

MARTINSBURG BOROUGH COUNCIL MINUTES
NOVEMBER 3, 2014

The regular meeting of the Martinsburg Borough Council was held on Monday, November 3, 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, Pro-tem Edward L. Bennett, Councilwoman Janet E. Blattenberger, Councilman Douglas D. Smith, Councilwoman Linda K. Smith and Councilman Daniel R. Smouse (arrived 7:25 pm)

In addition to the council, present were Manager Randy Stoltz, Borough Secretary/Treasurer Jane Staily, Chief Kerry Hoover, Rich Brantner, Jr., Attorney Frederick B. Gieg, Jr., Attorney Matt Gieg, Attorney Chris Jancula, Randy Ebersole, Christine Ebersole, Brandon Horton, Beth Hoover, Judy Martin, Katelyn Hoover, Tim Rush, Jolene Rush, Jarryd Rush, Steve Ritchey, Rebekah Dick, Mark Gartland, Lisa Logan, Gerald T. Leidy, Cara Ebersole, and Rob Dixon and Carlos Lamborn of the Morrisons Cove Herald.

The Martinsburg Borough Council began the meeting in executive session from 7:00 to 7:20 p.m. to discuss legal matters.

President Connie Lamborn turned the meeting over to the borough solicitors. Attorney Matt Gieg researched the matter of **ALCOHOLIC BEVERAGES AT THE PARK**. According to official records of the Pennsylvania Liquor Control Board, Martinsburg has been a “dry” municipality since 1934. In regards to liquor at the Martinsburg VFW a specimen ballot from the May 20, 1997 primary election as well as news articles in the Morrisons Cove Herald confirm that a referendum was placed on the ballot reading “Do you favor the granting of liquor licenses for the sale of liquor in Martinsburg Borough by the Veterans of Foreign Wars, Post No. 43 of Martinsburg, Blair County Pennsylvania?” The vote showed that 227 persons voted yes and 205 voted no on the question of whether to allow the D. Merl Tipton Post 43 to obtain a liquor license. To change the current dry status of the borough of Martinsburg would require a referendum to be place on the ballot.

Attorney Gieg responded to the park board’s question as to whether a “BYOB” (bring your own bottle) policy could be established for the park bowling alley to bring in a maximum of one six pack of beer per bowler. Section 7 of the Martinsburg Borough Ordinance No. 258 adopted in 1958 prohibits alcohol to either be sold or served in the borough, but there is nothing in the liquor law against a BYOB if the alcohol is not being sold. While the borough does not have anything against a BYOB policy in the bowling alley, it does place additional liability on the park. BYOB establishments are subject to local law enforcement. During his research Attorney Gieg noted that the park does have deed restrictive language on alcohol but this is not a borough issue, simply a park issue for the park solicitor to make a decision on.

[Dan Smouse arrived at 7:25 p.m.]

Attorney Gieg also came across documentation that the park board enacted on June 26, 2012 Alcohol Guidelines for Celebratory Events which has not been implemented yet. The nominal fee of \$1-\$2 per glass to be served by a bartender in the park’s guidelines constitutes a violation since it is being sold on the premises. Attorney Gieg deferred the park solicitor to make these decision for the park. Back to the original question the BYOB policy is permissible if it is

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being consumed and not served at the park. Attorney Gieg suggested that the park's attorney could contact him if he had any further questions on the matter. The park's deed restrictions are a private matter. The borough would not be commenting on that. The Recorder of Deeds has copies of the park's deed. A few available copies of the park's deed were distributed to those who inquired about it.

[most of the public left the meeting room at 7:35 p.m.]

The MINUTES of the regular meeting of October 6, 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 October 2014 as prepared by Treasurer Jane Staily.

The LIST OF BILLS for October 2014 check nos. 7723-7767 in the amount of \$69,415.86 was approved on a motion by Janet Blattenberger, seconded by Durban Metzler. The motion passed unanimously.

[all park representatives left the meeting room at 7:26 p.m.]

Chief Kerry Hoover presented the **POLICE REPORT** as written. The **RIFLE INSTRUCTORS** class went well. Chief Hoover, Sgt. Davis and Patrolman Jim Brantner all three now have their certification. Patrolman Brantner's certification was paid for through the sheriff's department. Chief Hoover would like to invite the instructor back again in the spring for a police firearms instruction class for hand guns and shot guns. There would be one free certification if our department sponsored it. Certification is also available through the NRA but they only have them available every other year. **TRICK-OR-TREAT** last week went well – there were no incidents – 240 McDonald's gift certificates were handed out to the trick-or-treaters by Chief Hoover.

Manager Randy Stoltz reported that on October 7 the annual **COMMUNITY FUND** request letters were mailed – a goal of \$40,250 has been set which is the same goal as last year – to date they have raised \$17,711; four **SOLAR LAMP POSTS** were installed on October 10 – there are 45 more to be installed; 5 **CONCRETE PLANTERS** were received on October 13 – two were placed at the borough parking lot and three at the southwest corner of the square.

Manager Stoltz and Jane Staily met with Dave Frederick of Ark Financial on October 22 to review the **HOSPITALIZATION POLICY**. There were eighty possible plans available through Highmark. We were able to find a comparable plan for the upcoming year since the Federal Government extended the deadline that requires complying with the Affordable Health Care Act. The fulltime employees will now have deductibles to pay. There will be a \$1500 deductible for at least one person in the family plan and a total of \$3000 per family per year. Co-pays will remain about the same. Unless the law is repealed, next year we will be looking at probably triple the deductibles and higher prescription and doctor co-pays. We have changed the wording in our Medical Care Reimbursement Plan to reflect the increased employee and borough contributions for doctor visits and prescriptions.

Manager Stoltz has been getting positive feedback on the **SOLAR LIGHT POLES**. Janet and Rex felt the lights should be bigger. Manager Stoltz explained that the next size up looked too industrial. Manager Stoltz has met with some of the pole donors regarding preferred location placement of the poles.

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Attorney Gieg reported that they are preparing the **2015 TAX ORDINANCES** for adoption next month. Council was pleased with their liquor ordinance presentation this evening.

Linda Smith reported that Manager Randy Stoltz will be speaking at the **BOOSTERS' MEETING** next Thursday. Some of the Revitalization Committee members will be attending.

*Council on a motion by Durban Metzler, seconded by Linda Smith, authorized to charge \$20 annually for a **RECYCLING KEY CARD**; \$10 annually for a **COMPOST KEY CARD**; and a reduced rate of \$25 annually if a borough resident wants both a recycling and compost membership. The motion passed unanimously.*

President Connie Lamborn and Mayor Rex Hartman both attended the **SOUTH CENTRAL COUNTIES BOROUGH ASSOCIATION** dinner meeting last month. John Frederick of the IRC was also there and commended Martinsburg Borough for implementing a recycling program in conjunction with North Woodbury and Huston Township. Taylor Township and Roaring Spring Borough will be building the same recycling system as ours.

*Council on a motion by Ed Bennett, seconded by Janet Blattenberger, approved to advertise the **2015 BUDGET** for the 10-day public inspection period to be considered for adoption at the December meeting. The motion passed unanimously.*

*Council on a motion by Janet Blattenberger, seconded by Durban Metzler, approved to advertise the **2015 REAL ESTATE TAX ORDINANCE** as Ordinance No. 2014-600 to remain at 20.5 mills for consideration for adoption at the December 1, 2014 meeting. The motion passed unanimously.*

*Council on a motion by Janet Blattenberger, seconded by Durban Metzler, approved to advertise the **2015 PER CAPITA TAX ORDINANCE** as Ordinance No. 2014-601 to remain at \$5.00 for consideration for adoption at the December 1, 2014 meeting. The motion passed unanimously.*

*Council on a motion by Janet Blattenberger, seconded by Dan Smouse, approved to advertise the **2015 EARNED INCOME TAX ORDINANCE** as Ordinance No. 2014-602 to remain at 5 mills for consideration for adoption at the December 1, 2014 meeting. The motion passed unanimously.*

Rebeka Dick, a representative of the Morrisons Cove Memorial Park, was requesting a letter of support from the borough council to attach to their road closing permit application for the upcoming Christmas parade. *Council on a motion by Janet Blattenberger, seconded by Linda Smith, authorized to execute a letter granting permission for the park to temporarily close the necessary roads for the upcoming **CHRISTMAS PARADE**. The motion passed unanimously.*

Martinsburg was asked to host the next **SOUTH CENTRAL COUNTIES BOROUGH ASSOCIATION** meeting in January. The meal cost charged to those attending generally pay for the cost of the dinner. President Connie Lamborn will contact the park to see if there is an opening for the event to be held at the park.

The local boy scouts will be hand delivering a copy of the **COMMUNITY MAP** to each household on Saturday, November 15. Manager Stoltz wanted to thank all those who paid for an ad in the map. The ads are what pay for the cost of producing the brochure.

Council on a motion by Linda Smith, seconded by Janet Blattenberger, authorized to donate \$500 to COVE CHRISTMAS LOVE to help the needy this Christmas. The motion passed unanimously.

It was mentioned that the SALVATION ARMY DONATION BINS are not always getting picked up. Mike Kopco of Fox's Pizza calls the Salvation Army when the donation bin in their parking lot is over flowing. There are two donation bins in Martinsburg. The other one is located in the old Riverside Market parking lot. Taking items from the donation bins is considered theft.

Gerald Leidy inquired if there was any update on getting a GROCERY STORE in town. He suggested offering a relax of taxes to encourage a new store to move in. Attorney Gieg informed council that municipalities cannot lower taxes but there is a law that allows the offer of keeping them the same for a number of years. Attorney Gieg would have to contact the county if council was considering this as the county would have to get involved.

The meeting ADJOURNED at 8:29 p.m. on a motion by Ed Bennett, seconded by Janet Blattenberger. The motion passed unanimously.

Respectfully submitted,

M. Jane Staily
Borough Secretary