



## Town Council Minutes 39 W. Main Street

August 8, 2012  
Executive Session – 6:45 p.m.  
General Session – 7:00 p.m.

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An Executive Session under the Open Meetings Act Law 10-508(a)(7) was held on August 8, 2012 at 6:45 pm to consult with counsel to obtain legal advice on a legal matter, with Mayor Burhans presiding. Members of the Council present were Jake Romanell, and Shane Rossman, Rita Mueller and Dennis Kimble. Councilman Price was absent.

**Decision:** Councilmember Romanell made a motion to enter into an Executive Session under the Open Meetings Act Law 10-508(a)(7) to consult with legal counsel.

**Second:** Councilmember Kimble

**Discussion:** None

**Vote:** **For** – 4 (Mueller, Rossman, Kimble, Romanell) **Against** – 0. **Abstain** – 0  
The motion passed.

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The regular meeting of the Mayor and Council of the Town of New Market was held August 8, 2012 in the Town Hall, 39 West Main Street, New Market, MD, with Mayor Winslow Burhans presiding. Members of the Council present were Jake Romanell, Shane Rossman, Rita Mueller and Dennis Kimble. Councilman Price was absent.

**CALL TO ORDER:** The meeting was called to order at 7:15 p.m.

### **APPROVAL OF MINUTES**

**Decision:** Councilmember Kimble made a motion to approve the minutes of April 5, 2012 as written.

**Second:** Councilmember Mueller

**Discussion:** None

**Vote:** **For** – 3 (Rossman, Kimble, Mueller) **Against** – 0. **Abstain** – 1 (Romanell)  
The motion passed.

### **Mayor & Liaison Reports:**

**Mayor Burhans:** The Mayor has been working with state and county officials on a demolition permit for a property in New Market. The homeowner has received the application but so far has not submitted the application to the Town office. The Mayor has tried repeatedly to contact the property owner to assist with the process but they have not returned the calls. The Mayor and town attorney, Bill Wantz, are working on amending the current ordinance to make these issues easier to resolve.

**Councilman Rossman:** The weeds around the signs at the east and west end of Town along with weeds on Royal Oak have been sprayed.

Councilman Rossman is working with Miller & Smith to try to get the remaining phases of The Orchard to have stand-alone mailboxes. There is a new regulation that all new communities (nationwide) have to install cluster boxes. Councilman Rossman and Tom

Hyde of Miller & Smith have met with New Market Post Office and have now contacted Postmaster in Baltimore to get a waiver to have the stand-alone boxes installed to have a uniform look throughout The Orchard.

**Councilman Romanell:** Councilwoman Mueller and Councilman Romanell are going to meet to discuss Messanelle Park. Public health hazards have been addressed: low tree limbs trimmed, poison ivy removed, and water has been pumped out of the fountain several times with the assistance of Paul Hackey. A tarp needs to be put over the fountain until the repairs have been made so that it does not have to be pumped out again.

The repaving and repair of South Alley & Federal Street has been rescheduled to start on Wednesday, August 15. An email will be sent out to notify the residents of the start date. The project will take several weeks.

**Councilwoman Mueller:** The renovation of Messanelle Park will be her first priority.

### **New Business**

- 1. Introduction of Ordinance 2012-03 – Economic Development Flex Amendment** – The Economic Development Flex District is intended to provide maximum flexibility to encourage employment related business development that is both sensitive to the areas designated with relation to its surroundings as well as appropriate for the desired objective. The District will only be available for use in newly annexed areas and does not apply to any existing areas within the town limits. There is a list of prohibited uses in the amendment that includes: junk yards, truck stops, cemeteries, and heliports. The town will not allow a use that is not compatible with the adjacent properties. The amendment allows maximum flexibility in marketing the surrounding properties. There will be a public hearing scheduled on September 12, 2012 at 7:00 pm and Planning and Zoning will review the proposed ordinance before the hearing.

**Decision:** Councilmember Romanell made a motion to introduce Ordinance 2012-03.

**Second:** Councilmember Mueller

**Discussion:** Rick Fleshman, 2 W. Main Street: Can an annexation zoning be denied, if you want a principal use that is already permitted under current zoning within the town? Attorney Bill Wantz: Yes. EDF is only applied to annexations and only to newly annexed areas. The town can deny the new annexation area any use that is already a permitted use. It is a contractual way to protect the town's best interest while still attracting economic investment.

**Vote:** **For** – 4 (Rossman, Kimble, Mueller, Romanell) **Against** – 0. **Abstain** – 0  
The motion passed.

### **Old Business**

- 2. Eagle Scout Project by Sam Grenier (Troop 622)** – Scout Grenier contacted Councilman Rossman about an Eagle Scout project for the community park. He would like to install two fifteen-foot benches. The Mayor suggested moving the

benches further away from the basketball goal and contacting LGIT about the type of bench and the placement of the benches.

**Decision.** Councilmember Romanell made a motion to approve the project contingent on the items discussed.

**Second:** Councilmember Mueller

**Discussion:** None

**Vote: For** – 4 (Rossman, Mueller, Kimble, Romanell) **Against** – 0. **Abstain** – 0  
The motion passed.

- 3. Sidewalk Repair on Main Street** – Councilman Romanell met with Precision Concrete Cutting to discuss the removal of sidewalk trip hazards at various locations along Main Street. The method involves the sawing of the sidewalk trip hazards. There are approximately 35 joints that they can repair at a cost of \$2800. They supplied references from the University of Maryland and Charles County. The work will take place in the 2<sup>nd</sup> or 3<sup>rd</sup> week of September, working around scheduled events (wedding at Hill Chapel on the 15<sup>th</sup> and Linganore Homecoming Parade on the 22<sup>nd</sup>).

**Decision.** Councilmember Kimble made a motion to approve the sidewalk repair project.

**Second:** Councilmember Rossman

**Discussion:** None

**Vote: For** – 4 (Rossman, Mueller, Kimble, Romanell) **Against** – 0. **Abstain** – 0  
The motion passed.

- 4. Review of Specifications for Mowing Contract and Snow & Ice Removal Contract** – A discussion of the specifications for the above contracts was held. Both contracts are up for renewal this year. Snow removal in front of both the Messanelle Park and Town Hall were added to the Snow & Ice Removal spec. A public notice will be sent out in September for both contracts and the bids will be due on the October 10 meeting of Mayor and Council.
- 5. Streetlight at 8<sup>th</sup> Alley Cul-de-sac** – A resident has suggested the installation of a new streetlight in the cul-de-sac at the end of 8<sup>th</sup> Alley. He has said that there seems to be a lot of illegal and undesired activity there. According to State Highway, the cost to add a new light pole is \$1,500.00. The cost per month for a 100-watt bulb is \$8.94 per month and \$13.62 for a 200-watt bulb. The Mayor will continue his investigation on this issue and it will be brought back to a future meeting.

**ADJOURNMENT:** Motion made by Councilmember Mueller to adjourn the meeting.

**Second:** Councilmember Romanell

**Discussion:** None.

**Vote: For** – 4 (Romanell, Rossman, Mueller, Kimble) **Against** – 0. **Abstain** – 0.

The motion passed.

**The meeting adjourned at 8:20 p.m.**

Respectfully submitted,  
Debra Butler  
Clerk to Council