



Town Council Minutes 39 W. Main Street

November 14, 2012 - 7:00

The regular meeting of the Mayor and Council of the Town of New Market was held November 14, 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, David Price, Dennis Kimble and Rita Mueller.

CALL TO ORDER: The meeting was called to order at 7:05 p.m.

APPROVAL OF MINUTES

Decision: Councilmember Romanell made a motion to approve the minutes of October 10, 2012 as written.

Second: Councilmember Rossman

Discussion: None

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

Mayor & Liaison Reports:

Mayor Burhans: At the HDC/ARC meeting last evening, the issue of the temporary signs at Mealey's was discussed. Mealey's is requesting more signage than is currently allowed under the zoning ordinance. With limited shops they are trying to get the word out that they are open for business. The Mayor suggested to HDC the possibility of making changes to the signage that is allowed, to include temporary signs and possibly more square footage. In the meantime, the Zoning Administrator suggested that Mealey's apply for a temporary sign permit. Sue Witmer is going to fill out the application once she gets the correct one from the Clerk-Treasurer.

Councilman Rossman: On November 17, several students from Linganore High School, some members of the council and couple of other residents performed the Fall Town Clean Up. They filled close to 80 bags of leaves and also mulched some of the leaves using Councilman Rossman's mower. The clean-up day was a success due to Mr. Brown at Linganore getting the word out to the students and the participation of all involved.

Decision: Councilmember Kimble made a motion to award certificates of appreciation for 5 hours of community service to the following students: Matt Raabe, Justin Fraumeni, Ricky Smith, Sean Ashoff, Ryan Gilmartin, Gaven Sovero, Brooke Evans, Sierra Rossman, and Sydney Rossman.

Second: Councilmember Mueller

Discussion: None

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

Councilman Romanell: The consensus at the HDC/ARC meeting was to have the property at 5 South Federal Street reviewed for an architectural/historical review as well as checking on the structural integrity of the house. The property owner is to pay the administrative costs of up to \$1000.00. The HDC recommended that if costs are less

than \$1000.00, the Town accepts the amount of the cost for the reviews/inspections. Maryland Historical Trust said they will review the property at no cost to the applicant. It might take up to a month to have them come out to inspect. The Engineering Survey is supposed to cost about \$200-300. This simple inspection will be paid by the applicant. If it turns out that the property needs to be demolished, that will be at the expense of the property owner. If the property owner would withdraw their application, then the Town has the option to request a court date and ask for a lien on the property in the amount of the fines.

Decision: Councilmember Price made a motion to ratify the HDC/ARC recommendation regarding the demo permit fees.

Second: Councilmember Kimble

Discussion: None.

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

Councilwoman Mueller: The electrician that has worked on the community park lighting came out for repairs. The lights had not been working. Paul Cooper finished cleaning out the undergrowth from Messanelle Park and also mulched as well. He has trimmed the bushes and cleaned out the fountain basin. Councilman Kimble is concerned about the basin and the need to have to keep getting it cleaned out. Councilwoman Mueller will check and see if it is possible to add a drain to the basin. Councilwoman Mueller has purchased the roping for the streetlights throughout Town and she is looking for volunteers to assist with putting it up.

Councilman Kimble: Councilman Kimble fixed the chains on the swings at the community park and suggests that all of the swing chains be replaced. He is going to check into purchasing vinyl coated chain of the same weight that is currently being used.

Special Presentation: Citizen Alert Notification System – Seamus Mooney, Frederick County Emergency Management

Seamus Mooney presented information on the Emergency Citizens Alert system. The new system enhances public safety and increases the ability to communicate with citizens, staff, and the municipalities. The new system replaced an older two part system that included a land-line system through Verizon and an email system. The new system also works with land lines and you can add up to 10 devices. You may enroll 5 different physical addresses and have multiple points of contact. You can set up to receive standard notifications as well as emergency notification. The resident controls how and where they will be contacted. There is also an option for the municipalities to set up their own category. The town would not need to send out severe weather announcements – that would still be down at the county level. The town category would be for community announcements. The names in the database are only for the communication function and are not available to other agencies or sold for marketing purposes. The county will train town officials on how to use the system. The County appreciates any feedback on the system.

BID OPENING – Mowing Contract for FY13-15

There were two bids received for the Mowing Contract for FY13-15. (Prices were only listed for FY13 on the bids that were submitted. This contract will have to go out for re-bid next fall.)

Decision: Councilmember Kimble made a motion to accept the bid from Valley Crest for the mowing contract for FY13.

Second: Councilmember Rossman

Discussion: None.

Vote: **For** – 3 (Kimble, Rossman, Mueller) **Against** – 2 (Price, Romanell) **Abstain** – 0
The motion passed.

Old Business

1. **Streetscape Update** – Councilman Rossman and Councilman Romanell met with members of the State Highway Administration and from the Maryland Historical Trust to go over the plans and drawings for the Streetscape project. It was also a chance to meet the new members from SHA and MHT that will currently be involved in the project.

Lighting – Some of the issues discussed: LED lights instead of the previous type, no to gaslights, how many poles are required to safely light the area, moving the lighting cabinet (3 feet by 4 feet) from the center of town to another location that is less obtrusive. A greater portion of the lighting costs will now be covered by SHA than in the previous Streetscape plans.

Landscaping – Issues included: different tree possibilities, the brickwork – it will match whatever pattern is currently there (i.e. there will be different patterns throughout Main Street and not one consistent pattern). The sidewalk will be continued to the Middle School. Planter Boxes – some folks asked if they could have them even if they are not currently in front of their house (like the ones at Mealey's for example). SHA will be coming out to see if that is possible and will report back. There will be no conduit put in for the water hook up.

Council will notify residents about no conduit being installed. This is important to residents that have not hooked up to water or gas. If they hook up to water/gas after the Streetscape project is completed, they will be responsible for repairing the sidewalk back to the same standards.

SHA has requested the town take over 42 feet of Prospect Street in addition to Main Street. This would require a Memorandum of Understanding amendment. There will be further discussion and negotiations on this matter.

There will be another meeting of the Streetscape work group in January to work out more of the details. The engineering phase should be completed by June 2013. If funding becomes available at that time, then the project would begin in June 2014 and would take approximately 2-3 years to complete. The project will take place in sections, much as the waterline installation did.

New Business

- 2. Royal Oaks Roads Release – Shawn Burnett, Town Engineer –** Shawn Burnett, gave a report on the road condition in Royal Oaks. Royal Oaks is asking that the Town accept ownership of Quaker Way, William Plummer, Poultney Place and part of Nicholas Hall. There has been nine years of the base in place and the base has shown no substantial deterioration. A resident of Royal Oaks had expressed a concern that water was lying along Nicholas Hall and that it would compromise the road. They were worried that the water was coming up from the bottom of the road. The town engineer has observed that water does seem to collect there, but believes that it is a result of the empty lot that has not yet been graded at that location. He believes that the water is surface water running from that area and not coming up from the bottom of the road. **If** the water is coming from underneath the street then one possible solution is to install a drain. Shawn said that there have been 9 years of field test of the infrastructure – sidewalks, streets, curbs, storm drains, and retaining walls. Mr. Burnett said there were two issues: 1) the wet “seam” along Nicholas Hall, and 2) retaining walls along William Plummer. Mr. Burnett is not sure if they would be the responsibility of the Town.

Mr. Burnett will check on the retaining walls to see if they are definitely the responsibility of the town and to see what is the frequency of inspection that is required for that type of structure. Shawn said that the lifespan of the wall is 50-75 years. Mayor Burhans is concerned about the construction continuing on Poultney Place. He questioned whether the builder would be required to have a performance bond to cover any damage that would be done due to construction. Mr. Burnett is going to prepare a statement that summarizes the issues that were discussed and present to Mr. Rogers.

- 3. Municipal Government Works Proclamation – Councilman Romanell**
Decision. Councilmember Price made a motion to adopt the proclamation as written.
Second: Councilmember Mueller
Discussion: None
Vote: **For** – 5 (Rossman, Price, Kimble, Mueller, Romanell) **Against** – 0.
Abstain – 0. The motion passed.
- 4. FY13 Audit Report –** The Mayor reviewed the FY13 audit report with the Council. A copy of the FY13 Audit will be available on the Town website.
- 5. Waste Collection Reconciliation –** A recent audit of the trash count revealed new homes that had not been included in the total trash count (a good portion of these were spec homes in Brinkley Manor). An adjustment was required to correct FY10 (\$696.00), FY11 (\$1755.00), FY12 (\$4492.00) & FY13 (\$2981.00) to date for a total of \$9,924.54. Mr. Clark has already been notified of the discrepancy.

Decision: Councilman Romanell made a motion to take \$9,924.54 out of unappropriated reserves to reimburse Key Sanitation.

Second: Councilmember Rossman

Discussion: None

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

Public Comment: Sue Witmer, Mealey's Restaurant, 8 W. Main Street. Concerns over lighting along Main Street (Colonial street lights) and complaints about the temporary signage.

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

Second: Councilmember Price

Discussion: None.

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

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Debra Butler
Clerk to Council