

**MARTINSBURG BOROUGH COUNCIL MINUTES  
OCTOBER 1, 2018**

The regular meeting of the Martinsburg Borough Council was held on Monday, October 1, 2018 in the municipal building. 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, Councilman David L. Harker, Councilman P. Robert Dickson, and Councilwoman Linda K. Smith (*Doug Smith and Ed Bennett were absent*)

In addition to the council, present were Manager Richard Brantner, Jr., Secretary Jane Staily, Chief Kerry Hoover, Attorney Matt Gieg and Attorney Michael Gieg of Gieg Law Offices and Brian Hess of the Morrisons Cove Herald

*The **MINUTES** of the regular meeting of September 4, 2018 were approved with a correction to page 1 changing “Martinsburg Library...highest check outs...after Altoona, Hollidaysburg and Tyrone.” on a motion by Linda Smith, seconded by Rob Dickson. The motion passed unanimously.*

*The **MINUTES** of the special meeting of September 18, 2018 were approved on a motion by Durban Metzler, seconded by Rob Dickson. The motion passed unanimously.*

The **FINANCIAL AND TREASURER’S REPORTS** for September 2018 were presented by Secretary/Treasurer Jane Staily.

*The **LIST OF BILLS** for September 2018 check nos. 9338-9369 in the amount of \$114,129,57 (including a transfer to reserve in the amount of \$60,000) was approved on a motion by Rob Dickson, seconded by Dave Harker. The motion passed unanimously.*

Chief Kerry Hoover presented the **POLICE REPORT** as written. **PATROLMAN CLAYCOMB** resigned this month. He works as a full-time officer for Freedom Township and a part-time patrolman for Greenfield Township. **PATROLMAN DANIEL EASTEP** is progressing through his testing.

**BOROUGH MANAGER** Rich Brantner reported:

**SEP 6** – had problems with the **SIGNAL LIGHT** – Tel-Power come out to look at it – the signal controller went bad – that was the original controller from back in the early 90s’ – the total cost including labor will be about \$3,000 – to check with PennDOT to see if it can be paid for from the Highway Liquid Fuels account

**SEP 10** – went to the Spring Cove School board committee meeting along with Connie Lamborn and representatives of N. Woodbury, Taylor and Freedom Townships – we went to share our thoughts on the **REAL ESTATE TRANSFER TAX** on how it would affect the municipalities financially if the school district starts taking 50%

**SEP 11** – attended a **PA RURAL WATER CLASS** along with Dusty Russell

**SEP 14** – attended a ribbon cutting for **THE HOMETOWN BANK**

**SEP 17** – met with **PMCA BUILDING CODE INSPECTORS** to see if they would be interested in being our second building code inspectors along with MDIA

**SEP 17** – attended the Spring Cove School District board meeting along with Connie Lamborn to see what the outcome would be on the voting to take 50% of the **REAL ESTATE TRANSFER**

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**TAX** – the outcome was very positive for all the municipalities – the board voted down the Real Estate Transfer Tax with a vote of 6 to 3 against taking 50% from the municipalities

**SEP 28** – put a water meter in at the **STONE MANOR TRAILER COURT** to help monitor the water usage in the park

Attorney Matt Gieg recommended a brief **EXECUTIVE SESSION** to discuss legal matters and real estate. The executive session ran from 7:24 – 7:56 p.m.

*Council on a motion by Durban Metzler, seconded by Rob Dickson, rescinded the following motion from the special meeting on September 18, 2018 that the “Borough” would apply for a variance for the 114 W. PENN STREET PROPERTY. The motion passed unanimously.*

*RECINDED MOTION: 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 reiterated the motion from the special meeting on September 18, 2018 with the correction that Jonathan and Megan Zimmerman will be the applicants to apply for the variance:

*Council on a motion by Rob Dickson, seconded by Linda Smith, 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; the motion passed unanimously:*

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

As a way to keep building projects moving for borough residents it was decided to add a second building code inspection agency. *Council on a motion by Linda Smith, seconded by Rob Dickson, approved to execute the agreement with PENNSYLVANIA MUNICIPAL CODE ALLIANCE as a building code inspection agency of the Borough of Martinsburg. The motion passed unanimously.* Citizens will now have the choice of two agencies: MDIA and PMCA.

Linda Smith reported that the Revitalization Committee planted **MUMS** at the square.

*Council on a motion by Rob Dickson, seconded by Durban Metzler, approved to advertise the consideration of enacting a new Act 511 Tax, the \$52 LOCAL SERVICES TAX, at the council meeting on November 5, 2018 for the year 2019. The motion passed unanimously.*

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*Council on a motion by Linda Smith, seconded by David Harker, appointed ATTORNEY SHAWN SULLIVAN as the replacement for Attorney Lee Oswalt as zoning solicitor for the upcoming zoning hearing to be held for Jonathan and Megan Zimmerman for the 114 W. Penn Street property. The motion passed unanimously.*

*Council on a motion by Rob Dickson, seconded by Linda Smith, approved to schedule a special meeting to be held on Monday, October 23, 2018 at 6:30 p.m. to work on the 2019 BUDGET and for general purposes. The motion passed unanimously.*

Minutes of the MARTINSBURG VOLUNTEER FIRE COMPANY for the meeting on September 10, 2018 was included in the council meeting packet.

*The meeting ADJOURNED at 8:06 p.m. on a motion by Durban Metzler, seconded by Rob Dickson. The motion passed unanimously.*

Respectfully submitted,

M. Jane Staily  
Borough Secretary