



## Town Council Minutes 39 W. Main Street

September 14, 2011 – 7:00 p.m.

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The regular meeting of the Mayor and Council of the Town of New Market was held September 14, 2011, in the Town Hall, 39 West Main Street, New Market, Maryland, with Mayor Winslow Burhans presiding. Members of the Council present were, Dennis Kimble, David Price, and Jake Romanell. Councilman Rossman arrived while the meeting was in progress. Councilwoman Mueller was absent.

**CALL TO ORDER:** The meeting was called to order at 7:16 p.m.

### **Mayor & Liaison Reports:**

#### **Mayor Burhans:**

- There will be an Open House at Mealey's on October 6, 2011 from 10:00 am to 2 pm. Over 1300 invitations have been sent out. The price has been lowered to \$900,000. The Mayor contacted John Fieseler, Executive Director of the Tourism Council of Frederick County, Laurie Boyer Director of the Office of Economic Development, County Manager David Dunn, County Commissioner Blaine Young. Councilman Jake Romanell has also extended invitations to the event.
- At the BoCC meeting on September 15 at 10:00 a.m., the Board will consider an amendment to the building code regarding grease traps. The amendment lifting the requirement for the 1600-gallon grease trap would be a boost to the Town's economic development.

**Decision:** Councilmember Romanell made a motion to send a letter to the Board of County Commissioners in support of the amendment to the building code regarding the 1600-gallon grease trap requirement.

**Second:** Councilmember Price

**Discussion:** None

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

#### **Councilman Romanell:**

Tax Equity Issue – A commission was formed that was comprised of two county commissioners and three municipal officers (1 each from a small, moderate, & large size municipality). Their goal was to come up with a formula that was equitable for everyone and ensure the municipal residents are not double taxed for the same services. The committee completed their report on September 8. The formula that was recommended and approved reverts back to the previous formula. The current formula was introduced by Delegate Claggett and was based on property tax. The formula will return to the previous version and is based on per capita. The county will not use the tax set-off where the tax monies are disbursed in one lump payment to the municipality. They will use tax differential, where each municipal resident will get a tax break on any services that the municipality provides. The municipality then has the option to raise taxes on their residents by the same amount. The net effect on the consumer will be the same. Councilman Romanell was concerned that the method they are going to use to

memorialize the tax issue will be done by a “Memorandum of Understanding” between the Board of County Commissioners and the municipalities. Councilman Romanell would prefer that a state law be enacted to memorialize it. The county will provide the figures to the municipalities of the tax differential in time for the FY13 budget.

**Councilman Kimble:**

There was a public hearing held on September 8, 2011 at the Planning and Zoning meeting on the **2011 Supplement to the 2005 New Market Master Plan**. The board tabled any vote on the issue until their October meeting so they would be able to review the public comment.

**New Business**

**1. Road Transfer Agreement for Maryland 144 – Main Street**

Town attorney, Bill Wantz has reviewed the agreement and it is complete except for the exhibit. The exhibit should include a detailed description of the road such that would go with the recorded deed.

**Decision:** Councilmember Price made a motion to accept the Road Transfer Agreement with the State Highway Administration contingent on SHA providing an acceptable form of the exhibit referenced in the agreement.

**Second:** Councilmember Romanell

**Discussion:** None

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

**2. New Market Middle School Safe Routes**

Bill Schalon (resident of Brinkley Manor) notified Mayor Burhans that New Market Middle School students would no longer be provided with bus service if they live in Brinkley Manor. Mayor Burhans spoke with Mike Leavengood for FCPS Community Services to inquire about the bus policy for the county and to see if there were any accommodations that could be made. There is a concern that the students will have to cross Old New Market Road. The road is in the process of being transferred from the state to the county. When that process is complete they may lower the speed limit from 40 mph to 30 mph. Trees have been trimmed that blocked some of the signs and the county is checking into a grant to have a flashing crossing sign installed. Bill Schalon and the Mayor researched the policy for bus routes. In the policy there is no mention of what types of roads that the students have to cross and there is no way for the Town to petition the school system to have the policy reviewed. A draft letter to appeal directly to Brad Young at the Board of Education has been prepared.

**Decision:** Councilmember Romanell made a motion to send the letter to the Board of Education as written.

**Second:** Councilmember Kimble

**Discussion:** None

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

**3. Comcast Franchise Agreement --** A discussion on the franchise agreement and the possibility that there is a hub available to the town where they would be able

to broadcast emergency messages on local channel 99. Further investigation is needed to find out about the hub and any installation or ongoing fees. This issue will be brought back for discussion at the October meeting.

*Councilman Rossman arrived at 7:45 p.m.*

**BOARD COMMENT**

Councilman Romanell introduced language to modify a fence permit application. One resident has his fence removed by the neighbor during the construction of the neighbor's new fence. The current permit application asks for either a survey of the property **or** the signatures of the neighboring properties. Councilman Romanell suggested that the **or** be changed to **and**. The Mayor will contact the town attorney as well as Larry Smith, Zoning Administrator for Frederick County, about the application and the modifications suggested. This issue will be brought back for discussion at the October meeting of Mayor and Council.

**APPROVAL OF MINUTES**

**Decision:** Councilmember Romanell made a motion to approve the minutes of August 10, 2011 as amended.

**Second:** Councilmember Kimble

**Discussion:** None

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

**PUBLIC COMMENT**

John Murtagh, The Orchard – Mr. Murtagh said that some members of the Orchard have been notified that blasting will take place for Phase II of the development. Right now they are performing testing of the rock to see where they will have to blast. Mr. Murtagh said that Miller & Smith is in the process of sending out a new blast notification to all residents that are adjacent to the blasting areas.

*Mayor will contact Shawn Burnett to make sure that Miller & Smith complies with the rules and protocol for blasting.*

Mr. Murtagh said that the residents of The Orchard also received a letter from the Maryland Department of the Environment about possible contamination of the water in the neighboring properties to the gas station across 75. The station is now closed. Mr. Murtagh will provide a copy of the letter to the Town.

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

**Second:** Councilmember Price

**Discussion:** None.

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

The motion passed.

**The meeting adjourned at 8:30 p.m.**

Respectfully submitted,

Debra Butler  
Clerk to Council