



Town Council Minutes 39 W. Main Street

October 10, 2012 - 7:00

The regular meeting of the Mayor and Council of the Town of New Market was held October 10, 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 June 13, 2012 as written.

Second: Councilmember Price

Discussion: None

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

Decision: Councilmember Price made a motion to approve the minutes of July 11, 2012 as written.

Second: Councilmember Rossman

Discussion: None

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

Decision: Councilmember Rossman made a motion to approve the minutes of September 12, 2012 as written.

Second: Councilmember Romanell

Discussion: None

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

PUBLIC HEARING

Ord. 2012-04 – An Ordinance Amending the International Residential Code (IRC) of the Town of New Market – Introduced on September 10, 2012 and advertised on September 21 and 28, 2012.

There was no public comment.

Decision: Councilmember Romanell made a motion to adopt Ordinance 2012-04 to amend the International Residential Code (IRC) of the Town of New Market.

Second: Councilmember Kimble

Discussion: None

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

Ord. 2012-05 – An Ordinance Amending the International Building Code (IBC) of the Town of New Market – Introduced on September 10, 2012 and advertised on September 21 and 28, 2012.

There was no public comment.

Decision: Councilmember Kimble made a motion to adopt Ordinance 2012-04 to amend the International Building Code (IBC) of the Town of New Market.

Second: Councilmember Romanell

Discussion: None

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

INTRODUCTION OF ANNEXATION RESOLUTIONS FOR SMITH/CLINE AND DELAPLAINE PROPERTIES

Decision: Councilmember Mueller made a motion to introduce a resolution for Smith-Cline Annexation.

Second: Councilmember Kimble

Discussion: Rick Fleshman, 2 W. Main Street – If the Food Lion Annexation has been held up the Friends of Frederick lawsuit, what allows these two annexations to go forward? William Wantz, Town Attorney – The plaintiffs in the Friends of Frederick lawsuit failed to request an injunction that would have permitted any annexations until after the court decision. This injunction would have to have been supported by a bond that would protect the town and any future earnings that would have been lost due to the injunction.

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

Decision: Councilmember Price made a motion to introduce a resolution for Delaplaine Annexation.

Second: Councilmember Kimble

Discussion: None.

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

A public hearing will be scheduled and advertised in the Frederick News Post, on the town website and bulletin board. The hearings may be held separately or combined in one meeting.

BID OPENING – Snow & Ice Removal for FY13-15

There were three bids received for the Snow & Ice Removal for FY13-15.

Decision: Councilmember Kimble made a motion to accept the bid from Kenley-Hubble.

Second: Councilmember Price

Discussion: None.

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

Old Business

1. **Changes to Mowing Specifications** – The following will be added to the mowing specifications to be performed monthly at Messanelle Park:
 - a. Remove leaves, trash, etc.
 - b. Rake the ground cover
 - c. Remove all weeds and undesirable growth
 - d. Maintain flowerbedsThese changes will be added to the bid spec for the 2013-2015 mowing seasons.

New Business

2. **The Orchard Update – Steve Seawright** – Mr. Seawright announced to the Board that he is going to be retiring by the end of February. He said that he would continue to be involved during the transition.
3. **Tree Removal – 57/59 W. Main Street** – There is a large maple tree in front of 57/59 W. Main Street that is rotting from the inside and is a concern for citizen safety. Councilman Romanell will contact the Department of Natural Resources for a permit to have the tree taken down.
4. **Tax Equity vs. Tax Differential** – Councilman Romanell requested that this item be continued until November meeting until we have the actual numbers.
5. **Observation of Halloween**

Decision. Councilmember Romanell made a motion to observe Halloween on October 31, 2012 between the hours of 6:00 pm to 8:00 pm and leave your porch light on if you would like to participate.

Second: Councilmember Mueller

Discussion: None

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

Mayor & Liaison Reports:

Mayor Burhans: The Mayor received letter from the State Ethics Commission on the results of their Decennial Review. Due to the small size of New Market, the State Ethics Commission granted a full exemption from the requirement to adopt conflict of interest, financial disclosure, or lobbying provisions in compliance with the Maryland Public Ethics Law or COMAR 19A.04. The Commission will review the Town of New Market's exemption status again as part of future Decennial Reviews, upon request by the jurisdiction or if the Commission preliminarily determines that the exemption status should be reviewed and set for a future formal consideration with COMAR 19A.03.03B.

Councilman Rossman: The Eagle Scout is still researching different benches for the basketball courts. He will report back with his findings.

The Fall Town Clean-up Day will be November 10th between 8:00 am to 11:00 am.

Councilman Price: Councilman Price will be meeting with Tiffany Ahalt from The National Road to discuss town concerns and issues with regards to the National Road.

Councilman Romanell: A demolition permit was presented to the HDC/ARC. After hearing testimony they voted on a continuance until there is a determined of how much to an architectural or historical survey. Once the costs are determined the HDC/ARC will decide/vote on the permit.

There was a section of sidewalk that was too large of an angle to be shaved by the company that came out last month. The sidewalk section needs to be replaced. After checking around with other local agencies/municipalities, Remsburg Paving was the company recommended. The bid came in at: \$2610.85.

Decision: Councilmember Mueller made a motion to move \$500.00 from "Unappropriated Reserve" to "Sidewalk Repairs".

Second: Councilmember Kimble

Discussion: None.

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

Trucks going making the turn from 8th to South Alley are missing the road and tearing up the shoulder. Councilman Romanell is going to talk to the proprietors at Mealey's to ask the food vendors, etc. to go down the cul-de-sac and turn around and make the turn from the other angle to avoid going off the edge of the road. The Clerk to Council will also call the County Recycling office as well as Key Sanitation to speak to them about the same issue.

Councilwoman Mueller: Need a volunteer to fix one of the swings down at the Community Park. The Messanelle Park fountain has been redone and will be kept out of the weather and put up next spring. A company is coming out mid-October to clean up the ivy, bushes, etc., and put down mulch in Messanelle Park.

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

Second: Councilmember Rossman

Discussion: None.

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

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Debra Butler
Clerk to Council