

**MARTINSBURG BOROUGH COUNCIL MINUTES  
OCTOBER 7, 2013**

The regular meeting of the Martinsburg Borough Council was held on Monday, October 7, 2013 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-President Doreen K. Easley, Pro-Tem Durban D. Metzler, Councilman Edward L. Bennett, Councilman Shawn D. Daughenbaugh, Councilwoman Linda K. Smith and Councilman Daniel R. Smouse

In addition to the council, present were Manager Randy Stoltz, Secretary Jane Staily, Chief Kerry Hoover, Attorney Frederick Gieg, Jr., Attorney Matt Gieg, Rich Brantner, Jr., Ryan Brown of the Altoona Mirror and Brian Hess of the Morrisons Cove Herald

*The MINUTES of the regular meeting of September 3, 2013, were approved on a motion by Linda Smith, seconded by Shawn Daughenbaugh. The motion passed unanimously.*

The FINANCIAL AND TREASURER'S REPORTS were presented for September 2013 as prepared by Treasurer Jane Staily.

*The LIST OF BILLS for September 2013 check nos. 7191-7234 in the amount of \$138,130.26 was approved on a motion by Doreen Easley, seconded by Durban Metzler. The motion passed unanimously.*

Chief Hoover presented his POLICE REPORT as written. Chief Hoover emphasized that the two vehicle DUIS on his monthly report were both drug impairments and there were a few other drug arrests last month as well. The police department would appreciate any help from the public on the war against drugs. While our officers have some training on drug recognition the local police departments depend strongly on SGT. ROD EASTEP from the Hollidaysburg Police Department as probably the most experienced Drug Recognition Expert (otherwise known as a DRE) in this area. He has a skill for accurately detecting and identifying what types of drugs a person may be on once he conducts his evaluation on them. Chief Hoover would like to have more of our officers trained on A.R.I.D.E. (Advanced Roadside Impaired Driving Enforcement).

Manager Stoltz reported that he received notice that Martinsburg was awarded \$30,000 for additional SIDEWALK ADA RAMPS from the Community Development Block Grant program. We now have \$408,481.00 for sidewalk replacement; September 30<sup>th</sup> received \$12,577 from the MAP GRANT towards the Comprehensive Plan; Manager Stoltz was the guest speaker at the BLAIR/BEDFORD BUILDERS ASSOCIATION MEETING – spoke on proposed changes to the residential building code; October 2<sup>nd</sup> met with PennDOT and GAI Consulting to walk and discuss the proposed SIDEWALK REPLACEMENT site – the preliminary estimates show that we have enough money to replace all of the deteriorated sections of sidewalk from the square one block in each direction – plans are to widen North Market Street in front of the Morrisons Cove Herald office by 36-inches to establish a legal parking lane.

Correspondence was received from the Blair County Recorder of Deeds Mary Ann Bennis signifying that she received a request from CARGILL, INC. for a refund on the real estate transfer tax that they paid for the deed transfer from Cargill to Turbotville Grain. They paid \$7,240.63 of real estate transfer tax (Martinsburg Borough \$6299.35 + North Woodbury Twp. \$941.28) on the Fair Market Value of \$724,062.50 rather than the Actual Cash Consideration of \$150,000. Ms. Bennis states that she does not have the authority to refund the money without

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municipal approval. The same letter was also sent to North Woodbury Township. Attorney Gieg reviewed the correspondence. Transfer Tax is normally paid on the fair market value of property not necessarily the consideration (the amount they paid for it). Usually the fair market value and the consideration are about the same amount but in this case there is a big difference in the two. Attorney Gieg advised council to *not* refund the tax since it is supposed to be paid on the fair market value rather than the consideration. *Council on a motion by Ed Bennett, seconded by Doreen Easley, has taken the position to agree that the Real Estate Tax paid on the deed transfer from CARGILL, INC. to Turbotville Grain LLC should be based on the Fair Market Value of the property in the amount of \$724,062.50 rather than the Actual Cash Consideration of \$150,000; therefore no refund is due to Cargill, Inc. Secretary Jane Staily was authorized to send a letter to Mary Ann Bennis stating the specifics of this motion. The motion passed unanimously.* The transfer tax was just received from the county on October 2, 2013 and has already been deposited into the borough general fund.

Attorney Gieg reported that the hearing on the two borough ASSESSMENT APPEALS will be held next week. He recommended waiting to see what the Blair County Board of Commissioners does before reacting. Attorney Gieg attended the meeting discussing the possibility of Martinsburg taking over CURRYVILLE'S WATER LINES. He cautioned that the authority should not expend any money to do this. Curryville water authority will soon be under a DEP consent order. A SHERIFF SALE ON 406 W. ALLEGHENY ST. will be held on Wednesday at 10 a.m. at the Blair County Courthouse – the mowing lien the borough has on the property should be addressed then. Attorney Gieg recommended council hold a BRIEF EXECUTIVE SESSION following the adjournment of the meeting this evening to discuss a legal issue regarding zoning.

Ed Bennett reported that on September 25<sup>th</sup> YELLOW CURBING was painted at a few intersections. The DOUBLE YELLOW LINES on Nicodemus Street at W. Allegheny Street and at the entrance of Spring Drive were also painted. CRACKS were sealed on the streets on October 1<sup>st</sup>.

Linda Smith reported that the FLOWERS CONTAINERS in town center will be removed by Dale Mellott.

Manager Stoltz reported that another SLAB OF CONCRETE 6' x 4' was poured at the recycling center since last winter making it easier to maintain for the upcoming winter.

*Council on a motion by Durban Metzler, seconded by Linda Smith, authorized to send a letter of approval for the upcoming CHRISTMAS PARADE to be held on Saturday, November 23, 2013 as part of the requirement for their road closing permit. The motion passed unanimously.*

Chief Hoover reported that the VISUAL ALERT upgrade to the police computer reporting system will be funded by the Leah Hoover Memorial. Chief Hoover asked for permission for the upgrade to be paid temporarily by the borough in the event that the memorial money is not received before the bill is due. *Council on a motion by Doreen Easley, seconded by Shawn Daughenbaugh, approved to expend \$2,166.00 from the Equipment Fund for the police department's Visual Alert upgrade in the event that the money from the Leah Hoover Memorial Fund is not received before the bill is due. The motion passed unanimously.* Chief Hoover reported that local police departments are saving money by combining their training on the upgrade. The training will be held in our conference room once the departments can coordinate a date for a morning and afternoon session.

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The next **SOUTH CENTRAL COUNTIES BOROUGH'S ASSOCIATION** dinner meeting will be held on Thursday, October 17, 2013, at the Borough Building in New Paris. Connie Lamborn plans to attend.

*Council on a motion by Dan Smouse, seconded by Doreen Easley, approved to advertise a **SPECIAL MEETING** for Monday, October 21, 2013, at 6:30 p.m. to work on the 2014 Budget and for general purposes. The motion passed unanimously.*

Chief Hoover reported that they plan to have a **FULL SCALE DRILL** at the schools on a day that the students are not in class. The community will be notified by the news media when the drill will occur.

A brief **EXECUTIVE SESSION** to discuss a legal zoning matter will be held following the adjournment of the meeting this evening.

*The meeting **ADJOURNED** at 7:36 p.m. on a motion by Ed Bennett, seconded by Doreen Easley. The motion passed unanimously.*

Respectfully submitted,

M. Jane Staily  
Borough Secretary