

1 **New Market Town Council Meeting Minutes**  
2 **June 16, 2008**  
3 **7:30 pm**  
4

5 The New Market Town Council met in the Council Chambers of the Arthur L.  
6 Hildreth, Jr. Municipal Building with the following members present: Tom Constable,  
7 Jr., Mayor, John Blosser, Vice Mayor, Ripley Click, Mary Alice Burch, Eddie Litten,  
8 Gary Comer, and Troy Fadeley.

9  
10 Town Attorney – Jason Ham  
11 Town Manager – Evan Vass  
12 Town Clerk – Jeanne Rinker  
13 Visitors and Press – See attached sheet  
14

15 **I. Call to Order and Establishment of a Quorum**  
16

17 Mayor Constable called the June 2008 meeting of the New Market Town Council  
18 into session at 7:30 pm and established that a quorum was present.  
19

20 **II. Pledge of Allegiance**  
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22 The Pledge of Allegiance was recited in unison.  
23

24 **III. Recognition of Visitors**  
25

26 Mayor Constable welcomed all visitors to the meeting.  
27

28 **IV. Amendments to Agenda**  
29

30 Mr. Fadeley made a motion to add a third item to be eligible for Council action  
31 under the Town Manager's Report. That item was the consideration of appointing an  
32 interim Town Manager to serve the Town after Mr. Vass's departure until a new Town  
33 Manager is hired. Mr. Litten seconded the motion which passed on a vote of ayes (6)  
34 nays (0).  
35

36 **V. Consent Agenda**  
37

38 Mayor Constable presented the Consent Agenda which included the Minutes for  
39 the Council meeting held on May 19, 2008 and the Financial Statements for May 2008.  
40 Mr. Click moved to approve the Consent Agenda as presented. Mr. Fadeley seconded the  
41 motion which passed on the following vote: ayes (6) nays (0).  
42

43 **VI. Public Hearings**  
44

45 There were no public hearings  
46

47 **VII. Citizens Comments and Petitions**

48 Mr. Gordy Farrey, speaking on behalf of the Community Center, thanked the  
49 Council and Mr. Vass for working with the Community Center in solving a long, ongoing  
50 problem regarding a setback issue for the Center, the New Market Rebels, and the Town.

51  
52 **VIII. Announcements**

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54 There were no announcements.

55  
56 **IX. Town Manager's Report**

57  
58 Mr. Vass stated that there were two items eligible for Council action. The first  
59 was the discussion and consideration of adopting a proposed text amendment to the  
60 Town's zoning ordinances, specifically sections 70-10, Definitions 7-152.2 Residential  
61 Occupancy Standards and 70-190 Violations and Penalties, all three of which address  
62 issues involving excessive occupancy. A copy of a memo from Mr. Chad Neese to the  
63 Planning Commission and Town Council provided a full explanation of this ordinance  
64 and was included in the Council packet. The Planning Commission unanimously  
65 recommended approval of the text amendment following a joint public hearing on June 2,  
66 2008.

67 The second item eligible for Council action was the discussion and consideration  
68 of submitting an application to the Virginia Department of Transportation Fiscal Year  
69 2008 Revenue Sharing Program for road improvements to Shady Lane. This application  
70 would request approximately \$150,000 in State funding through VDOT for road  
71 improvements to Shady Lane. It would also commit the Town to pay at least \$165,000 to  
72 match the State's financial contribution.

73 Because the Town of New Market does not maintain its own secondary road  
74 systems, Shenandoah County must endorse this project on our behalf. Since the County  
75 does not hold business meetings during the month of July, the Town and Shenandoah  
76 County must finalize the submittal process by June 30, 2008 in order to meet the August  
77 1, 2008 application deadline.

78  
79 Mayor Constable presented the first item eligible for Council action, that of  
80 adopting a proposed text amendment to the Town's zoning ordinances specifically  
81 sections 70-10, Definitions 7-152.2 Residential Occupancy Standards and 70-190,  
82 Violations and Penalties, all three of which address issues involving excessive  
83 occupancy. Mr. Litten moved to adopt the proposed text amendment as presented. It was  
84 seconded by Ms. Burch and passed on the following roll call vote: ayes (6) nays (0).

85  
86 Mayor Constable presented the second item eligible for Council action,  
87 consideration of submitting an application to the Virginia Department of Transportation  
88 Fiscal Year 2008 Revenue Sharing Program for road improvements to Shady Lane.  
89 Mr. Blosser moved to submit the said application. The motion was seconded by Mr.  
90 Fadeley and passed on the following roll call vote: ayes (6) nays (0).

91

92 Mr. Fadeley addressed the third item eligible for Council action which was added  
93 to the agenda by amendment earlier in the meeting. Mr. Fadeley stated that the Finance  
94 and Personnel Committee had met in a closed session at 4:00 pm that evening and  
95 recommended that vice mayor John Blosser be appointed interim Town Manager for the  
96 period between Mr. Vass's departure and the hiring of a new Town Manager. Town  
97 attorney Jason Ham stated that if such a motion is made, it should be included in the  
98 motion that the appointment would begin at 5:00 pm on July 11, 2008 and also that the  
99 status of his pay was not decided. Mr. Fadeley then moved that Mr. Blosser be appointed  
100 interim Town Manager beginning at 5:00 pm July 11, 2008, and that the status of his pay  
101 be decided later. Mr. Litten seconded the motion which passed on the following roll call  
102 vote: ayes (5) nays (0). Mr. Blosser abstained from voting because he was the subject of  
103 the motion.

104  
105 Jason Ham, Town Attorney gave a brief presentation concerning the upcoming,  
106 July 21, 2008 public hearing regarding the possible entering into of an agreement with  
107 the Town of Broadway for the providing of wastewater treatment services by Broadway  
108 for New Market.

109 Mr. Ham stated that the Town had to either upgrade its existing plant or join with  
110 Broadway in order to comply with environmental laws and the need to expand the  
111 Town's wastewater capacity. He briefly outlined some of the pros and cons of each  
112 approach as follows:

113 The biggest pro of joining with Broadway is cost. If the Town builds its own  
114 plant, it will cost between 23 and 28 million dollars. It is expected, but not guaranteed,  
115 that the Commonwealth will provide an 8 million dollar grant, bringing the Town's cost  
116 of expansion to about 15 to 20 million dollars. The state funding could be less than this  
117 because of the economy, and the cost of building the plant could be higher or lower than  
118 this estimate.

119 Should the Town join with Broadway, the cost would be about \$10 million. This  
120 is comprised of the \$7 million 4.3 mile pipeline needed, \$1 million for land acquisition  
121 costs for the pipeline, and a \$2.25 million contribution to the upgrading of Broadway's  
122 plant.

123 Therefore the greatest pro is an estimate of a savings between \$5 and \$10 million.  
124 Again, this is only an estimate. It could be more to join Broadway, but it probably won't  
125 be.

126 The biggest con is loss of independence. We would only be a customer.  
127 Broadway would run the plant. The con is mitigated by the fact that we won't have to get  
128 permits, won't have to hire 2 – 3 people to work at the upgraded plant, and generally  
129 won't have to spend time working on those issues. Also, the agreement provides that the  
130 plant may be expanded, upon request and at New Market's expense, so that helps us if we  
131 need to expand again.

132 A pro, long term is that it will probably be cheaper to comply with new  
133 environmental rules coming down the pike, like pharmaceutical regulations, which may  
134 be enacted in the future, because of economies of scale, as Broadway, Timberville, New  
135 Market, Cargill and Pilgrim's Pride will all be discharging to one plant.

136 The agreement is for 35 years, because of the Town's need to build the pipeline.

137 July 21, 2008 is the date for the public hearing. The draft agreement is available in Mr.  
138 Vass's office for anyone who wants to read it. All are welcome to attend and comment at  
139 this public hearing.

## 140 **X. Committee Reports**

141

142 **Finance and Personnel:** Mr. Fadeley reported that the Committee met on June  
143 2, 2008 with all members present. They discussed the distribution of the 2008 personal  
144 property and real estate tax bills. Mr. Vass stated that the tax bills normally go out about  
145 thirty days prior to the due date of June 5<sup>th</sup>. However, this year the bills were mailed  
146 approximately two weeks later than usual. The software company produces the bills and  
147 is responsible for their mailing as well. The Town has not been given a satisfactory  
148 answer as to why the mailing was carried out so late. Consequently the Town may  
149 consider other options for the 2<sup>nd</sup> half billing for 2008, such as producing and mailing the  
150 bills in house or engaging another company to do the task. In all fairness to the tax  
151 payers, the due date has been extended to July 1, 2008.

152

153 **Public Works:** Mr. Blosser reported that the Committee received an update from  
154 Mr. Vass on the Regional Wastewater Treatment Facility. Mr. Vass received the final  
155 draft of the proposed contract from Broadway and had forwarded a copy to Mr. Hamm  
156 and to Mr. Johnson from Stearns & Wheler. He stated that a special Council meeting to  
157 also include Mr. Ham and Mr. Johnson would be scheduled to take place in about a week.  
158 The Committee also received an update from Mr. Vass regarding Phase I Inflow and  
159 Infiltration.

160

161 **Public Safety:** Mr. Comer reported that the Public Safety Committee met on  
162 June 2, 2008 with all members present. There was no new business on the agenda. Chief  
163 Perry gave a report on the "Click It or Ticket" campaign which took place the last two  
164 weeks of May. He stated that it was a tremendous success throughout the County.

165

166 **Tourism, Economic Development & Historic Preservation:** Ms. Burch  
167 reported that all members were present for the June 2, 2008 meeting. She summarized the  
168 events planned for July 4<sup>th</sup> and announced that the next July 4<sup>th</sup> planning meeting would  
169 be held on June 11<sup>th</sup> in the Council Chambers.

170

171 The second item on the agenda was an update by Mr. Vass on the status of the  
172 Smith Creek Watershed Project coordinated by the Virginia Department of Environmental  
173 Quality.

174

175 **Planning Commission:** Mr. Blosser reported that all members were present for  
176 the June 2, 2008 Planning Commission meeting. A joint public hearing was held  
177 regarding the adoption of a proposed text amendment to the Town's zoning ordinances  
178 which pertain to excessive occupancy. Following the zoning administrator's report, the  
179 Commission voted to recommend to full Council the adoption of this text amendment.

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## 181 **XI. Council's Comments:**

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183 Mr. Litten expressed his gratitude and appreciation to outgoing Mayor, Tom  
184 Constable, and to Mary Alice Burch whose term on the Council ends June 30, 2008.

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186 Ms. Burch also thanked the Council, the Mayor and all those who voted for and  
187 supported her.

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189 **XII. Mayor's Comments**

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191 Mayor Constable commended the Town Council, with special praise and thanks  
192 to Ms. Burch, as well as the Town Staff. He extended best wishes and thanks to Town  
193 Manager Evan Vass, who has resigned to become the Assistant City Manager for the City  
194 of Harrisonburg. He stated that he had very much enjoyed his years of service with the  
195 Town.

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197 **XIII. Closed Meetings**

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199 There were no closed meetings.

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201 **XIV. Adjournment**

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203 The meeting was adjourned at 7:58 pm following a motion by Mr. Litten and a  
204 second by Mr. Fadeley.

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212 Thomas Constable, Jr., Mayor

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220 Jeanne K. Rinker, Town Clerk

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