbach asked Ms. London if we needed to have resolution setting the fee for a conditional use hearing which would go before Council per the new zoning ordinance. The fee to go before the Zoning Hearing Board is \$1,000 and Ms. London felt that the fee should be the same for a conditional use hearing.. This will be done by way of Resolution 669-2008. **MOTION:** Mr. Eggert made the motion to adopt Resolution 669-2008 setting a fee for a conditional use hearing at \$1,000; seconded by Mr. Whitman; all were in favor and the motion carried.

REPORT OF THE BOROUGH ENGINEER - CJ LEVAN, PROJECT MANAGER VAN CLEEF ENGINEERING

PARVIEW VILLAGE MACI WAY LEGAL DESCRIPTION - Mr. Levan stated that Van Cleef reviewed the legal description and the only comment made was that it was not dated and did not bear the signature and seal of the surveyor. Ms. London indicated that she will contact Mr. Schnader with this information. Mr. Levan indicated that when he reviewed the minutes he saw that Mr. Kehs indicated that Forino could go ahead and put on the wearing course. Since then he has been out to look at the paving and there are areas where the pavement was not properly placed and compacted and it may be something that needs to be fixed prior to taking dedication of the street. Mr. May stated that he drove by Maci Way and there were a few street lights that were not working. Mr. May also indicated that there are some outstanding invoices totaling \$2,004.83 which have not been paid by Forino and these will need to be paid as a condition for accepting the street. Council felt that the wearing course should be inspected again as well as making sure that all of the lights are working prior to accepting dedication of the street.

MOTION: Mrs. Eshelman made the motion to accept Maci Way for dedication with the provisions stated above; seconded by Mr. Eggert; all were in favor and the motion carried.

REPORT OF THE BOROUGH MAYOR - WARREN LUBENOW

The police report was not included in the packet; the report was e-mailed late this afternoon. This will be e-mailed to the members of Council for their review. The speed sensory sign is down and has been sent out for warranty repairs. Additional poles will be placed on Parkview Road and Elm Street so that data can be collected. It is also possible to use the sign as a school speed sign which will be done when the speed sensory sign is on Elm Street. Mrs. Eggert told Council and Mayor Lubenow that the Kid Keeps Alive Drive 25 post cards were sent out to the residents and the first sign was handed out today.

BUDGET & FINANCE - ALLISON LEINBACH/RON IVISON

BUDGET MEETINGS - Dr. Ivison provided some dates for budget meetings however Ms. Leinbach felt that they were a little bit early. Dr. Ivison will come up with some other days for October and Council members will be informed of the dates. The meetings will be advertised as public meetings so anyone wishing to attend may attend.

PLANNING COMMISSION - ALLISON LEINBACH

SALDO - The Planning Commission has reviewed the second half of the SALDO. Mr. Levan is now meshing the two documents together and will be presenting it to the Planning Commission in October. There will not be a September Planning Commission meeting for the lack of business.

SANITARY SEWER - ALLISON LEINBACH/ROBERT MAY

MANDARIN WOK - Ms. Leinbach told Council that Mandarin Wok is requesting forgiveness of a late charge of \$39.50 for their industrial surcharge bill. They paid the bill one day late because they claimed that they did not understand the bill. They also stated that she tried to come in to ask questions but the office was already closed. They have paid subsequent bills on time now because they understand the bill. There was a short discussion; Council decided to grant the forgiveness of the late charge this time but in the future this will not be done. Ms. Leinbach/ Mrs. Eggert was asked to send a letter indicating that forgiveness of the late charge has been granted by Council but that in the future all bills must be paid on time. **MOTION:** Rev. Bennethum made the motion to grant the forgiveness of the late charge of \$39.50 to Mandarin Wok; seconded by Mr. May; all were in favor and the motion carried.

MCCULLOUGH GROUP - Mr. May, Ms. Leinbach and Mr. Conrad from SSM met with the McCullough Group to work on getting a grant for the sewer rehabilitation project. There was a lengthy discussion; Mr. May explained what they can do to help the Borough get grant money for the upcoming sewer rehabilitation project. The fee charged by the McCullough Group for getting the grant money would be 21% for the first \$500,000 and 18% on money over that amount. If they don't get the Borough any grant money they don't get anything. No standard agreement was received as of yet. Ms. London was asked to contact them to get further information and a standard fee agreement to present to Council at the October meeting. Mayor Lubenow asked Mr. May whether or not the fee charged by the McCullough Group could come out of the grant money; Ms. London will look into the matter and report back in October.

TRASH & RECYCLING - CARY G. WHITMAN

TRASH & RECYCLING ORDINANCE - Ms. Leinbach would like to go back and revisit the trash and recycling ordinance now that we know how we want to handle multi-unit properties. The recycling grant for 2007 was just completed and the percentage of recycling was even less than last year at 16%. The Borough residents recycled 7 tons less in 2007 than in 2008. The state requirement is 35%. There was a length discussion on how to get the residents to actually recycle. We know that there are residents who are not recycling but we need to come up with enforcement measures. Ms. Leinbach asked Council how much enforcement of recycling would they like to see. Ms. Leinbach indicated that there municipalities who instruct their trash haulers to not take the trash if there is visible recycling. There is a multi-tenant use set up now therefore Ms. Leinbach felt that it was time to move forward on the new ordinance. A draft ordinance will be prepared for Council in October for probable adoption in November. Mr. Whitman asked whether or not we get recycling numbers from Eagle; a report is received every month. There were questions as to whether or not Eagle is picking up recycling in a recycling truck. Ms. Leinbach explained that the recycling truck looks like a trash truck but we receive receipts from the recycler each month.

SKUNK PROBLEM: There has been an issue with skunks in the Borough which is felt to be related to the fact that some residents are not storing their trash in containers. In fact, Ms. Leinbach indicated that she had received a call from a resident today that his trash bag was torn open by an animal and that the trash haulers didn't clean it up to which Ms. Leinbach told the resident that that is not in the trash contract. Mr. Simmons indicated that he had spoken to the trash haulers about the use of trash receptacles by the residents and the trash haulers indicated that about 50% of the residents are not using trash receptacles. This issue will be addressed in the trash ordinance.

RECREATION - DAVID EGGERT

RESOLUTION 668-2008 - Resolution 668-2008 setting the Halloween curfew and trick or treat nights was presented to Council for review and adoption. This resolution is identical to the one that Exeter will be adopting therefore making it easier for the police department to enforce. **MOTION:** Mr. Eggert made the motion to adopt Resolution 668-2008 setting the trick or treat nights and Halloween curfew; seconded by Mr. Whitman; all were in favor and the motion carried.

EMERGENCY MANAGEMENT COORDINATOR - ROBERT J MAY

EMERGENCY GENERATOR - Ms. Leinbach indicated that she is working on pricing for an emergency generator. This should be available next month. This will be multi-tiered because we are looking at a unit that will be big enough to handle adding to the electric panel that would be currently serviced by the manual, natural gas fire generator with an automatic switch. The breaker panel that it would service right now does not include all of the emergency lighting or the alarm system. Ms. Leinbach indicated that the generator that she is looking at is in the \$7500 range for the generator, \$1,000 for the switch, and the electrician would be around \$1,000 to rerun wire and move service breaker panel boxes which probably should be moved anyway to be more centrally relocate to the essential services for the building. There will be a pad poured in the back for the generator.

BOROUGH HALL - ALLISON LEINBACH

POS of A ROOM - Mr. Whitman asked when the ceiling in the POS of A room would be repaired. Ms. Leinbach indicated that probably some time this winter.

WINDOWS - Ms. Leinbach is working on getting pricing for replacement windows. Mr. Daniels knows a few carpenters that are looking for work to come give an estimate. The Women's Club will be donating \$1000 toward the windows for the Women's Club room. Ms. Leinbach indicated that there are a few things with the exterior of the building that need to be addressed first before windows.

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BRICK WORK - Ms. Leinbach indicated that she has found some bricks that are loose on the building. Mr. Dane Clay who has done work on the building in the past and knows the building quite well has given two quotes for the work that needs to be done; one for \$3950 and the other for \$3550. Mr. Clay will prioritize what needs to be done first and start as soon as Ms. Leinbach gives him the go ahead. Ms. London indicated that this falls under professional services and therefore she does not feel that there should be a problem with the quotes. **MOTION:** Mr. Whitman made the motion authorizing Ms. Leinbach to have Mr. Clay start the work on the building as soon as possible; seconded by Mr. Simmons; all were in favor and the motion carried.

SOLAR WORK GROUP - Mr. May indicated that he has been asked to attend the solar work group where DEP will have grant money available for solar panels. Mr. May asked Council if they would be interested in having solar panels placed on the Borough Roof and possibly the roof of the pavilion at the playground. Mr. May indicated that we would get more than needed in solar for the operation of the building however the Borough pays for all of the street lighting which could reduce the bill.

INSURANCE - ALLISON LEINBACH

PUBLIC OFFICIALS BOND - The carrier of this bond has changed. The renewal bill came and the bond cost was almost \$900. Ms. Leinbach indicated that she went looking at other companies and found it for \$400. This company is also going to do a total review of our insurance.

NEWSLETTER - ALLISON LEINBACH

The last article of the newsletter is being worked on and should be out to the residents by the end of next week.

BOROUGH MANAGER'S REPORT - ALLISON LEINBACH

The report was available for review.

UNFINISHED BUSINESS

RENTER AND TENANT REGISTRATION - There is nothing new to report on this and Ms. London has samples to show next month.

MUNICIPAL SERVICES TAX - Ms. Leinbach indicated that she had contacted Berks EIT and the amount that the Borough would receive from this would be \$23,300 based off of what was taken in last year. Ms. Leinbach explained that this can be used for emergency services i.e. police services. If Council decides to enact this it would need to be ready for Council next month; the amount of \$23,300 would cover 16% of the police services. There was a short discussion about the pros and cons of enacting this tax. In conclusion, it was determined that if this tax is enacted it could possibly but not definitely avoid a real estate tax increase.

MOTION: Mr. Eggert made the motion to enact the municipal services tax at a rate of \$42; seconded by Mr. Whitman; Mr. Eggert, Mr. Whitman, Mr. Simmons, Rev. Bennethum, Dr. Ivison and Mrs. Eshelman all voting in favor; Nays: Mr. May; the motion carried. This will be Ordinance 393; Ms. London will be handling all of the details.

NEW BUSINESS

SALARY FOR ELECTED OFFICIALS - Mayor Lubenow will be up for election in 2010. Mr. Lubenow is proposing that the Mayor's salary be reduced to that of council members. There was a discussion; explanation of why the Mayor's salary was increased was given by Mr. May. **MOTION:** Mr. Eggert made the motion to keep the salaries of Council Members and the tax collector be kept the same and to reduce the Mayor's salary to that of all Council members which is \$500 annually; seconded by Mrs. Eshelman; all were in favor and the motion carried. This will be Ordinance 394; Ms. London will handle the details.

WOLFE, DYE & BLEACH PROPERTY - Mr. Simmons told Council that a number of the private property signs have been torn down and vandalism continues to be an issue. There was a short discussion about the deterioration of the building. Ms. London suggested trying to get Wolfe, Dye & Bleach to attend the next meeting with a plan on how they are going to secure the building. It was Council's decision that this building has become a public nuisance. **MOTION:** Mr. Whitman made the motion authorizing Ms. Leinbach to have someone go out and secure the building and all structures and make the property safe and bill Wolfe, Dye & Bleach for the work; seconded by Mrs. Eshelman; all were in favor and the motion carried.

SUBURBAN PETROLEUM - Ms. Leinbach indicated that we need to find out if the property is sold at sheriff sale which is scheduled for September 24, 2008. It was Council's decision to file property maintenance code violations. **MOTION:** Mr. Whitman made the motion authorizing the Solicitor to take judicial action to enforce the property maintenance code with the intent of getting the judicial system to agree with our intent that the building needs to be repaired to such a point or demolished; seconded by Mr. Simmons; all were in favor and the motion carried.

ADJOURNMENT: MOTION: Mr. Whitman made the motion to adjourn; seconded by Mr. Simmons; all were in favor and the motion carried. The meeting of the St. Lawrence Borough Council adjourned at 9:46 PM.

Respectfully submitted,

Susan D. Eggert
Borough Secretary