



Town Council Minutes 39 W. Main Street

December 15, 2010
Executive Session – 6:00 p.m.
General Session – 7:00 p.m.

An Executive Session under the Open Meetings Act Law 10-508(a)(7) was held on December 15, 2010 at 6:22 pm to consult with counsel to obtain legal advice on a legal matter, with Mayor Burhans presiding. Members of the council present were: Shane Rossman, Dennis Kimble, & Jake Romanell. Councilmembers Rita Mueller & David Price were absent.

Decision: Councilmember Kimble 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 Romanell

Discussion: None

Vote: **For** – 3 (Rossman, Kimble, Romanell) **Against** – 0. **Abstain** – 0

The motion passed.

The regular meeting of the Mayor and Council of the Town of New Market was held December 15, 2010 in the Town Hall, 39 West Main Street, New Market, MD, with Mayor Winslow Burhans presiding. Members of the Council present were Jake Romanell, Dennis Kimble, David Price, and Shane Rossman. Councilmember Rita Mueller was absent.

CALL TO ORDER: The meeting was called to order at 7:10 p.m.

APPROVAL OF MINUTES

Decision: Councilmember Romanell made a motion to approve the minutes of November 17, 2010 as written.

Second: Councilmember Kimble

Discussion: None

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

The motion passed.

Old Business

1. Resolution 10-07 – Acceptance of Orchard Streets

Mayor Burhans recused himself from this item on the agenda and Councilman Shane Rossman presided over the meeting in his absence. Town engineer, Shawn Burnett, had previously given his recommendation that The Orchard had met the necessary standards for the streets, curbs, and storm drains. He recommended that the town accept the streets in phase 1 of the Orchard.

Decision: Councilmember Price made a motion to adopt Resolution 10-07 for the acceptance of the streets in section 1 of the Orchard for maintenance as public streets of the Town of New Market.

Second: Councilmember Romanell

Discussion: *None.*

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

Decision: Councilmember Price made a motion to accept the Deed of Dedication for roadway acceptance and maintenance for section 1, plat 1 of the Orchard.

Second: Councilmember Romanell

Discussion: None.

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

The Mayor returned to the meeting for the discussion on snow removal costs for the Orchard.

Decision: Councilmember Romanell made a motion to move \$1788.00 from line item Unappropriated Reserve to line item Snow and Ice Removal.

Second: Councilmember Rossman

Discussion: None.

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

2. State Highway Memorandum of Understanding – Streetscape

Decision: Councilmember Romanell made a motion to send the latest draft of the Memorandum of Understanding and Road Transfer Agreement to the State Highway Administration for their review.

Second: Councilmember Rossman

Discussion: None.

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

3. Town of New Market Website

Decision: Councilmember Price made a motion to move \$3000.00 from line item Christmas in New Market to line item Website/Newsletter.

Second: Councilmember Rossman

Discussion: None.

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

New Business

4. Emergency Operations Plan – Resolution 10-06

Seamus Mooney from the Frederick County Department of Emergency Management presented an overview of the Hazard Mitigation Plan for Frederick County. Adopting the plan will make the town eligible for hazard mitigation funding as well as post disaster funding. This plan is an update of the 2005 plan (FEMA requires an update every five years). If passed, a copy of the resolution will be sent to FEMA. Discussion was held on possible mitigation projects for New Market as well as some general questions on emergency situations.

Decision: Councilmember Romanell made a motion to adopt Resolution 10-06 – Adoption of Frederick County Hazard Mitigation Plan Update.

Second: Councilmember Rossman

Discussion: None.

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

5. Key Sanitation Contract Proposal

Bob Clark has submitted a contract proposal to extend the contract for trash service. The contract would January 1, 2011 and would save the town \$3672 over the next six months with the current number of residents. There would be a 5% increase on July 1, 2012 and another 5% increase on July 1, 2013. The landfill bill would be paid the same as it is now (directly to the county).

Decision: Councilmember Romanell made a motion to accept the contract extension with Key Sanitation as submitted.

Second: Councilmember Rossman

Discussion: None

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

6. FY11 Budget Adjustments

Please refer to item number 1 and 3 above.

7. 81 W. Main Street, Text Amendment for Dental Office (ORD 10-03)

Haley Tate is requesting a text amendment to the current zoning ordinance for the Residential Merchant district. He is requesting that Professional Services be changed to a Special Exception instead of non-permitted use.

Decision: Councilmember Romanell made a motion to introduce Ordinance 10-03 – Zoning Ordinance Amendment – Professional Services, with a public hearing set for January 12, 2011.

Second: Councilmember Price

Discussion: None.

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

Liaison Reports:

Councilman Rossman: A claim has been submitted to LGIT for 60 W. Main Street with regards to some issues with a tree and the foundation. LGIT has sent a letter to owner of 60 W. Main Street as well as the town advising that from this point on they will handle all communication about the matter.

Councilman Romanell: The MML will asking the Board of County Commissioners to rescind the APFO order and they will then drop the lawsuit. The yearly MML dinner with

the delegates will at 6:00 p.m. at the Cozy. The cost is \$30.00 and can be paid at the door.

Mayor Burhans: Bill Schalon is stepping down from Planning & Zoning – request the newsletter notify residents that we are looking for someone to fill the vacancy for a term ending May 2012.

ADJOURNMENT: Motion made by Councilmember Romanell to adjourn the meeting.

Second: Councilmember Kimble

Discussion: None.

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

The motion passed.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Debra Butler
Clerk to Council