



Town Council Minutes 39 W. Main Street

September 12, 2012 - 7:00

The regular meeting of the Mayor and Council of the Town of New Market was held September 12, 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, and Rita Mueller. Councilmembers Price and Kimble were absent.

CALL TO ORDER: The meeting was called to order at 7:00 p.m.

APPROVAL OF MINUTES

Decision: Councilmember Romanell made a motion to approve the minutes of August 8, 2012 as written.

Second: Councilmember Rossman

Discussion: None

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

The motion passed.

State Highway Administration - Streetscape: Dennis German & MarieFrance

Guiteau: Mr. German & Ms. Guiteau gave a short presentation on the current status of the Streetscape project. The project has been funded through the preliminary engineering stage. During other Streetscape projects they found the ADA requirements to be very rigid so they recently sent out a survey crew to take many more measurements. During the Streetscape project they will not be taking out porches but will work around existing structures. Old trees, sidewalks and lighting will be replaced during the process. The road will cover the same footprint. The next stage is to acquire the right-of-way for storm drains. The Road Transfer has been signed and will be in place upon the completion of the project. Once the plans are at the semi-final stage, SHA will meet with the town to make any adjustments necessary. They are aware of Marley Street being converted to a two-way street and will make the necessary changes to the plans. They are hoping to apply for funding by the middle of next year. There is a new policy to cover the lighting. Under the previous policy SHA would have covered about 30% of the costs but under the new policy they will cover approximately 60% of the costs.

Del. Kathy Afzali: Del. Afzali introduced the four issues up for referendum in the General Election. The four issues: 1) Dream Act – In-state tuition for illegal aliens, 2) Congressional redistricting, 3) Gambling, and 4) Same-sex marriage. These four issues were passed by the Maryland legislature but were put on the ballot due to referendum process and petition by the people of Maryland. The next session will begin in January and run through April. If you have an issue that needs assistance, please contact her office to let her know.

Mayor & Liaison Reports:

Mayor Burhans: The Mayor received resignation from Sandy Pucciarelli (Planning & Zoning Committee). Bruce Galloway received a favorable judgment on 40/42 W. Main

Street. Citations are now being sent for the property on Federal Street and will also be sent, starting in the next few days, on another blighted property as well.

Councilman Rossman: LGIT reviewed the Eagle Scout project for the benches at the basketball courts. They agreed that the benches should be moved from the location on the drawings to the other side of the court and about 6-10 feet back from the edge of the basketball court. LGIT also asked if it was possible to have a protective coating or different type of bench (he was worried about heat of the aluminum in the sun).

There will be a Linganore-New Market Community Show September 30 through October 2. The Maryland Agriculture Fair Board, the Linganore and New Market Granges and the Linganore FFA are the sponsors of this event. The purpose of the show is to unite the communities and districts surrounding Linganore High School and to present a show of their talents and agricultural produce. The public is invited to attend. There will be baked goods, flower auction, sewing and art projects and on Tuesday, October 2, there will be a Spaghetti Dinner in the cafeteria at Linganore.

Councilman Romanell: The South Alley/Federal Street project has been completed. Town Engineer, Shawn Burnett and Councilman Romanell have inspected the completed project and there are two small areas that need to be addressed. Once they have been remedied then the funds will be released.

On Monday, September 17 around 10:30, the concrete cutter will be here to fix the sidewalk joints along Main Street. The project is supposed to be completed in one day.

Councilman Romanell is also in the process of evaluating the drainage on Strawberry Alley.

Councilwoman Mueller: Replaced the streetlight in front of the Simpson Church but it is still not coming on.

The Grange requested that the Town post information on an upcoming event at the Grange. On October 9 at 7:30 there will be a Charter Government Informative Discussion and Q&A at the Grange, 14 South Alley.

The Park needs the fence repainted – possible Eagle Scout or Masonic Lodge project?

Councilmembers Romanell and Mueller met with the owner of 21 W. Main Street to discuss Messanelle Park. The fountain has been disassembled and has been taken to a place in Boonsboro to have it refinished. Councilwoman Mueller is getting an estimate on getting the weeds, ivy, bushes, etc. trimmed and/or removed. The POS money will cover the fix-up but not the maintenance. There are fourteen areas of concern that need to be addressed. Councilwoman Mueller will discuss adding some of these to the Mowing Contract which is due to go out to bid in the next couple of months.

Public Hearing: Ordinance 2012-03 – Economic Development Flex Amendment was introduced on August 8, and advertised on August 15 and August 22.

Comments: Steve Sykes, 32 W. Main Street: Does part of the process [of annexation] allow for meaningful input from the town? Mayor: Yes, this flex zone allows the Town to be competitive in developing properties around the town and allows the Town to market

to a broader range of uses than the county. The Town has the ability to give more options but can also limit uses. The process begins with a petition from property owner to annex. There would be a public hearing to introduce the petition. An annexation plan would be sent to both the Maryland Department of Planning and to the county for their review and comments. There would also be an Annexation Agreement that would be contractually binding to both parties. There would be a public hearing before the annexation. A Developer Rights and Responsibilities Agreement would further fine-tune the Annexation Agreement.

Decision: Councilmember Romanell made a motion to accept Ordinance 2012-03 as written.

Second: Councilmember Mueller

Discussion: None

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

The motion passed.

Ordinance 2012-03 will become effective on October 3, 2012.

Old Business

- 1. Streetlight at 8th Alley Cul-de-sac** – The Mayor met with Potomac Edison to discuss the light at 8th Alley. After discussion with their representative, the 100-watt bulb will be sufficient for the streetlight at the 8th Alley cul-de-sac. It will not affect the properties there due to the tree line and that most of the light is directed downward. It will take approximately four to six weeks to have it installed.

Decision: Councilmember Romanell made a motion to appropriate \$1500.00 from the budget for the 8th Alley streetlight.

Second: Councilmember Mueller

Discussion: None

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

The motion passed.

New Business

- 2. Board of Appeals Nominations and Reappointments:**

Decision. Councilmember Rossman made a motion to approve the nomination of Jeff Green to the Board of Appeals replacing Brian Candida with a term ending February 2015.

Second: Councilmember Romanell

Discussion: None

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

The motion passed.

Decision. Councilmember Mueller made a motion to approve the nomination of Joe Oliverio to the Board of Appeals replacing Michael D'Ovidio with a term ending December 2012.

Second: Councilmember Rossman

Discussion: None

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

Decision. Councilmember Romanell made a motion to approve the reappointment of Scot Morrow to the Board of Appeals as Alternate, with a term ending December 2014.

Second: Councilmember Romanell

Discussion: None

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

3. Planning & Zoning Reappointment:

Decision. Councilmember Mueller made a motion to approve the reappointment of Donna Fallow to the Planning and Zoning Committee with a term ending August 2016.

Second: Councilmember Romanell

Discussion: None

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

4. Ordinance 2012-04 – An Ordinance Amending the International Residential Code (IRC) of the Town of New Market and Ordinance 2012-05 – An Ordinance Amending the International Building Code (IBC) of the Town of New Market – We are currently operating under 2003 codes. The county acts as our agent for building code and inspections. The Town tries to keep our regulations as close as possible to the county regulations. The only major difference between the town ordinance and the county ordinance is where we can have an independent inspector for Adventure Park.

Decision. Councilmember Romanell made a motion to introduce Ordinance 2012-04 and Ordinance 2012-05 as written.

Second: Councilmember Mueller

Discussion: None

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

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

Second: Councilmember Rossman

Discussion: None.

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

The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Debra Butler
Clerk to Council