

MARTINSBURG BOROUGH COUNCIL MINUTES  
SEPTEMBER 3, 2019

The regular meeting of the Martinsburg Borough Council was held on Tuesday, September 3, 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, Councilman David L. Harker, Councilman Charles E. Kensinger, and Councilman Linda K. Smith

In addition to the council, present were Manager Richard Brantner, Jr., Secretary/Treasurer Jane Staily, Chief Kerry Hoover, Sgt. Justin Davis, Attorney Chris Jancula, and Sandy Weyant

*The MINUTES of the regular meeting of August 5, 2019 were approved on a motion by Charles Kensinger, seconded by Linda Smith. The motion passed unanimously.*

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

*The LIST OF BILLS for August 2019 check nos. 9709-9740 in the amount of \$65,305.62 (including a transfer of \$50,000 to the reserve fund) was approved on a motion by Durban Metzler, seconded by Rob Dickson. The motion passed unanimously.*

*Council on the motion by Ed Bennett, seconded by Linda Smith, adopted Resolution No. 2019-0903-01 appointing CHARLES E. KENSINGER to replace Doug Smith on the Martinsburg Borough Council to fulfill the remainder of his term ending December 31, 2019. The motion passed unanimously.*

Chief Kerry Hoover presented the POLICE REPORT as written. There was a break-in at the shed at the POLICE PISTOL RANGE at the Martinsburg Sportsman Club – there was only about \$100 worth of damage. The range is used often and by other police departments. The John Riley chicken barbeque fund raiser supplied some of the account funds. Members of the Sportsman can also use the range.

**BOROUGH MANAGER** Rich Brantner reported:

**AUG 7** – met with Attorney Matt Gieg, Jeff Gunnett as the surveyor, and Attorney Andy Blattenberger to go over the difference in the right-of-way of 40-foot and 50-foot on WEST STATE STREET – Attorney Gieg will go over it in more detail for a solution.

**AUG 9** – **GOVERNOR TOM WOLF** visited Ritchey's Dairy – attended the event with Connie Lamborn, and Chuck Kensinger as the Governor got a tour of the dairy

**AUG 21** – the borough crew painted SPEED LINES for the police department with their assistance

**AUG 21** – met with the residents at 504 S. Market Street and Homewood representatives to review where Homewood can put a FENCE keeping it off the municipal authority's sewer line easement.

**AUG 27** – T. L. Long's Excavating started the demolition on the house and garage that burned at 122 S. MARKET STREET

**AUG 29** – T. L. Long's Excavating finished up the demolition at 122 S. MARKET STREET

The borough crew is currently mowing four bank properties in **VIOLATION OF THE NUISANCE ORDINANCE**.

Linda Smith inquired about the **TWO TREES** on S. Market Street that Penelec butchered during their tree trimming process. It appears that tree removal is the responsibility of the property owner unless the entire tree is affecting the power lines.

It was the consensus of council to have the **2020 BUDGET WORKSHOP** on Monday, October 21, 2019 at 6:30 p.m.

Attorney Chris Jancula reported on the **KURTZ DENTIST PROPERTY** on the corner of S. Market and S. State Street. State Street has a 50-foot right-of-way and all other streets in the borough have a 40-foot right-of-way. A Quit Claim Deed can be prepared stating the borough has no interest in the 10-foot excess. Attorney Matt Gieg prepared a Receipt and Release Agreement that makes the Kurtz's responsible for law suits on that portion of the street and making them responsible for the maintenance and upkeep of it also. There is no need to record the Receipt and Release. They have already built their building and sidewalk on this 10-foot portion. *Council on a motion by Rob Dickson, seconded by Durban Metzler, authorized Gieg and Gieg Attorneys to prepare a Quit Claim Deed to sign over the 10-foot portion of the 50-foot right-of-way on STATE STREET to Douglas Charles Kurtz and Douglas Christopher Kurtz contingent upon the Kurtz's signing our Receipt and Release. The motion passed unanimously.*

An Intergovernmental Cooperation Agreement and Ordinance for county street naming and addressing has been jointly advertised. *Council on a motion by Charles Kensinger, seconded by Linda Smith, approved to adopt the STREET NAMING AND ADDRESSING ORDINANCE NO. 2019-618 approving an intergovernmental cooperation for street naming and addressing for Blair County. The motion passed unanimously.*

*Council on a motion by Rob Dickson, seconded by Ed Bennett, approved to enter into the INTERGOVERNMENTAL COOPERATION AGREEMENT with Blair County to determine how street addressing in the Borough of Martinsburg shall be administered. The motion passed unanimously.*

There was an **EXECUTIVE SESSION** on legal matters from 7:40-8:03 p.m.

*Council on a motion by Durban Metzler, seconded by Rob Dickson, approved to move forward and do what PaDEP mandates us to do with the environmental issue at 114 W. PENN STREET and pay the necessary cost including drilling more wells to keep the issue moving. The motion passed unanimously.*

The Auditor General has scheduled a three year **PENSION PLAN AUDIT** for September 12<sup>th</sup>.

The executive committee is scheduled to meet to review **WAGES FOR 2020** including the police department.

*Council on a motion by Ed Bennett, seconded by Rob Dickson, adopted the 2020 MMO for the NON-UNIFORMED PENSION PLAN PMRS Plan No. 07-045-3N in the amount of \$21,058. The motion passed unanimously.*

***Council on a motion by Charles Kensinger, seconded by Ed Bennett, adopted the 2020 MMO for the UNIFORMED PENSION PLAN PMRS Plan No. 07-045-3P in the amount of \$21,650. The motion passed unanimously.***

The program known as Team Viewer is used in the borough office to remotely access the recycling computer located at the borough garage. Up until now the program has been free. They now require a monthly fee to access the program. ***Council on a motion by Durban Metzler, seconded by David Harker, authorized to purchase a subscription to TEAM VIEWER to continue accessing the recycling computer. The motion passed unanimously.*** This monthly subscription will be paid for from the recycling account. The cost can also be split with the municipal authority as they need it to access the computer located at the nitrate plant.

Minutes of the August 12, 2019 meeting of the **MARTINSBURG VOLUNTEER FIRE COMPANY** were included in the council agendas.

Correspondence was received from the Spring Cove School District via email in response the Manager Brantner's inquiry. The school superintendent does not anticipate that the school board will be revisiting the notion to claim their portion of the **REAL ESTATE TRANSFER TAX** any time soon. Should they decide to review the matter in the future she surmises they will give us sufficient notice.

***The meeting ADJOURNED at 8:17 p.m. on a motion by Rob Dickson, seconded by Linda Smith. The motion passed unanimously.***

Respectfully submitted,

M. Jane Staily  
Borough Secretary