



## Town Council Minutes 39 W. Main Street

June 21, 2011 – 6:00 p.m.

A meeting of the Mayor and Council of the Town of New Market was held June 21, 2011, in the Town Hall, 39 West Main Street, New Market, MD, with Mayor Winslow Burhans presiding. Members of the Council present were Dennis Kimble, David Price and Jake Romanell. Councilwoman Mueller and Councilman Rossman were absent.

**CALL TO ORDER:** The meeting was called to order at 6:23 p.m.

### 2012 MML (Maryland Municipal League) Legislative Requests

1. The first request addresses the issue of the IRS attempting to classify New Market's legal counsel and planning consultant as municipal employees rather than independent contractors. The requested legislation would enact similar legislation to the Oklahoma statute that creates a presumption of independent contractor status. The legislation would assist municipalities in establishing the status of independent professional consultants, as a part of the controlling state law under which employment status is determined. This statute would address all municipalities in the state. The Town currently has an appeal pending with the IRS on this issue.

**Decision:** Councilmember Romanell made a motion to submit this legislative request to the MML for consideration for the legislative package for 2012.

**Second:** Councilmember Price

**Discussion:** Councilman Kimble: discussed the Oklahoma statute this was based on. Public Comment: Rick Fleshman, 2 W. Main Street.

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

2. The second request addresses Municipal Growth Elements. In 2006, HB 1141 provided that a municipality that had not adopted a municipal growth element (MGE) by October 1, 2010 could not thereafter change the zoning classification of property. The 2006 provision is being used to challenge the content or completeness of a municipal MGE, in an attempt to prevent annexation. The proposed legislation would amend Article 66B, §3.05 to remove or modify the transitional compliance provision. Changes in zoning classification could no longer be enjoined, or retroactively invalidated. Legal zoning opinion letters would not require review of 2010 MGE's to ensure compliance with §3.05. The statute would address municipalities in the entire state.

**Decision:** Councilmember Price made a motion to authorize the legislative request that addresses Municipal Growth Elements.

**Second:** Councilmember Kimble

**Discussion:** Councilman Romanell: discussed the viability of each legislative request. Public Comment: Rick Fleshman, 2 W. Main Street

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

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

**Second:** Councilmember Romanell

**Discussion:** None.

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

The motion passed.

**The meeting adjourned at 6:38 p.m.**

Respectfully submitted,

Debra Butler  
Clerk to Council