

MARTINSBURG BOROUGH COUNCIL MINUTES
AUGUST 5, 2019

The regular meeting of the Martinsburg Borough Council was held on Monday, August 5, 2019 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 Richard A. Brantner, Sr., President Connie S. Lamborn, Vice-President Durban D. Metzler, Pro-tem P. Robert Dickson, Councilman Edward L. Bennett, Councilwoman Linda K. Smith (*David Harker was absent*)

In addition to the council, present were Manager Richard Brantner, Jr., Secretary/Treasurer Jane Staily, Chief Kerry Hoover, Sgt. Justin Davis, Attorney Matt Gieg, Charles Kensinger, Sandy Weyant and Brian Hess of the Morrisons Cove Herald

CHARLES KENSINGER was the only letter of interest in Doug Smith's council vacancy position. *Council on a motion by Linda Smith, seconded by Durban Metzler, appointed Charles E. Kensinger as councilman to fill the vacancy of Doug Smith's remaining term ending December 31, 2019. The motion passed unanimously.* Mayor Richard Brantner, Sr. administered the Oath of Office to Charles Kensinger.

The MINUTES of the special meeting of June 24, 2019 were approved on a motion by Rob Dickson, seconded by Linda Smith. The motion passed unanimously.

The MINUTES of the regular meeting of July 8, 2019 were approved on a motion by Durban Metzler, seconded by Rob Dickson. The motion passed unanimously.

The **FINANCIAL AND TREASURER'S REPORTS** for July 2019 were prepared and presented by Secretary/Treasurer Jane Staily.

The LIST OF BILLS for July 2019 check nos. 9676-9708 in the amount of \$54,937.64(including a wire transfer of \$19,795.29) was approved on a motion by Rob Dickson, seconded by Linda Smith. The motion passed unanimously.

MAYOR RICHARD BRANTNER (SR.) reported that he filled out his substitution form with the county to get his name on the fall ballot for the two years remaining of the four-year mayor term.

Chief Kerry Hoover presented the **POLICE REPORT** as written. The department just went through a **PSP CLEAN AUDIT** of criminal histories which is done every two years. The department also gets audited by the **PCCD** every three years as a requirement under the Juvenile Act. The countywide Trick-or-Treat date this year is Thursday, October 31.

BOROUGH MANAGER Rich Brantner reported:

JUL 8 – attended a meeting along with Connie Lamborn and Attorney Matt Gieg with Jeff Koontz from the **MORRISONS COVE INDUSTRIAL DEVELOPMENT CORP.** to see if they would forgive any of the \$70,000 loan that we had with them for the 114 W. Penn Street property

JUL 10 – Connie signed the closing forms for the **114 W. PENN STREET PROPERTY** – the property is officially owned by the Zimmermans

JUL 24 – **BLACKTOPPED** some utility cuts where we had some water leak repairs and potholes

MARTINSBURG BOROUGH COUNCIL MINUTES
AUGUST 5, 2019 – PAGE 2

JUL 29 – was informed that the house at **122 S. MARKET STREET**, where the fire was about two months ago, will be torn down – Jane Staily will be starting an escrow account with the money we will receive from the insurance company for the property – the property owner Justin Hoover will get his money back when the demolition is complete and everything is satisfactory

JUL 31 – the borough crew dug up a curb shut-off valve for the water service at **123 E. ALLEGHENY STREET** where the valve was previously broken

AUG 2 – received a check from the **MORRISONS COVE INDUSTRIAL DEVELOPMENT CORP.** in the amount of \$3000 as loan forgiveness towards the \$70,000 loan

AUG 5 – had a **WATER MAIN BREAK** at 215 S. Mulberry Street – there were about twelve houses without water for about two hours – these houses are currently on a water boil notice

Attorney Matt Gieg reported that the closing has taken place on the **114 W. PENN STREET** property. The mortgages on both sides have been paid in full to both the Commonwealth Financial Agency and the Morrisons Cove Industrial Development Corporation. The Consent Order and Agreement with DEP has been recorded until the Act 2 Land Recycling and Environmental Remediation Standards Act environmental issues are taken care of. Testing will continue to be the responsibility of the Borough of Martinsburg as part of the deal on the sale of the property. We have not received any bad news on it yet. The Zimmermans have already retained an architect for their building project but they probably won't start building until next year.

Attorney Matt Gieg prepared a letter of intent between the Martinsburg Municipal Authority, **CURRYVILLE WATER AUTHORITY** and North Woodbury Township to supply them with bulk water through a master meter. The letter of intent was requested by DEP. The Martinsburg Municipal Authority will not be financial liable for the projected water line extension to Curryville. North Woodbury Township will be a guarantor. The Martinsburg Municipal Authority must approve any other taps on the line. Curryville will be billed monthly for their usage on the master meter. Curryville residents will see a significant cost increase in their water bills. Curryville Water Authority will bill their own customers. If Curryville and their customers do not pay then North Woodbury Township will have to pay. The fire flow issue has not been addressed yet. The Martinsburg Municipal Authority's engineer recommends a 2-inch master meter be installed. The meter pit will be owned by Curryville Water Authority. We are not sure yet who will pay for the master meter. Curryville Water Authority's system is in disrepair. Attorney Larry Lashinsky represents the Curryville Water Authority and North Woodbury Township. The Letter of Intent is not a binding contract. The Letter of Intent anticipates formal agreements. There will be a cap on the limit of water that Curryville can use so it does not compromise the Martinsburg Municipal Authority's water supply. Water tap fees will be required to be paid by Curryville for about 69 EDU's totaling about \$174,000. It will cost another seven digit figure to run a water line out to Curryville. Attorney Matt Gieg tried to protect the Martinsburg Municipal Authority in the Letter of Intent as the municipal authority does not want to carry any debt or be a debt collector for their project.

A joint advertisement for the **911 STREET NAMING ORDINANCE** is now being circulated. There has been no response so far so we don't know when it will be advertised and passed.

MARTINSBURG BOROUGH COUNCIL MINUTES
AUGUST 5, 2019 – PAGE 3

Attorney Matt Gieg reported that his father Attorney Rick Gieg back in the early 1980's had prepared and council passed an ordinance to extend the municipal authority's **ARTICLES OF INCORPORATION** for fifty years which would have made it good until 2023 but DCED has recently chosen to dishonor that. DCED is now requiring us to do a lot more than in the past to extend the municipal authority's Articles of Incorporation. *Council on a motion by Durban Metzler, seconded by Rob Dickson, authorized to prepare any and all documents necessary to extend the Articles of Incorporation between the Martinsburg Municipal Authority and the Borough of Martinsburg for an additional fifty years and to advertise the necessary ordinance and authorize the council president to execute any documents required to get it done. The motion passed unanimously.* The Martinsburg Municipal Authority is expected to pay for any and all costs to extend the Articles of Incorporation.

Attorney Matt Gieg recommended there be a brief **EXECUTIVE SESSION** following the adjournment of the meeting to discuss legal matters.

Manager Rich Brantner, Jr. and Ed Bennett will be meeting to work on the **HIGHWAY BUDGET FOR 2020**.

The Martinsburg Municipal Authority has been discussing the possibility of installing a **SECOND WATER STORAGE TANK** for when they have to empty the one we have to be repainted. The storage tank we have was built in 1990 and will soon need repainted.

Secretary Jane Staily reported that we are waiting on PMRS to do the required cost study before they can establish an **ACT 600 UNIFORM PENSION PLAN** for the Martinsburg Borough police department which is required for three or more full-time police officers.

Linda Smith reported that the **REVITALIZATION COMMITTEE** is hoping for rain before the next watering is scheduled.

The Teeter Group mentioned that they would consider helping out with the **LANDON WEAVER MEMORIAL** on the Zimmerman's lot at 114 W. Penn Street when the time comes to put it in if it happens.

The **PENN STREET LOT** environmental issue is still ongoing. We have not received any new information. We are currently testing to see how the plume has moved with all the rain we had last year.

*Council on a motion by Durban Metzler, seconded by Linda Smith, authorized to close out the **VIDEO PRODUCTION FUND WITH PLGIT** since there will no longer be anymore transfers of funds through the Atlantic Broadband cable franchise. The motion passed unanimously.*

*Council on a motion by Ed Bennett, seconded by Rob Dickson, authorized to close out the **PENN STREET PROJECT** account at First National Bank since the lot has been sold. The motion passed unanimously.*

Since the fire at 122 S. Market Street on June 11, 2019, our Ordinance No. 2011-583 requires the landowner to escrow a calculated amount of the insurance money through the borough until the renovation is completed and satisfactory to the borough. *Council on a motion by Ed Bennett, seconded by Durban Metzler, authorized to open the **JUSTIN HOOVER ESCROW ACCOUNT** for the 122 S. Market Street property until the house is demolished. The motion passed unanimously.*

MARTINSBURG BOROUGH COUNCIL MINUTES
AUGUST 5, 2019 – PAGE 4

MICHAEL TOWER of Oakdale Road is complaining about the traffic the street gets from the township development Edgewood Acres as well as truck traffic. As this street is a public thoroughfare and paved with state funds traffic cannot be limited from using the street. He did already approach North Woodbury Township and they cannot do anything to reduce the traffic either. While our council did sympathize with him there really isn't anything they can do. He also complained about the autistic child signs at the end of his yard. There may be regulatory laws that need to be looked into as to whether they can or should be moved. Council expressed that the child's safety should come first.

SOLAR RADAR SPEED SIGNS were discussed as brought up by David Harker prior to the meeting. Manager Brantner has made a phone call to PennDOT and is waiting to hear back from them on the signs. The signs need to be permanently mounted which could be a problem in finding a location. We are permitted to use state highway liquid fuels money to purchase them as they are quite expensive. It was discussed that we may want to borrow or rent one before we purchase such an expensive piece of equipment. PennDOT has a mobile solar speed sign that the borough may wish to try before actually purchasing one. Chief Hoover will contact PennDOT to see if we can use one. There seems to be speeding complaints on all four directions through town. There may be an annual fee to pay to mount them on state highway. Radar guns are currently not allowed to be used by local police departments in Pennsylvania. Representative Jim Gregory is pushing for local departments to be able to use them to enforce speed limits.

Once again the borough received an **INSURANCE DIVIDEND** from EMC. This year the amount received was \$707.13 through The Teeter Group. Although smaller than in previous years it was still appreciated.

Minutes of the July 8, 2019 meeting of the **MARTINSBURG VOLUNTEER FIRE COMPANY** were included in the council agendas.

Chief Hoover recommended that Martinsburg hold **TRICK-OR-TREAT** on the same night as the rest of the county. *Council on a motion by Rob Dickson, seconded by Ed Bennett, approved to have the 2019 Trick-or-Treat Night on Thursday, October 31st^h from 6-8:00 p.m. The motion passed unanimously.*

There will be a **BRIEF EXECUTIVE SESSION** following the adjournment of the meeting to discuss legal matters.

*The meeting **ADJOURNED** at 8:16 p.m. on a motion by Durban Metzler, seconded by Rob Dickson. The motion passed unanimously.*

Respectfully submitted,

M. Jane Staily
Borough Secretary