



## Town Council Minutes 39 W. Main Street

November 17, 2010  
Executive Session – 6:00 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 November 17, 2010 at 6:00 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, Rita Mueller, David Price, & Jake Romanell.

**Decision:** Councilmember Price 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 Rossman

**Discussion:** None

**Vote:** *For* – 5 (Rossman, Kimble, Romanell, Mueller, Price) *Against* – 0. *Abstain* – 0  
The motion passed.

The regular meeting of the Mayor and Council of the Town of New Market was held November 17, 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, Rita Mueller, and Shane Rossman.

**CALL TO ORDER:** The meeting was called to order at 7:02 p.m.

### **APPROVAL OF MINUTES**

**Decision:** Councilmember Mueller made a motion to approve the minutes of September 8, 2010 as amended.

**Second:** Councilmember Romanell

**Discussion:** None

**Vote:** *For* – 5 (Rossman, Kimble, Romanell, Mueller, Price) *Against* – 0. *Abstain* – 0  
The motion passed.

### **MAYOR & LIAISON REPORTS**

**Mayor Burhans:** The audit for FY09 has been completed and copies are available for review at Town Hall.

**Councilman Kimble:** The mowing contract has been signed with the addition of the extra spot of mowing around the sign. ValleyCrest will perform the extra mowing at no additional charge

### **Old Business**

#### **1. Municipal Growth Element/Water Resource Element**

The Planning & Zoning has approved the documents and recommended that the Town Council approve and add these elements to the town plan. Both documents (along with their comments) were provided to both the county and state planning offices.

**Decision:** Councilmember Kimble made a motion to adopt Resolution 10-04 for the Municipal Growth Element

**Second:** Councilmember Price

**Discussion: Public Comments:** Richard Riley, 10925 Rawley Road, New Market MD – *Is initial growth slated for east end of town?* Mayor: *The only annexation in progress is the Food Lion annexation on the east end of town. There have been no other petitions presented to the town.*

Rick Fleshman, 2 W. Main Street, New Market MD – *What role does mediation with the county play?* Mayor: *County has a choice to pursue mediation and/or the town can continue to meet with them even if MGE/WRE has been passed.*

Rick Fleshman – *Were the comments from the public hearing put into the comments document?* Bruce Galloway: *Yes – they were added before the P&Z meeting the next day.*

**Board Comments:** Councilman Romanell: *Were any of the Maryland Department of Planning comments mandatory changes?* Bruce Galloway: *No, they were all editorial.* Councilman Romanell: *If we don't do what MDP says in the comments they sent to us, is our MGE/WRE null and void?* Attorney William Wantz: *The plan is merely advisory and not binding and does not carry any force of law – it is an aid to growth and development.*

**Vote: For** – 5 (Rossman, Kimble, Price, Romanell, Mueller) **Against** – 0. **Abstain** – 0. The motion passed.

**Decision:** Councilmember Romanell made a motion to adopt Resolution 10-05 for the Water Resource Element.

**Second:** Councilmember Mueller

**Discussion: Public Comments:** Rick Fleshman, 2 W. Main Street, New Market MD – *Page 4 – under open space it only says 6.3 acres.* Bruce Galloway: *I can add a footnote under Table 2 that mentions the 100-acre woods.*

**Amended:** Councilmember Mueller amended the motion to include a footnote on Table 2 in the Water Resource Element that indicates the Town has additional Open Space (OS) of 102.7 acres that is held by the Town and not intended for future development.

**Second:** Councilmember Romanell

**Vote: For** – 5 (Rossman, Kimble, Price, Romanell, Mueller) **Against** – 0.

**Abstain** – 0. The motion passed.

2. **Town of New Market Website** – Council members are going to prepare a “wish” list for what they would like to see on the website for the next Town Council meeting.

## **New Business**

### **3. Brinkley Manor Trash Pick-up Locations**

Councilman Romanell had heard concerns from several residents in Brinkley Manor about having all trash & recycling picked up in the front of their property. Bob Clark, Key Sanitation said that initially he had concerns about the safety of having his equipment use the alleys during the construction phase. He has re-addressed the issue and said he would continue to pick the trash up out back. Allied Waste that picks up the recycling said that they too would continue to pick up the trash in the rear alleys. Both Mr. Clark and Allied Waste asked if residents

would make sure not to park or have basketball equipment, etc in the alley. They also request that D.R. Horton keep construction equipment out of the alley.

**Decision:** Councilmember Romanell made a motion to reestablish the alleys as the trash and recycling pick-up location with a provision that we send out a letter to the Brinkley Manor residents.

**Second:** Councilmember Price

**Discussion:** Councilman Kimble: Against the use of the back alley for trash and recycling pick-up due to the safety issues.

**Vote: For** – 4 (Rossman, Price, Romanell, Mueller) **Against** – 0. **Abstain** – 1 (Kimble). The motion passed.

#### 4. Orchard Street Acceptance and Reduction in Guarantee

Mayor Burhans recused himself from this item on the agenda and Vice-President Rita Mueller presided over the meeting in his absence. The Town Engineer, Shawn Burnett, presented information on the streets and the Orchard's request to reduce their guarantee by \$40,000. The storm drains, curbs, and streets have been reviewed and are in compliance with the improvement plan. The only items left are the reforestation reviews and the sidewalk installation. The Orchard has prepared a deed of the streets in Phase 1 to the town. John Murtagh of the Orchard asked if the snow plowing would be done by the Town once the transfer of the streets takes place. The HOA takes care of the greens on the medians and the baseball fields.

Council will review the snow emergency plan ordinance and also the snow removal contract. This item will be continued under Old Business during the December meeting.

#### 5. Multi-Year Tap Agreements (MYTA's) for Marley Square, LLC

**Decision:** Councilmember Romanell made a motion to allow Mayor Burhans to sign off on the Marley Square, LLC Multi-Year Tap Agreements upon review and approval by the town attorney, William Wantz.

**Second:** Councilmember Price

**Discussion:** Howard Edwards, 122 W. Main Street, New Market, MD – *How many taps are left?* Mayor: 4.99. Michael Sponseller – *Does lot in Sponseller's Addition still have tap attached and available?* Mayor: Yes.

**Vote: For** – 5 (Rossman, Kimble, Price, Romanell, Mueller) **Against** – 0. **Abstain** – 0. The motion passed.

#### 6. Water & Sewer Re-classifications for November 30<sup>th</sup> Submission

##### a. Marley Square, LLC

##### b. 13 W. Main Street

**Decision:** Councilmember Romanell made a motion to approve the reclassification for Marley Square, LLC from W5/S5 to W3/S3, contingent upon the approval by the town attorney, William Wantz, and signature by the Mayor on the MYTA's.

**Second:** Councilmember Mueller

**Discussion:** None.

**Vote: For** – 5 (Rossman, Kimble, Price, Romanell, Mueller) **Against** – 0.  
**Abstain** – 0. The motion passed.

**Decision:** Councilmember Romanell made a motion to approve the change from W5 to W3 for the complementary water tap for the existing sewer for Mr. Walter Olson and Mr. Steven Pippin, 13 W. Main Street.

**Second:** Councilmember Price

**Discussion:** None.

**Vote: For** – 5 (Rossman, Kimble, Price, Romanell, Mueller) **Against** – 0.  
**Abstain** – 0. The motion passed.

**7. Mansfield Commercial Tap Request – 4.99 Water/Sewer Taps**

Mr. Ed Scott requested 4.99 Water/Sewer Taps. A discussion was held on current and future availability of water and sewer taps. The request for 4.99 water/sewer taps was denied.

**8. SHA Memorandum of Understanding – (Postponed to December Meeting)**

**9. Re-appointment of Sandy Pucciarelli to Planning & Zoning (Term Ending 10/31/2014)**

**Decision:** Councilmember Mueller made a motion to approve the reappointment of Sandy Pucciarelli to the Planning & Zoning Committee with a term ending October 31, 2014.

**Second:** Councilmember Kimble

**Discussion:** None.

**Vote: For** – 5 (Rossman, Kimble, Price, Romanell, Mueller) **Against** – 0.  
**Abstain** – 0. The motion passed.

**Public Comment:** Richard Riley, 10925 Rawley Road, New Market MD, would like to thank the Mayor for making sure that his name and email were added to the town list. He appreciates the updates on what is going on in town. Rick Fleshman, 2 W. Main Street: There were a couple incidents of vandalism – a pumpkin thrown at truck at 1 W. Main Street, a pumpkin was thrown at the Rosenauer's and Judy Stuart's vehicle was egged. The police were called in the incident at 1 W. Main Street.

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

**Second:** Councilmember Mueller

**Discussion:** None.

**Vote: For** – 5 (Romanell, Rossman, Mueller, Kimble, Price) **Against** – 0. **Abstain** – 0.  
The motion passed.

**The meeting adjourned at 9:20 p.m.**

Respectfully submitted,

Debra Butler  
Clerk to Council