

**MARTINSBURG BOROUGH COUNCIL
SPECIAL MEETING MINUTES
SEPTEMBER 18, 2018**

A special meeting of the Martinsburg Borough Council was held on Tuesday, September 18, 2018 in the municipal building to discuss real estate matters and for general purposes. The meeting started at 7:00 p.m. with prayer by Rich Brantner, Jr. and the Pledge of Allegiance.

ELECTED OFFICIALS PRESENT: Mayor Rex L. Hartman, President Connie S. Lamborn, Vice-President Durban D. Metzler, Pro-tem Douglas D. Smith, Councilman Edward L. Bennett, Councilman David L. Harker, Councilman P. Robert Dickson and Councilwoman Linda K. Smith

In addition to the council, present were Manager Richard Brantner, Jr., Secretary Jane Staily, Chief Kerry Hoover, Sgt. Justin Davis, Attorney Matt Gieg of Gieg Law Offices, Jonathan and Megan Zimmerman, and Daniel Eastep

There was an **EXECUTIVE SESSION** from 6:30-7:00 p.m. just prior to the meeting to discuss real estate and legal matters.

Jonathan and Megan Zimmerman of Zimmerman Family Dentistry were present with an offer of \$195,000 for the **114 W. PENN STREET LOT**. They are proposing to build a new dentist office expanding it to a multi-specialty practice to include possibly an oral surgeon, pediatric dentist, etc. and intend to sell the rest of the lot since they won't need the whole space. They hope to possibly break ground next year. Council went into an **EXECUTIVE SESSION** from 7:20-7:30 p.m. to discuss the offer.

Council on a motion by Rob Dickson, seconded by Durb Metzler, accepted the offer from Jonathan and Megan Zimmerman of \$195,000 for the 114 W. PENN STREET lot contingent upon zoning variances being granted which the borough will pay for and their bank's environmental clearance with the following conditions:

- getting appropriate environmental clearances in conjunction with the borough*
- the borough will apply for a variance to allow professional service providers to use this property*
- closing to occur within 90-days or earlier*

The motion passed unanimously.

Council offered to share the environmental reports that were done if needed.

Attorney Matt Gieg expressed to the Zimmerman's that the ABCD Corp. might be of help to them if they needed it. He advised the borough to not limit the variance to just a dentist office. They should have the entire lot zoned for professional services.

Council on a motion by Durb Metzler, seconded by Linda Smith, authorized Gieg Law Offices LLC to prepare an Agreement for Sale for the 114 W. PENN STREET lot. The motion passed unanimously.

The Zimmerman's mentioned that their attorney is Attorney Lee Oswalt who is also the borough's zoning solicitor. He will be contacted to see if his representation is a conflict of interest. Attorney Matt Gieg recommended a down payment of \$500 be made towards the sale of the lot from the Zimmerman's.

[Linda Smith was excused at 7:35 p.m. to attend another meeting]

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Daniel Eastep was introduced to council by Chief Kerry Hoover as the part-time patrolman applicant that he recommended for hire. *After a few questions were asked about the candidate council on a motion by Rob Dickson, seconded by Ed Bennett approved to hire DANIEL EASTEP as a part-time patrolman subject to his passing all the required testing including background, psychological evaluation, fire arms qualification, etc. The motion passed unanimously.*

The Spring Cove School District on a vote of 3 to 6 voted not to elect to take any portion of the real estate transfer tax this year. *Council on a motion by Rob Dickson, seconded by Ed Bennett, authorized Gieg Law Offices LLC to prepare the ACT 511 \$52 LOCAL SERVICES TAX ORDINANCE FOR 2019 for consideration for advertisement at the October meeting. The motion passed unanimously.* All new or changes to any Act 511 Taxes must be completed by December 1 prior to the year to be enforced.

Council on a motion by Durb Metzler, seconded by Rob Dickson, approved to pay the enrollment fee of \$130 each to send Chief Kerry Hoover and Manager Rich Brantner, Jr. to the CIVIL SERVICE TRAINING WORKSHOP in Greensburg on October 12th. The motion passed unanimously.

A thank you card was received from BETTY BURNS for the nice retirement party and gifts in appreciation of her service.

The meeting ADJOURNED at 8:50 p.m. on a motion by Ed Bennett, seconded by Connie Lamborn. The motion passed unanimously.

Respectfully submitted,

M. Jane Staily
Borough Secretary