

MARTINSBURG BOROUGH COUNCIL MINUTES
MAY 5, 2014

The regular meeting of the Martinsburg Borough Council was held on Monday, May 5, 2014 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 Durban D. Metzler, Councilwoman Janet E. Blattenberger, Councilwoman Linda K. Smith, and Councilman Daniel R. Smouse
(Ed Bennett and Shawn Daughenbaugh were absent)

In addition to the council, present were Manager Randy Stoltz, Secretary Jane Staily, Chief Kerry Hoover, Rich Brantner, Jr., Sgt. Justin Davis, Attorney Matt Gieg, Attorney Chris Jancula, Ryan Brown of the Altoona Mirror, and Brian Hess of the Morrisons Cove Herald, Junior Councilmen Conner Johnson and Tristan Greenland, Revitalization Committee Members Joyce Hoover, Nelly Shultz, Cindy Wareham, and Richard Bice.

President Connie Lamborn announced that there will be an **EXECUTIVE SESSION** held following the adjournment of the meeting this evening to discuss legal matters.

Four members of the **REVITALIZATION COMMITTEE** were present to answer any further questions council may have on their thoughts on the revitalization project. The committee was requesting that the borough consider a possible closure to the portion of the alley that adjoins Mamie's Café on the eastern side. This closure would be for the summer months so that Mamie's could use this area for additional seating and additional parking. They expect the expansion to create more business for Mamie's Café in turn creating economic growth for Martinsburg. Council considered the request to be discussed later in the meeting under new business.

(Revitalization committee members left at 7:05 p.m.)

The MINUTES of the regular meeting of April 7, 2014, 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 April 2014 as prepared by Treasurer Jane Staily.

The LIST OF BILLS for April 2014 check nos. 7479-7522 in the amount of \$62,505.76 was approved on a motion by Janet Blattenberger, seconded by Durban Metzler. The motion passed unanimously.

Chief Kerry Hoover presented the **POLICE REPORT** as written. Chief Hoover reported that the **VEHICLE MAINTENANCE** budget line item for the police department was already at 133% as of the April report. The department has been having a lot of unusual problems with the 2008 Crown Victoria. The old police car currently has about 53,000 miles on it but the idle time is much higher. Council was interested in discussing next month the possibility of a new police car.

President Connie Lamborn inquired what the **POLICE PISTOL FUND** was used for. Chief Hoover responded that they spend money for improvements and targets for the range.

Manager Randy Stoltz reported that the low bid for the **SIDEWALK PROJECT** came in at \$448,000 which is \$140,000 over the \$308,000 state and engineers estimate; April 24th the concrete was poured for the **STREET CLOCK** to be installed at the post office – the clock is

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here and stored at the nitrate removal plant; and April 24th at 7:00 p.m. held another required community meeting for the **COMPREHENSIVE PLAN** – the next meeting will be held on June 12th at the Park following the Boosters meal.

Manager Stoltz reported that the **COMMUNITY RECYCLING EVENT** was held on Saturday, April 26th from 9:00 a.m. to 2:00 p.m. Twenty-four volunteers helped to unload vehicles at the cleanup. There were (8) tons of metal, (8) tons of miscellaneous recyclables, (22) skids of electronics, (39) mattresses and (13) tires collected. Four dumpsters hauled at no charge by Herb Decker and Paul Kane. Joe Clark provided the tri-axle truck which was filled three times. We should receive about \$1200 for the metal collected. Some items were taken to “re-purpose” instead of junking them. Boys Scouts and Central High School students were part of the volunteer help. A pizza lunch was provided to all the volunteers. Janet Blattenberger suggested that document shredding be incorporated in the event next time.

Janet Blattenberger commended T. L. Long Excavating for the excellent job they did pushing the **COMPOST PILE** back.

Secretary Jane Staily reported that the **PENSION AUDITS** for the Uniform and Non-Uniform plans for January 1, 2011 to December 31, 2012 have been received by email from the State Auditor General. The reports indicate that both plans were administered in compliance with applicable state laws, regulations, contracts, administrative procedures and local ordinances and policies.

Attorney Matt Gieg reported that the **TAX COLLECTOR FEE ORDINANCE** was properly advertised and ready for consideration for adoption this evening. Also, there will be an **EXECUTIVE SESSION** following the adjournment of the meeting to discuss legal matters.

Attorney Chris Jancula reported that the Blair County Planning Commission was suggesting that we need to adopt an **AIRPORT HAZARD ORDINANCE** that restricts the height of objects under the flight path. Since we already have Ordinance No. 408 adopted in 1981 we do not need to adopt another one unless council would want to update the language. Attorney Jancula recommended we just use the one we already have.

Attorney Jancula researched the request to the borough from the **BLAIR COUNTY CRIME SOLVERS** as to whether a borough is permitted to donate to such a cause. According to the Borough Code, Article XII Corporate Powers Section 1201 No. (53) was the only thing even closely related to this request but it only allows for neighborhood watch program donations which this request cannot be categorized as. Attorney Jancula is recommending to council that they do not make a donation to the Blair County Crime Solvers or they will be violating the Borough Code.

Manager Stoltz reported that the municipal authority is waiting for **CURRYVILLE WATER AUTHORITY** to get their chlorine level up to a 3.0 before they can take a water sample for testing. The operational permit for Well No. 2 was just received. The two old wells will soon be abandoned.

Linda Smith reported that the **REVITALIZATION COMMITTEE** met last Monday. They discussed a lot of things during the meeting. The committee is leaning towards using solar lanterns along the sidewalks. Jim Laird marked 59 places on a map for possible placement of the solar lights. The lanterns are for decorative purposes and will not emit much light. The cost of

the lanterns is about \$600 each. There are five people already interested in purchasing a lantern. Twelve would look nice. The committee is checking on border stamping the sidewalks. Dwayne Smith has already done some for them to look at in other places. Since it is stenciling and not actual concrete the new and old sidewalk can look uniform.

Manager Randy Stoltz suggested that if the \$20,000 **RECYCLING GRANT** is received both townships could receive their initial \$3,000 investment back and the borough could use some of the money the recycling account owes them back towards a new gate system for the compost site. A new gate would eliminate non-members from utilizing the compost site. Manager Stoltz is still waiting to hear the results of the grant application.

A **VACANCY BOARD MEMBER** is still needed. Nathan Ormsby was contacted but he is not interested in the position.

The **ELECTED TAX COLLECTOR FEES ORDINANCE** has been properly advertised. *Council on a motion by Linda Smith, seconded by Janet Blattenberger, adopted Ordinance No. 2014-599 authorizing the elected tax collector to charge service fees for certification of taxes paid on real estate and duplication of tax bills. The motion passed unanimously.* These fees have been collected by our previous tax collector(s), but according to the DCED Tax Manual charging these fees *without* municipal authorization violates the State Ethics Act Section 3(a).

*Council on a motion by Durban Metzler, seconded by Janet Blattenberger, authorized the issuance of the **AGRICULTURAL PARADE ROAD CLOSING PERMIT**. The motion passed unanimously.* A letter will be sent to the Morrisons Cove Memorial Park approving their request.

Manager Randy Stoltz recommended that council sign the resolution for the county assessment and mitigation plan to prevent hazards. Attorney Matt Gieg agreed that it was a good idea. If council doesn't adopt it they will have to come up with their own plan. *Council on a motion by Janet Blattenberger, seconded by Durban Metzler, adopted Resolution No. 2014-0505-1 as the **BLAIR COUNTY HAZARD VULNERABILITY ASSESSMENT AND MITIGATION PLAN**. The motion passed unanimously.*

As John Clark no longer works for the Spring Cove School District, a replacement for him is needed as the borough's representative to the Blair County Tax Collection Bureau Committee. *Council on a motion by Durban Metzler, seconded by Linda Smith appointed Ryan Kirsh (John Clark's replacement as Business Manager at the Spring Cove School District) as the representative for the Borough of Martinsburg to the **BLAIR COUNTY TAX COLLECTION BUREAU COMMITTEE**. The motion passed unanimously.* The borough can also appoint an Alternate 1 and Alternate 2 if they so choose.

Four bids were received for the **STREETSCAPE SIDEWALK PROJECT**. Fiore was the lowest bidder. Our choices on the bids are to either accept, reject or reduce some of the items by 25%. *After listening to Manager Stoltz's proposal to reduce the items, council on a motion by Dan Smouse, seconded by Janet Blattenberger, to contribute \$308,481 of the grant monies and \$60,000 from the Highway Liquid Fuels Fund to pay for the 2014 streetscape sidewalk project subject and to modifying the project budget as it was communicated to Manger Randy Stoltz to reduce the bid. The motion passed unanimously.* The solar lights, stenciling and beautification are not going to be part of this project and the Revitalization Committee is already aware of this.

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Four local municipalities have never formed a board of appeals as required by the Pennsylvania Uniform Construction Code and would now like to now be part of the **BLAIR REGION UNIFORM CONSTRUCTION CODE BOARD OF APPEALS**. *Council on a motion by Linda Smith, seconded by Durban Metzler, adopted Resolution No. 2014-0505-02 as approval for Catharine Township, Huston Township, Woodbury Township and Williamsburg Borough to join the Blair Region Code Administration Committee. The motion passed unanimously.*

A request was received from the Revitalization Committee for council to consider temporarily closing a portion of Firemen Alley that adjoins **MAMIE'S CAFÉ** on the eastern side to allow for a temporary structure to be built to be used for additional outside seating for the café. Council discussed the request and was leaning towards formally closing the alley altogether for the structure to be permanent but tabled the topic to further check out all of the ramifications and liability issues. Attorney Matt Gieg will be further researching some of council's ideas.

The next **LEAD MEETING** is scheduled for May 15th. Only one council member is permitted to attend if anyone is interested.

*The meeting **ADJOURNED** at 8:42 p.m. on a motion by Durban Metzler, seconded by Janet Blattenberger. The motion passed unanimously.*

Respectfully submitted,

M. Jane Staily
Borough Secretary