

**MARTINSBURG BOROUGH COUNCIL MINUTES**  
**JUNE 5, 2017**

The regular meeting of the Martinsburg Borough Council was held on Monday, June 5, 2017 in the municipal building. The meeting started at 7:00 p.m. with prayer by Randy Stoltz and the Pledge of Allegiance.

**ELECTED OFFICIALS PRESENT:** Mayor Rex L. Hartman, President Connie S. Lamborn, Vice-Pres. Douglas D. Smith, Pro-Tem Durban D. Metzler, Councilman Edward L. Bennett, Councilwoman Janet E. Blattenberger, and Councilman P. Robert Dickson, and Councilwoman Linda K. Smith

In addition to the council, present were Manager Randy Stoltz, Borough Secretary/Treasurer Jane Staily, Chief Kerry Hoover, Rich Brantner, Jr., Sgt. Justin Davis, Bryce Young, Attorney Mike Gieg and Attorney Chris Jancula of Gieg Law Offices, and Brian Hess of the Morrisons Cove Herald

*The **MINUTES** of the regular meeting of May 8, 2017, were approved, on a motion by Linda Smith, seconded by Janet Blattenberger. The motion passed unanimously.*

The **FINANCIAL AND TREASURER'S REPORTS** were presented for May 2017, as prepared by Treasurer Jane Staily.

*The **LIST OF BILLS** for May 2017, check nos. 8785-8815 in the amount of \$96,429.21 (including a transfer to the Reserve Fund in the amount of \$65,000) was approved on a motion by Janet Blattenberger, seconded by Rob Dickson. The motion passed unanimously.*

Janet Blattenberger inquired about the **2016 AND 2017 REAL ESTATE TAXES**. Jane Staily will prepare a comparison report for next month.

Janet Blattenberger reported on various **HOUSES FOR SALE** in the borough.

Chief Hoover was out on a call so his **POLICE REPORT** will be given when he returns.

Manager Randy Stoltz reported that he met with Josh Chestney of Stiffler & McGraw Engineers at the **114 W. PENN STREET SITE** – 15 soil borings were completed and some old petroleum was detected in two small areas – June 1 met at the site again and upon review from a geologist who specializes in site cleanups it was recommended that we drill 6 additional holes to determine the extent of the petroleum; **SPRAYED WEEDS** along the street curb lines; on May 11 attended the screening of the **OUR TOWN MORRISONS COVE** at the Kitty Hawk Restaurant – they had the screening for all those who presented stories for the production to view it in case there were any errors that would need corrected – the program was shown on WPSU on May 8 – Manager Stoltz will be getting a DVD of the program for the Borough archives; on May 12 ordered a **NEW SIGN** to replace the signed damaged by the May 1 wind storm – they estimated delivery in 3-4 weeks; Manager Stoltz and Chief Hoover met with Tel Power who does maintenance on our **SIGNAL LIGHTS** – they were noticing that the 3:30 p.m. rush hour traffic was backing up on S. Market Street to Penn Street – the light cycle was not allowing enough cars to pass before it cycled back to red so the cycle time was increased – if no cars are on the detection loop it will cycle to red within a short amount of time – the problem that can't be corrected is that if there is a line of cars on N. Market Street going south and the first car on S. Market Street wants to turn west it backs up the entire lane; the **M & T BANK CLOSED** on May 25 – there is a “for sale” sign on the bank – the asking price seems to be around \$375,000 – the bank originally opened across the street at 100 E. Allegheny St. in 1899 and the present building was officially opened on July 30, 1955; T. L. Long Excavating pushed back the **COMPOST PILE**; and there will be a **HAZARDOUS WASTE COLLECTION** at PNG Ball Field on July 7 and 8 – handout information is available at the borough office counter.

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*[Chief Kerry Hoover arrived at 7:16 p.m.]*

Chief Kerry Hoover presented the **POLICE REPORT** as written. HE introduced Bryce Young as a candidate for hire as a part-time patrolman. Bryce resides in Williamsburg and just completed the police academy. ***Council on a motion by Rob Dickson, seconded by Durban Metzler approved to hire BRYCE YOUNG as a part-time patrolman for the Martinsburg Police Department subject to completing all of the necessary requirements. The motion passed unanimously.***

Chief Hoover reported that the department was will be receiving two **IN-CAR COMPUTERS** through a grant. The grant will not cover all of the expenses for the computers such as software, printer, thermal paper rolls, printer mount or air cards but it will cover the most expensive part which would be the computers. July 1<sup>st</sup> is the anticipated target date to get the computers installed but most likely it won't happen that early. Chief Hoover offered our garage facility to install the computers for the departments in the southern end of Blair County. One of the police department **OFFICE COMPUTERS** recently crashed but Chief Hoover felt there would be enough money left in the Equipment Fund line item for an in-car computer now that he got the grant to pay for a new one to replace it.

Janet Blattenberger inquired if the borough had ever **CONDEMNED PROPERTIES**. The buildings at 118 E. Julian Street and 212 S. Market Street are getting a lot of complaints. Manager Stoltz mentioned that years ago the borough did condemn the George Espy property on W. Allegheny Street. Connie Lamborn mentioned that the topic of blighted properties was discussed at the last SCCBA meeting and they discussed how to handle it. The police department will look into both properties mentioned.

Attorney Chris Jancula was looking into the **POLICE EMPLOYMENT AGREEMENT** and made some recommendations and updates to the two agreements. Packets with the updates were passed out to the council members to review. Attorney Jancula had labeled the changes with numbers and added some language. The updated language states the department wants the new part-time patrolmen to stay at least one year but the language is such that council is not obligated to keep them for a year if they choose not to. The updates better reflect what the statutory and state law is now. ***Council on a motion by Janet Blattenberger, seconded by Rob Dickson, adopted the changes and additions made to the Police Employment Agreement conditional to Attorney Chris Jancula and Chief Kerry Hoover reviewing the final version. The motion passed unanimously.***

Durban Metzler reported that the developers of the **OAK VIEW ESTATES LLC** (previously call the Himes Development) are moving forward. The water and sewer mains are in. They are working on the right-of-ways for a pump station. The development is anticipating 50-70 lots. The homes will be sold but the lots will be rented.

Linda Smith reported for the **REVITALIZATION COMMITTEE**. The pansies were removed and replanted near the library. Petunias were planted in five large pots and around the clock at town center. Brubaker's Greenhouse, Bridenbaugh's Farm Market and Piney Creek Greenhouse donated flowers for our town center this year. This is the last year for flower donations from Bridenbaugh's Farm Market since Gail Bridenbaugh will be retiring.

Connie Lamborn mentioned that the **RECYCLING BINS** are not always pushed back where they should be and broken glass is on the ground. Manager Stoltz reported that the hauling company isn't placing the bins back where they should be after they dump them and they only seem to be dumping two of the three bins each week. We do have a little less capacity now with the smaller bins than we had before.

An attempt will be made to set up a **NIMS TRAINING CLASS** this fall for all those who need to take it.

The Hazardous Assessment of the **114 W. PENN STREET PROPERTY** found there to be asbestos in the building but the good news is there was not much found. Two of the fifteen test holes drilled were found to have petroleum in them. Manager Randy Stoltz was advised by a geologist to do six more additional test holes and test the water for chemicals. It will cost an additional \$5,500 to do the six additional test holes and the cost will not be covered by the grant. The Business in Our Sites Program is offering \$143,097 as a loan and \$81,045 as grant money. We have twenty days to sign the offer and send it in. Manager Stoltz wants to ask for an extension of time to sign the grant application which would allow us to do the additional testing. We will need six more weeks to do the additional testing. The additional testing is just a good way to see if there is more contamination in addition to the location of the first fifteen holes. It will be less of a risk to have the additional test holes done. If the additional ground water test show more contamination then we probably won't want to proceed or buy the property. Manager Stoltz spoke with a contractor that is interested in buying the lot and develop it after we do the testing if the results are good. *Council on a motion by Durban Metzler, seconded by Linda Smith, approved to request to amend our **INDUSTRIAL SITE REUSE PROGRAM** for the revised scope of work to include the additional testing of six more holes costing an additional estimated cost of \$5,500 to be paid for from the Borough Reserve Fund. The motion passed unanimously.*

*Council on a motion by Janet Blattenberger, seconded by Doug Smith, to authorize Manager Randy Stoltz to request for an extension of time on the **BUSINESS IN OUR SITES PROGRAM** to execute the contract by August 11, 2017. The motion passed unanimously.*

A press release was issued by **GOVERNOR TOM WOLF** announcing the award of \$81,045 grant and \$143,097 loan to assist in the redevelopment of an abandoned automobile sales building in the Borough of Martinsburg.

**THE 2017 AGRICULTURAL PARADE** is scheduled for Thursday, July 6 at 6:00 p.m. A train ride is being planned again to bring spectators in that evening. The Everett Railroad plans to add one more car to the train so additional seating for the parade will be needed. Manager Stoltz has contacted the school district to see if we can use their bleachers again. Porta potties will be obtained from Ken Wertz Hauling and Septic Services.

Minutes of the May 8, 2017 meeting of the **MARTINSBURG VOLUNTEER FIRE COMPANY** were included in the council agendas.

Connie Lamborn received information from Shelley Houk of PSAB regarding elected official **WAIVING COMPENSATION**. While PSAB does not provide legal or tax services to municipalities they do help provide information. After July 1, 1991 the federal government passed the budget law which required the withholding of both Social Security and Medicare from elected officials' pay because these officials could not obtain a pension from their elected position; therefore, W-2's have been required since that time. Also a ruling by the State Ethics Commission, the SEC ruled that a mayor had violated the State Ethics Law under Abuse of Office, for waiving his compensation, and lobbying for re-election using this procedure. And finally the IRS and the PA Department of Revenue perceive this as tax evasion. According to this information all elected officials must accept their remunerations.

*The meeting **ADJOURNED** at 8:34 p.m. on a motion by Ed Bennett, seconded by Linda Smith. The motion passed unanimously.*

Respectfully submitted,

M. Jane Staily  
Borough Secretary