

**Town of Perryville
Public Hearing/Meeting Minutes
September 2, 2008**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, James Hansen, Gary Tennis and Alan Fox; Town Administrator: Denise Breder, and Police Chief Chris Daly.

The Public Hearing for Ordinance 2008-2 Text Amendment to Zoning Ordinance was called to order at 7:00 p.m. by Mayor Eberhardt.

Pledge to the Flag

Ms. Breder read the summary of Ordinance 2008-2 as follows:

An Ordinance amending portions of Chapter 84 of the Code of Perryville, entitled Comprehensive Zoning Ordinance and Maps of the Town of Perryville, to permit multi-family apartments in the Residential Marine District (RM) with conditions and to revise the maximum height of all multi family apartments in all zones to provide consistency with the height requirement in other sections of the Code.

Chris Rogers, representing URS, commented that what is before us is a proposed Text Amendment to the Zoning Ordinance revising various sections of the Ordinance. It is to include multi family developments in the residential marine zone and to clarify other aspects of apartments in that zone, which are not included in the new Zoning Ordinance. Mr. Rogers commented that the condominiums that are already there now including Owen's Landing, McMullen's Landing and Yacht Club I were all permitted under the old Zoning Ordinance. The preliminary site plan for Yacht Club and McMullen's Landing was approved under the old Zoning Ordinance which no longer exists. Mr. Rogers went over some of the changes to the Ordinance starting with number 1 which was the definition of condominium which he stated can be struck from consideration tonight because it is already included in the new Zoning Ordinance. Mr. Rogers stated that the Planning Commission held a Public Workshop on June 16th to discuss the consideration of these amendments. On June 30th a Public Hearing was held and continued pending the additional information being provided about the height of the existing McMullen's Landing and Yacht Club I. The Planning Commission finalized their consideration of these amendments on July 21st where they recommended approval of the proposed amendments as written. The Mayor and Commissioners had their workshop on July 10. Mr. Rogers commented that number 2 in the table of permitted uses was to add multi family apartments in the RM zone with conditions. Mr. Rogers commented that Subsection 3 of Section 205 stated that apartments and other multi family development residential units shall be permitted in the R-3, RM and PUD districts, with conditions, and may be permitted as a special exception in the TC district provided. Mr. Rogers stated that Subsection 3d of Section 205 (setbacks) was amended to state that the minimum lot

and yard requirements are set forth in Section 238, Schedule of Zone Regulations. In subsection 3f of Section 205 it is amended by deleting the existing language as follows: Building Height. The building height shall not exceed forty five feet, and inserting in lieu thereof the following: Building Height. The building height requirements are set forth in Section 238, Schedule of Zone Regulations. Mr. Rogers commented that this was to amend some inconsistencies with the existing Ordinance and all other aspects in Subsection 3 of Section 205 remain unchanged and in full force and effect. In Section 238 of Article XII, Schedule of Zone Regulations, is amended to include under the subheading RM Residential Marine, the subheading multi-family apartments, with the following minimum lot, yard and height requirements. In the RM zone multi family apartments, the total lot area needs to be 40,000 sq. ft., per family 3,400 sq. ft., the minimum width is 125 ft, the depth is 100 ft., the front setback is 25 ft. and the side setback is 20 ft., the aggregate side yard is 40 ft., the rear yard is 40 ft. and the height is 40 ft. Mr. Rogers stated that these are the same requirements for the multi family apartments that exist in the R3 zone today with the exception that the rear yard of 40 ft. was added.

Mayor Eberhardt questioned the permitted uses described in Subsection 3 where they allowed multi family and apartments and what zones they were allowed, he noticed that it does not mention MUD zones.

Mr. Rogers commented that they were not permitted in the MUD zones.

Mayor Eberhardt commented that he thought that in the proposal for Woodlands which was MUD that they had multi family units in their proposal.

Mr. Rogers stated that they have Townhouses; the MUD language includes uses that are permitted in other zones. This includes all permitted uses and uses by Special Exception in the R1, R2, NB, and C2 districts. Mr. Rogers commented that because it does not include R3 he interprets it to mean that it does not include multi family apartments and townhouses currently permitted in the R2 zones.

Mayor Eberhardt inquired if Stories was also to be struck from the end of section 4 where the footage allowances were explained.

Mr. Rogers commented that in the table there is a section for Stories and for apartments in the R3 it is blank so we thought that it was best to leave it the same, so the height is 40 ft. period.

Mayor Eberhardt asked for clarification on how the Ordinance was written in one section it wants you to refer to the table in the Zoning Ordinance and on the second page it spells out the requirements.

Mr. Rogers explained that on the second page it was actually changing requirements in the table that is why it was spelled out.

Mr. Rogers explained that the definition of the height in the new Ordinance versus the old Ordinance is different, the new Ordinance takes the building height from the average ground level to the top of the building, and the old Ordinance took it from the ground level, which was not specific to the midway point of the gable roof.

Mayor Eberhardt asked for comments from the floor in reference to the proposed Ordinance.

Stanley Campbell, who resides at 321 Beacon Point, commented that there are buildings down there now that are 55 ft. high and that this Ordinance would stop construction, he is asking that the height requirements be left the same.

Mayor Eberhardt inquired when the height requirement was ever 55 ft.

Mr. Rogers commented that it was not the height on the last building at McMullen's Landing at the front elevation it was 36 ½ ft in accordance with the old Ordinance from the ground level to the midway point of the gable roof, and 44 ½ ft at the lower half of the building in accordance with the old Ordinance. Mr. Rogers stated that the front elevation at Yacht Club I as seen from Roundhouse is 39 ½ ft. and the back side was 48 ½ ft. taken from a higher ground elevation and was consistent with the Ordinance at that time.

Mayor Eberhardt inquired how long the current Ordinance had been in effect.

Ms. Breder indicated that it has been in effect since January of 2005.

Mayor Eberhardt was concerned with them getting a misunderstanding on what they could build down there if this definition in this Ordinance has been around for almost four years.

Mr. Rogers stated that Yacht Club received preliminary approval in 2003 and received final site approval for Phase I and came back in for revised preliminary approval which included Phase II which is when we stopped them after realizing that apartments were not permitted in the RM zone in the new Ordinance.

Harlan Miller, who resides on 428 Susquehanna Avenue, inquired how they were given permission to build what is there now.

Mr. Rogers commented that the preliminary site plan for Yacht Club I fell under the old Ordinance with a different definition of height.

Mr. Miller commented that in his experience anything new being constructed should be consistent with the new Zoning Ordinance.

Mayor Eberhardt inquired if he had any comment on the new proposed Ordinance.

Mr. Miller commented that he does not feel that they should be able to build any thing different than what is already there now.

Mayor Eberhardt stated that this is what the new Ordinance is addressing.

Matt Roath, who resides at 437 Sumpter Drive, inquired if we are trying to stop things that are already under construction.

Mayor Eberhardt stated that nothing is under construction it is the plans that they are trying to address issues with.

MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to close the Public Hearing at 7:40 p.m. for Ordinance 2008-2. **All in favor; motion carried.**

The Town meeting was called to order at 7:40 p.m. by Mayor Eberhardt immediately following the Public Hearing.

APPROVAL OF THE MINUTES

Mayor Eberhardt wanted to clarify the fact that on page 30 in the minutes where he had asked Commissioner Brown to attend meetings on his behalf it can be any other member of the board as well who is available under the new guidelines from the Council of Government.

MOTION was made by Commissioner Brown and seconded by Commissioner Fox to approve the August 5, 2008 Town Meeting Minutes with the clarification as noted. **All in favor; motion carried.**

MAYOR'S REPORT

Mayor Eberhardt presented a Proclamation to Lt Vazquez who has provided great service to the Town of Perryville: has been with the law enforcement at the Hatem Bridge and is retiring. Lt. Vazquez has provided assistance for many events held in Perryville and to the Perryville Police Department.

Lt. Vazquez thanked the board for the Proclamation and stated that he would be attending the Parade Committee meeting as Mr. Vazquez.

Mayor Eberhardt read and presented a Proclamation to Commissioner Brown as a representative of the DAR to pass along to the Head of Elk Chapter of the Daughters of the American Revolution recognizing September 17-September 23, 2008 as "Constitution Week."

Commissioner Brown accepted the Proclamation as a member of the head of Elk Chapter of the DAR.

Mayor Eberhardt reported that the new YMCA program has been very successful; they had 50 children in the summer program. and have 20 children signed up for the before and after school program. They will be fully licensed for that program in September.

COMMISSIONER TENNIS' REPORT-

Public Works Report

Commissioner Tennis welcomed Mr. Caldwell back for his first day of work today after having been out on extended sick leave.

Commissioner Tennis reported that Public Works trimmed trees for the sightline on the corner of Frenchtown Road and Sumpter Drive as well as the corner of Maywood Avenue and Broad Street. The hydraulic lines on the WWTP truck were replaced. Bulk trash was picked up on 8/11 and yard waste was picked up on 8/12 & 8/13. Parking spaces were painted and no parking signs on Broad Street were put up. Graffiti was covered on Charles Street after a resident complaint. Repaired low water pressure issues at Gotham Bush. Flushed hydrants as part of water system. Pressure washed the rear of Town Hall. Began cleaning the newly acquired Meck property at the waterfront next to the boat ramp.

Commissioner Tennis thanked Jane Bellmeyer from the Cecil Whig who gave him a logo for the Friends of Garrett Island to be printed and on decals and will also have the registration on the side of it which we will need to get a price on.

Commissioner Tennis commented that he will be booking the Post 135 Meeting Hall for a meeting to be held with the Friends of Garrett Island, he asked that anyone interested look in the local newspaper for the date and time of the meeting.

Commissioner Tennis indicated that they need to let the Blackwater National Refuge Group know that they are ready to go to the island to do their assessments since the boater traffic will be less since summer is ending. Commissioner Tennis hopes that they will allow us to do that and give us a grant.

Mayor Eberhardt commented that we had written to the Blackwater Refuge group asking for their guidance regarding this program and he does not believe we have heard back from them so we sent a letter to Senator Mikulski's office asking for assistance from her staff. Mayor Eberhardt also wanted to report that we have a draft Ordinance regarding landlord tenant rental regulations that will be posted to the web site for public input available by the end of the week.

COMMISSIONER'S REPORTS –

COMMISSIONER FOX'S REPORT-

Commissioner Fox reported that he attended the Board of Public Works Meeting on Aug 20th in Annapolis along with Ms. Breder in which they approved money for grants to close on its loans in the amount of 11 million dollars. On the morning of the 26th of August attended a progress meeting of the Wastewater Plant Construction project along with Andy Fashnaught from MES and Ms. Breder, URS and representatives from Wickersham Construction. On the afternoon of the 26th Commissioner Fox attended the project update meeting for the Water Plant. One precipitator was taken off line as they continue to move with the new system. All four operators have enrolled in a Scada Class held by the MD Rural Water Corporation at Rising Sun in anticipation of the transition to the new system. The discharge parameters at the Wastewater Plant continue to be much lower than the permit requirements; they also met compost requirements for the third quarter. The flow meters were checked and certified by HIE. On the 15th of the month the plant was on the generator valve for over 14 hours due to a power outage from a storm. Commissioner Fox commented that safety gear was ordered for the employees because of the construction on site. Mr. Fashnaught commented that two employees Shawn Patchell and Ed Hoover at the Wastewater Plant have stepped up to the plate to cover things while they are down two employees. On the 29th The Maryland Occupational Health and Safety Department conducted an inspection acting on an employee generated complaint in regards to the Chemical Room in which he has not received the results on yet.

COMMISSIONER HANSEN'S REPORT-

September 2008

PLANNING & ZONING:

Planning & Zoning Public Hearing and Meeting was held on 8/18/08 at 6:30pm.

Public Hearing:

File No. TA2008-03 – Request for text amendment to Section 255-1 of the Town Zoning Ordinance. Request to amend sign regulations to allow for a programmable sign; APPLICANT: Rodney B. Sparr, The Shops at Perryville, LLC; LOCATION: 68 Heather Lane, Perryville, MD; Tax Map 29; Parcels 307, 402,403,049,059, 670; Zoned C2 Highway Commercial.

Motion was made by Mr. Fortner and seconded by Ms. Hansen to accept the proposed text amendment as is but that Section 272 1c wording to be revised by URS pending review of Federal Highway Standards. Motion passed, all in favor. (Copy with revisions is attached).

The text amendment was forwarded on 8/21/08 to Mr. George Fish, at Maryland Transportation Authority, for review with their regulations.

New Business:

File No. ZC2008-04 - East Coast Liquors permitted use in Highway Corridor Overlay District. PROPERTY OWNER & APPLICANT: Pravina C. Patel; LOCATION: 5279 Pulaski Highway, Perryville, MD (aka Ferrari's/Giant Liquors); Tax Map 29, Parcel 708, Zoned C-2.

The Planning Commission discussed typical development applications with required documents of site plan, landscape plan, and bond requirements. The applicant's attorney stated they would be willing to attach conditions to their liquor license, if permissible with Cecil County Liquor Board, to give the necessary clout for adherence to the Town's conditions.

Motion was made by Mr. Fortner and seconded by Mr. Oberholtzer for approval to open liquor package store with conditions attached to their liquor license; site plan to be received by the Town within eight (8) months showing all requirements per the Highway Corridor Overlay District, and all work necessary (including State Highway Administration recommendations in letter dated August 11, 2008) to be completed within

eighteen (18) months of today's date. Site plan to be provided to the Planning Commission no later than April 20, 2009, and all work completed by February 2010.

Mr. Riddle appeared before the Cecil County Liquor Board on August 26, 2008 at 9:30 a.m. Chris Rogers and Dianna Battaglia were in attendance to represent the Town of Perryville. The Liquor Board would not add requested conditions to the liquor license, but stipulated it be part of the Occupancy Permit. The Liquor Board agreed that maintaining a valid Occupancy Permit will be a condition of the Liquor License. If the Town is not satisfied that the conditions of the Planning Commission have been met, the Town, through Cecil County Department of Permits and Inspections, can revoke the Occupancy Permit. Once the Occupancy Permit is revoked, we would contact the Liquor Board and they will suspend the liquor license, until such time as the conditions are met. This is consistent with what the Planning Commission approved and intended.

During a discussion with Mr. Riddle and Mr. Patel after the Liquor Board hearing, we were informed that they have contacted David Strouss at McCrone Inc. for engineering their site plan.

Work Session:

R2 Discussion – Chris Rogers, URS, presented an option to allow townhouses with less density. The Planning Commission voted unanimously to eliminate reference of townhouses in the R2 district, and allow future development to be processed as a Planned Unit Development (PUD). Chris Rogers will draft wording for a text amendment to be presented as a public hearing at the next scheduled meeting.

BOARD OF APPEALS:

There was no Board of Appeals meeting held in August.

Mayor Eberhardt asked for clarification regarding the procedure for the Occupancy Permit for the Liquor Store, if the County issues the liquor license and then we give them an Occupancy Permit, or will they withhold the liquor license until we get Occupancy.

Mr. Baynes commented that his understanding is that Mr. Patel received the Occupancy Permit from the Town and he can operate but he must complete the conditions within a certain time frame. His Occupancy Permit can be revoked by the Town and the Liquor Board can revoke his Liquor License if the conditions for the Occupancy Permit were not met.

Mayor Eberhardt inquired if we had heard from the MTA regarding the programmable signs since it is on the agenda tonight.

Chris Rogers stated that it can be introduced tonight and if MTA suggested any changes be made to the Ordinance we would have time to amend the language before it was publicly advertised.

Ms. Breder commented that it would be introduced and you would have a Public Hearing on it just as you did tonight, probably at the next Town Meeting and then a vote on it and if passed advertised in the newspaper. It takes 21 days after adoption to become effective.

Mayor Eberhardt inquired if the letter to the MTA references these deadlines.

Ms. Breder had not seen the letter, although Mr. Rogers indicated that it did reference the deadlines.

Commissioner Brown inquired if we had a specific deadline for these improvements to be made.

Commissioner Hansen referenced his report that stated that one deadline was within eight (8) months showing all requirements per the Highway Corridor Overlay District.

COMMISSIONER BROWN'S REPORT-

Announcements:

September 3, 2008 Parade and Autumnfest Committee meeting, here, 6 p.m. volunteers are welcome.

September 25, 2008 Perryville Greenway Meeting, here, 10 a.m.

September 26, 2008 LSHG Casino Night at the Wellwood.

October 11, 2008 Fall Parade kicks off at 10 a.m.; Autumnfest adjacent to Rodgers Tavern.

Project Updates:

August 5, 2008 Attended the pre-bid meeting on the parking paving at the boat launch. The bid was awarded August 18 and is under construction as we speak.

August 6, 2008 Attended the Tourism Board Meeting at Tailwind Farms.

August 8, 2008 Attended a meeting of all parties on the pier project submission to State Highway.

August 11, 2008 Met with Eric Grubb, Peter Pearre, and Nelson Campbell to go over the check list for submission to the Maryland Historical Trust in reference to Rodgers Tavern. This submission package needs to be presented to the Easement Committee by September 30.

August 19, 2008 Attended the LSHG Board Meeting, Attended the Mayor and Commissioners Work Session.

August 26, 2008 Hosted Sandi Trent and other representatives of Program Open Space along with Mayor Eberhardt. The purpose of their visit was to show them how their money was spent. Projects in the Community Park, Boat Ramp and the Meck property acquisition. They were very impressed with what they saw. We told them we were looking for more money to expand these projects. Note: A picture is worth a thousand words.) Attended a meeting with the Mayor, Comm. Fox, Denise Breder, Chief Daly & Attorney Keith Baynes having to do with rental property.

August 27 & 28 & today Interviewed applicants for Parks & Rec. Crewperson position.

August 29, 2008 Met with Nelson Campbell, Christine Dunham & Michael Gaffney of the Chesapeake Bay Trust to discuss possible grants for shoreline erosion, planting mitigation and stream erosion. We are trying to look at more options for granting opportunities in these areas. They gave us a lot of information and are looking to assist us.

Commissioner Brown had a request from the Principal of the Perryville High School asking to use the Community Park on Tuesday, September 9th for their Cross Country Team which they have done in previous years. They have supplied their insurance certificate and are asking to use it from 2:00 p.m. until 5:30 p.m. and that the fees are waived. Commissioner Brown wants the Chief to be aware of it as well since they may need his assistance with automobiles being over there.

MOTION was made by Commissioner Tennis and seconded by Commissioner Fox to approve the request by the Perryville High School to use the Town Park for a Cross Country Meet. **All in favor; motion carried.**

Commissioner Hansen wanted to let everyone know that Havre De Grace is holding a ceremony to launch a new buoy on September 13th at 10:30 a.m.

Commissioner Brown stated that it was open to the public and they were still making arrangements for the program but were looking for people who may have boats to be out in the water when they actually launch the buoy.

Mrs. Hancock inquired if we had any contact information for this event.

Commissioner Brown commented that we do not but she may want to contact the Harford County Tourism Department.

**REQUEST FOR RETAINAGE REDUCTION FROM GREENSBURG
ENVIRONMENTAL-Kevin Pampuch-URS**

Mr. Pampuch referenced a letter dated August 21, 2008 from Greensburg Environmental, which was actually a second request, requesting a reduction in the retainage for their work for the Water Distribution Systems Project. The company has completed everything possible that they can until we have water available from the finished Water Treatment Plant to build a new storage tank. There is no progress report or pay request for them this month. Mr. Pampuch commented that an initial request was received from them on May 29 knowing they were getting close to the end of what they could accomplish. Mr. Pampuch commented that the request was discussed at the July Town Meeting in which it was tabled to revisit at the September Meeting where they prepared a second request. Mr. Pampuch commented that they used stronger language in the second request and referenced a date of July 28, 2008 as a date that the work was to be substantially complete in which Ms. Breder and I believe was incorrect. Mr. Pampuch summarized a review of contract times that he put together which shows that when adding in the change orders with the days to completion from the initial contract date it leaves you with a date of 11/24/08 for substantial completion and January 23, 2009 for the date of readiness for final payment so we still have time. Mr. Pampuch commented that they are waiting for a response to their request based on what is decided tonight.

Mayor Eberhardt asked if we have a schedule date for the water to get to the tank.

Mark Prouty, from URS, commented that a verbal time given to him today was that Zenon who are the manufacturers of the filtration equipment were to be on site September 15th for the beginning of their start up procedure. Mr. Prouty commented that based on that it could be October 1st through mid October after working out all of the kinks for water to be produced through the new system that can be pumped to the new tank.

Mayor Eberhardt stated that this means we should clearly be getting water to the new tank before November 24th.

Mr. Prouty replied that this is what their belief is.

Mr. Pampuch stated that Greensburg Environmental has another month or two of work left after water is going to the new tank to complete.

Mayor Eberhardt inquired what the retainage held now is.

Kevin commented that the present retainage is \$181,004.46 with a present balance to finish of \$46,104.

Mayor Eberhardt inquired if the November 24th date included the demolition of the tank.

Mr. Pampuch replied that it did.

Mayor Eberhardt commented that he is still inclined to hold the retainage since we still do not know what we bought yet.

Mr. Baynes, the Town Attorney, commented that it is not costing the contractor any additional money for us to hold onto the retainage.

Commissioner Fox concurred that he cannot see reducing the retainage at this point.

Commissioner Brown commented that based on the timelines as reported on at the meetings our dates should be the correct dates so we should wait.

Mr. Pampuch commented that he would work with Denise to prepare a response with these dates that reflect the contract time..

Mayor Eberhardt commented that this is in no way a reflection of their work; we just have no way of testing their work until they deliver what is promised.

Water Plant Project Progress Report-URS- Mark Prouty

Mr. Prouty reported that the Water Plant Project is at 75 days until substantial completion and with a date of November 5th and 105 days until final completion with a date of December 5, 2008. Mr. Prouty commented that the contractor with JLW has been trying to shorten his construction schedule and in doing so asked the Town take one of their tanks off line while JLW was able to gut and renovate the other sedimentation basin at the same time as other work which will enhance his schedule.

Mr. Prouty reported that the work completed since the last report was the demolition of CMU walls and concrete ceilings within the existing Filter Building and installing a 4" Flocculation Tank Drain line. The repair and reinstallation of a sanitary manhole was performed and the waste flow meter vault was installed which is the vault through which waste will go to the sewer system which was discharged differently before with an MDES permit. With the new system you will not have a discharge into the Susquehanna. The installation of PACI Chemical Feed Piping was done. Process piping and equipment along with electrical piping was installed at the Distribution Pump building. The piping installation was done at the Chlorine Contact Tanks and the foundation was poured for the telemetry tower. Stainless steel header piping and process piping were installed in the existing Filter Building and testing of the reject holding tank piping was completed. Storm piping and inlets were installed and CMU and brick masonry patches were installed on the existing Filter Building and door frames to the blower room were installed. Progress meeting number 15 was held on August 26, 2008 at the project site. The total contract price is \$8,785,761.70, and the total completed and stored to date is \$7,616,187.71. We are recommending payment for pay request number 16 in the amount of \$304,643.07.

Mayor Eberhardt inquired how long it will take to fill the tank.

Mr. Prouty estimated that it could be filled within a week.

Ms. Breder reminded Mr. Prouty that we have to watch the SRBC limitations for withdrawal out of the river she believes it is around 600,000 gallons per day max.

MOTION was made by Commissioner Fox and seconded by Commissioner Brown to approve partial payment #16 to JLW for the Water Treatment Plant project in the amount of \$304,643.07. **All in favor; motion carried.**

Wastewater Plant Project Progress Report-URS- Mark Prouty

Mr. Prouty reported that the Wastewater Treatment Plant project is 487 days until substantial completion with December 22, 2009 as the end date and 517 days until final completion with a date of January 22, 2010 not the date as shown on the report which was the same date as the substantial completion. The work to set up construction has begun; the trailers have been mobilized and set up. They have staked out the limit of disturbance and began installation of the Erosion and Sediment Control Devices at the Plant and the Reed Bed Site. The shop drawing review was started for project materials and all construction related permits were obtained. URS reviewed the schedule of values and construction values. Their first pay request is on the amount of \$65,116.00 which we recommend payment for.

MOTION was made by Commissioner Fox and seconded by Commissioner Hansen to approve partial payment #1 to Wickersham Construction for the Wastewater Treatment Plant project in the amount of \$65,116.00. **All in favor; motion carried.**

Mrs. Hancock inquired if she heard Mr. Prouty correctly when he stated that they were not going to be discharging into the Susquehanna anymore.

Mr. Prouty indicated that the Water Treatment Plant has a permit to discharge backwash into the Susquehanna, which will be removed from the plant and the waste from the backwash will go through the Sewer System and be treated at the Wastewater Facility.

ADMINISTRATORS REPORT-Denise Breder

Ms. Breder summarized her report the full report is on file at Town Hall if anyone needs to see it.

Town Administrator's Report Town of Perryville, MD September 2, 2008

- Water Treatment Plant and Distribution System Improvements Projects:
 - URS to give status updates on both the WTP-01-06 and WDSI-05-06 projects
 - Attended the monthly construction progress meeting held on August 26, 2008 at 1pm for the WTP-01-06 project.
- Wastewater Treatment Plant:
 - URS to give status update on the WWTP-01-07 project.

- Attended the Construction Progress meeting that was held for the WWTP project. The meeting was on August 26, 2008 at 10am.
- Along with Commissioner Fox, attended the Board of Public Works meeting in Annapolis on August 20, 2008. The financing of the Wastewater treatment plant was on the agenda for that BPW meeting.
- The wastewater plant project has been tagged by the US Census Bureau as a project to be tracked by the Bureau. The Census Bureau also tracked the Water Distribution System Improvements project. Their tracking requires an initial form to be filled out on the project and then monthly follow up of progress. The monthly form is just a fill-in of how much the prior month's progress payment was and then ultimately the date of the project completion.
- Annexation
 - Received confirmation from the Department of Legislative Services that they did receive the Town's letter on the annexation of the Susquehanna Overlook Property.
 - Had some correspondence and conversations with the attorney and the property owner for the proposed annexation of the Cedar Corner LLC property. A revision to the Fiscal Analysis for this project was received and distributed. I am working on a revised schedule for this proposed annexation, which I intend to distribute this week once I have had the chance to talk with Fred Sussman regarding his availability.
- Pier Project update:
 - Prepared for and attended the Final Review meeting on August 8, 2008 at 10am.
 - The test pile program was conducted by Dissen Juhn, with engineering supervision provided by Mr. John Klein and coordination with Mr. John Narer of State Highway Administration. We are awaiting final results, but it does appear preliminarily that there will need to be an adjustment made to some of the pile lengths as a result of the test pile program.
 - August 6, 2008 met with Mr. Geoff Graff and his supervisor from the SHA Office of Real Estate. They conducted a site visit in conjunction with the review of the procurement process of the easement for the pier project.
 - I am trying to locate the documentation to prove that the Town acquired the easement from Mr. Fred Linkous using Federal Procurement practices. The ROW needs to be approved as part of this project. If any of you has any related documentation, please provide it. **UPDATE:** *I could not locate the necessary documentation, so I asked Mr. Linkous if he voluntarily, without coercion, donated the easement to the Town. He indicated that that was the case, so I prepared a letter and sent it to Mr. Linkous for him to put on his letterhead and sign. He did do this. Additionally, after speaking with Mr. Eric Morsicato about the process that he used to acquire the easement from Mr. Linkous, I felt comfortable with signing the SHA form entitled*

“Negotiator’s Certificate”, which was sent to SHA along with a cover letter explaining why I was signing the certificate instead of Mr. Morsicato. Mr. Geoff Graff of SHA has reviewed the submitted documentation and recommended approval of the acquisition of the easement from Mr. Linkous.

- URS worked diligently to revise the Invitation for Bid (IFB) book and the Final Foundation Design plans to address the comments that were provided at the Final Review Meeting. We had a very short turn-around time to address the comments, to provide the Final Review Report and to get the request for Approval to Advertise (ATA) packet to State Highway Administration. My thanks to the staff at URS who put much effort into getting the comments addressed and the Final Review Report completed.
 - The IFB book, the Final Foundation Design plans, the Final Review Report, the ROW approval, the approved traffic control plan, and form 25C (completed by Mr. John Klein) for the project are all elements (though not the only elements) required to get Approval to Advertise (ATA) on the pier project. The request for ATA packet was hand-delivered to Mr. Victor Barreira at the SHA building in Baltimore on August 25, 2008.
- August 14th, 15th, and 26th had various meetings related to an ordinance to address Landlord / Tenant issues.
 - August 19th Prepared for and attended a Mayor and Commissioners work session.
 - Reviewed resumes and conducted interviews for both the Planner vacancy and the Code Inspector vacancy. There were a total of 9 interviews held. Initial interviews were held with participation from Mrs. Cathy McCardell and follow-up interviews were held with participation from Mayor Eberhardt. Employment offer letters were sent out for both positions. The Code Inspector position is filled effective September 8, 2008 by Mrs. Amy (Cole) Parker.
 - Corresponded with Ms. Fran McKee of Sprint and other Sprint representatives regarding the application to Cecil County for a Special Exception for the permanent monopole. Sprint’s final plans were sent to URS for review. Once final comments are received, I will, as appropriate, sign the Sprint application to Cecil County on behalf of the Town. Additionally, requested from Ms. McKee the check for \$4000 as required to be paid by Sprint for reimbursement to the Town for costs incurred as related to this project. Sprint did recently send the check. **UPDATE:** *URS’ comments were received and Sprint’s application for a Special Exception was signed and sent to Cecil County. The \$4000 check was received from Sprint.*
 - In follow up from last month’s Town meeting, a letter was sent to the Beacon Point HOA explaining the vote that was taken in regard to drawing down the bond to complete the monumentation work in the development. However, within a few days after the August Town meeting, I received a written request from Beacon Point Property LLC (Crouse Construction) regarding an alternative to full monumentation of the development. That request was subsequently put to the Board at the August

work session, a letter explaining the Board's thoughts on the request were sent to Mr. Crouse, and the request is the subject of a vote tonight.

TREASURE'S REPORT-Denise Breder

The bank balances for PNC; the balance was \$815,496.42 for the MD Government Investment Pool the balance is \$1,412,388.76, for Bay First Bank it is \$705,214.76 for Bank First \$2,500.00, and for NBRIS it is \$70,120.19, for a grand total of \$3,005,720.13.

Perryville Police Department Outreach Program-

There were 17 individual appointments, 5 parent appointments and 3 Group/Life Skills classes.

Activities Scheduled:

8/6 Longwood Gardens (photography day)
8/8 Community Service Day
8/12 Six Flags
8/22 Community Service Day

Every Tuesday evening at 6 p.m.: "Life Skills" Classes
(All Members must participate in "Life Skills" in order to be eligible for field trips)

"Tutoring Tuesday"

Outreach will be offering tutoring classes on Tuesdays after school. Please call or stop by for more information.

Outreach Program will be celebrating an Open House on October 2nd from 5:30 p.m. to 7:30 p.m.

The Cecil County Health Department will be teaching a "Stop Smoking" class on September 2nd, 9th and 23rd from 5 p.m. to 6 p.m. Anyone interested is encouraged to attend. Classes will be held at the Outreach Building located at 304 Aiken Avenue.

Monthly Police Report-August

MONTH	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT
CRIME										
ROBBERY	1		0	2	0	0	0	0		
ASSAULT	8	2	8	5	4	5	4	4		
BURGLARY	1	0	0	3	1	0	0	7		
THEFT	21	12	17	10	13	15	17	4		
AUTO THEFT	0	2	1	0	0	0	0	1		
CDS	4	1	2	1	1	1	1	4		
DISORDERLY	12	7	15	12	8	21	22	16		
MDOP	10	6	12	2	10	6	14	9		
ADULT ARRESTS	2	4	3	4	7	1	17	6		
JUV. ARRESTS	2	0	3	0	0	4	3	8		
TRAFFIC CITATIONS	12	3	15	9	18	15	11	6		
WARNINGS	10	32	20	25	20	11	12	9		
SEROS PARKING VIOLATIONS	8	9	5	8	10	6	5	5		
BOAT RAMP VIOLATIONS							3	0		
							2	0		
ACCIDENTS	11	7		9	5	8	7	10		
CALLS	220	122	236	209	220	207	256	229		

Perryville Police Department Chief's Report-

8/11/08 Attended Emergency Training at the Middle School
8/12/08 Radio Meeting at DES
8/15/08 Meeting with Mayor, Town Attorney and Denise about proposed Ordinance
8/20/08 Governor's Office audit on Juvenile Detention
8/21/08 NCIC/Miles Audit
8/23/08 Called out at 0430 hours for damage at the Middle School

FROM THE FLOOR

Sandra Reeder, who resides at 356 Elm Street, commented that two out of the seven burglaries were her house and the second time they trashed her home. Ms. Reeder wanted to thank Chris Daly and his staff for their quick response and apologize for her behavior after the second burglary. Ms. Reeder indicated that she was extremely upset to see foul mouthed painted walls and her furniture cut up. Ms. Reeder would like to get a neighborhood watch started. Ms. Reeder stated that she has no problem turning someone in that has committed a crime, she recently went to court for the preacher whose house was robbed. Ms. Reeder commented that her robberies took place in broad daylight and nobody saw anything. She stated that a lot of people are afraid to report crimes, that there ought to be an anonymous tip line for people to call into and a neighborhood watch. An alarm company will be installing an alarm system in her house tomorrow.

Chief Daly stated that Officer Zagol has been doing research on neighborhood watch programs and he will probably put her and Officer Follasco in charge of that program. Chief Daly commented that what he would like to do is to divide the Town up into every section and every neighborhood will have there own neighborhood watch, training people and giving out forms. Chief Daly reported that Officer Follasco and he were in that neighborhood the day of the burglary looking for a wanted person in the morning and they did not see a thing. Chief Daly commented that there is a form that you can fill out and send into them anonymously if you see something and do not want to give your name and they will follow up.

Ms. Reeder indicated that a neighbor had witnessed someone knock on her front door one day and then walk down the street, so they are looking to see if people are home or not too.

One of the residents had suggested an anonymous tip line to call into.

Chief Daly commented that he would see about setting up a separate line with a recording on it.

Brenda Miller, 428 Susquehanna Avenue, stated that Ms. Reeder had a good idea about the neighborhood watch; they used to have one in which Mrs. Hansen, Ms. Potter and she were a part of.

Chief Daly asked if she would get some names for him from her neighborhood and drop them by his office on anyone that may be interested.

Mrs. Miller commented that she was glad to hear that we are working on a Landlord/Tenant Ordinance but wanted to know when it was going to be place if there was a time limit.

Mayor Eberhardt commented that there is not a time limit they want to make sure they get it right. Mayor Eberhardt commented that Elkton is writing one, they have been at it for ten years, and Port Deposit has been at it for ten years. Mayor Eberhardt indicated that it could possibly be within the next couple of months, we will wait to get some responses from people and we will probably hear from the Cecil County Landlord's Association. Mayor Eberhardt commented that almost all of the Tenant/Landlord Ordinances that you see address livability issues, they will not stop hoodlums from cursing in the streets or stop them from daring you to hit them when they are walking across the road.

Mrs. Miller commented that it would at least be a deterrent for the landlords.

Mayor Eberhardt commented that this is more government control on people and their lives and more expenses to the Town. We are pursuing this but you need to know what we are getting into.

Mrs. Miller commented that if you are paying for a bill of goods you expect to get a bill of goods.

Mayor Eberhardt referenced the minutes from last month where Mrs. Miller commented that there has been no action at all and she feels as though the area between Elm Street and Otsego does not exist. Mayor Eberhardt commented that they have probably dealt with that area and have had more resources with that area than any other place in Town.

Mrs. Miller commented that the amount of crime that occurs in their small area is out of proportion to any other area in Town.

Sheila Lee, who resides at 210 Thomas Point Way, questioned what she understood regarding the yard waste pickup that the South side of Town was getting yard

waste picked up twice a month and the North side was only getting it picked up once a month. She believes that that is what it said on the internet.

Ms. Breder indicated that they should both be the same.

Ms. Lee commented that they were also wondering why it was cut back to once a month.

Mayor Eberhardt was not sure why it was cut back to once a month.

Ms. Breder indicated that she would double check the website.

Ms. Lee commented that the people on Concord Point Drive had a lot of debris in their storm drains that was supposed to be cleaned out, they are wondering what is going to be done about that.

Mayor Eberhardt asked Mr. Rogers if he knew if that was part of the punch list for Beacon Point.

Mr. Rogers was not sure if it was or not he would have to ask Kevin.

Ms. Lee inquired about the plan for a paved road on Lighthouse Road, there was originally an issue with the turtles, and there is a semi paved road there now.

Mayor Eberhardt commented that there is not a plan at one time they tried to get the State Highway to extend the sidewalk from Patterson Funeral Home up to the High School then we could then clear the road that exists so kids could walk out to the sidewalk onto 222. The State does not want to put the sidewalk on 222; they want to put it on St, Marks Road. Mayor Eberhardt commented that right now Beacon Point has bus service to and from school because there is not a safe route for kids to get to and from school, if a sidewalk is put in then it may stop bus service. Mayor Eberhardt commented that when Jennifer Hagar was a member of the Homeowner's Association she indicated that if the road was cleared that they may want it to be lighted, which would be their property and could bring up more issues with trenching for electrical lines and the turtles.

Ms. Lee inquired if there was a noise Ordinance.

Chief Daly commented that he believes that we have one regarding contractors starting work a certain hour, he would have to check. He inquired what type of noise complaint that it was.

Ms. Lee commented that it had to do with contractors starting work at 6:30 in the morning until 10 p.m. at night.

Chief Daly indicated that he has a code book in the back of his vehicle he will look it up when he gets home.

Kate Fisher, who resides at 365 Elm Street, commented that the drug dealing in Town has become so blatant that it is an insult to us. Mrs. Fisher commented that if you put the tip line in people could probably call and tell you what time they are dealing.

Mrs. Fisher commented that she knows that the Chief is probably working on it but just wants it to be known how blatant that it has gotten.

Chief Daly commented that hopefully by next month we can have a separate line set up for anonymous tips.

Mrs. Miller inquired if it will be enforceable if you leave an anonymous tip.

Chief Daly commented that if they get anonymous tips it gives them ammunition and a clue to what is going on, it is an investigative tool.

Mrs. Hancock inquired if there was anyway of calling that it would not go through the scanner.

Chief Daly commented that right now they dispatch us over the air, but with the new systems they dispatch then go to another frequency. These people probably have lookouts and they are gone as soon as they see the headlights of your car.

One of the residents inquired if we have bike capabilities.

Chief Daly commented that right now one of the problems is if an officer gets an emergency call like a cardiac arrest when he is five blocks down the road he has to pedal five miles back and load the bike up and get to the scene immediately. Once two officers get finished with field training this will be alleviated by having two officers on during busy hours.

Mrs. Lee inquired how many officers he has now.

Chief Daly commented that he has eight plus himself and they will be hiring two more.

Ms. Lee inquired if any of them were undercover.

Chief Daly commented that this would be cost prohibitive for them to hire an undercover person.

A resident inquired if another car could be used other than a Crown Victoria, or switching cars.

Chief Daly commented that any car that they would use in such a small Town, even unmarked cars would eventually become identifiable, and switching vehicles would become an insurance problem.

Commissioner Brown commented that the problems are not just in their part of Town, maybe if the new Ordinance could be crafted to allow us to visit where these people live under some other pretext and hopefully if they get enough visits they are out of Town. We may not get the drug bust but will hopefully get rid of them.

Commissioner Hansen indicated that he has seen them standing on the corner down there and they are not just selling candy.

Mr. Miller commented that some of the landlords will look at it and know that they need to clean up their act and do the right thing. Some of them just throw anybody in there just to collect the money. Mr. Miller commented that anything that can be done is better than nothing this is why they are moving here because other towns have Ordinances. Mr. Miller commented that the property values have plummeted and it is not just because of the economy it is because of the police calls. Mr. Miller commented that he believes that there is a law before the State now that if there is a police call in your area it will have to be documented and disclosed just like lead paint when selling your house. Mr. Miller commented that the problem with the pocket rockets has also been a problem and by the time it is called in they are gone because they hear it on the scanner or see you coming and take it into the house. Mr. Miller commented that the pocket rocket is considered a motorcycle according to the information from the D.M.V. and they need a license to operate it. If it is not a pocket rocket then it would be considered a bicycle which you would have to obey the laws, must have a helmet, turn signal and ride on the correct side of the road. Mr. Miller indicated that you should at least have a nuisance law if nothing else.

Chief Daly commented that judges do not want to hear testimony from them anymore they want to have the victim's testimony to get a conviction.

Mrs. Miller commented that even if you have a victim they don't do anything, they had a whole street testify against someone and nothing was done.

Chief Daly commented that it was not disorderly conduct it was a disorderly house and after looking up the Statutes and the laws from the States Attorney's Office the judge made the proper ruling in that case.

Mrs. Miller commented that was because we didn't have a Town Ordinance.

Chief Daly commented that the Mayor and Commissioners are working on this Tenant/Landlord Ordinance and are looking at creating a Nuisance Ordinance.

Mr. Miller commented that when the Mayor and Commissioners made the decision to have our own Police Force they took on the duties of protecting its residents and their property. Since that has taken place our protection has gone downhill; nothing against the Chief, part of it was he was understaffed. We are now getting more staff and things are improving but we are still not being protected we cannot sit on our porches without being verbally attacked. Mr. Miller indicated that eventually we will all be forced to leave and sell our houses to anyone that comes along then you will see what you get out of that.

Christy Miller, who resides at 441 Susquehanna Avenue, appreciates the effort being made to establish a Tenant/Landlord Ordinance. Ms. Miller commented that one of the things that should be considered in the Ordinance is duplexes. Some of these duplexes have a minimum of at least three dogs in each unit and that is not including cats and a very small yard, and some of the cats roam around freely like they are starved and will use other people's yards as their cat litter box. Ms. Miller commented that her house is for sale for other reasons along with these issues but she has not had one person call about her house.

Commissioner Brown inquired if she knew if any of the dogs had licenses.

Ms. Miller was not sure if they did or not, directly beside her two came from Texas and there is now a new puppy there, the three on the other side have cruelty against animal charges against them so they should not even have any pets.

Pamela Hancock, who resides at 1524 Frenchtown Road, commented that she was present tonight because she feels that her civil rights to move about freely were stripped from her by the order of Chief Daly about a month ago. Ms. Hancock feels that Commissioner Brown's statement from the August Town Meeting that anyone banned from the Perryville Park was breaking the law was irresponsible, unprofessional and false. Mrs. Hancock commented that she was not banned for breaking the law she was banned under false criminal allegations. Mrs. Hancock maintained that the allegations could lead to a criminal record having a negative impact on all areas of her life; this would include a major barrier to employment, the labeling effect of criminal stigma and disruption of social and family ties. Mrs. Hancock wanted her statements regarding her civil rights being violated and being falsely accused of a crime to be on public record. Mrs. Hancock commented that her request to be on the August Town Meeting Agenda was denied but

was instead suggested to speak from the public forum which she did use. Mrs. Hancock commented that when she stood up to speak she was given five minutes to speak which she feels was a violation of her freedom of speech. Mrs. Hancock reiterated the course of events as she did last month leading up to her removal from the park. Mrs. Hancock does not feel that the T.N.R. program is being regulated properly.

Mayor Eberhardt clarified what he has heard so far that Mrs. Hancock has been taking care of and feeding the cats at the park for a long time. The Town decided to take on a Trap, neuter and release program and entered into a contract with All Paws who was to get volunteers and to get signatures on a release from all of those volunteers. Mayor Eberhardt commented that for whatever reason it sounds to him like they did not want you as one of their volunteers.

Mrs. Hancock commented that she got involved with the project on the guarantee that she was part of the program. Mrs. Hancock commented that she does not understand why they would not be interested in the only person to step up to the plate and volunteer to assist with the program who has been doing it up until now.

Mayor Eberhardt reiterated that it appears that they do not want her as part of the program but yet she feels that she should oversee their program and take pictures.

Mrs. Hancock feels that someone should oversee it; she is just interested in the Town Park not interested in it being a cat sanctuary. Mrs. Hancock does not feel that it is being regulated, she is not allowed to go over there and nobody from the Town will talk to her or respond to her questions.

Mayor Eberhardt inquired how she could state that it was not regulated when she had previously mentioned that a Police Officer was there with the contract in hand and one of the Commissioners from Parks and Recreation Dept. and the park attendant were present on an occasion.

Mrs. Hancock commented that they refused to speak to her as Ms. Gallaso screamed that they need to take care of this at which point she was left standing at the park by herself.

Mayor Eberhardt commented that there were three Town Officials over there but you are alleging that we are not regulating the program.

Mrs. Hancock commented that they were there because of an allegation that came in that someone was stopping traffic.

Mrs. Hancock commented that on Saturday, July 26 after 10 a.m. she entered the park with her camera and as she got out of the car representative Gallaso came toward her screaming in public and in front of other park visitors that she is not allowed to come near them and that they are calling the sheriff.

Mrs. Hancock stated that she was there to take pictures of the Public Park which was not illegal. Mrs. Hancock commented that Officer Hoffman approached her and asked if she was a handler in which she indicated she was at which time he informed her that she was banned from Perryville Park until Monday and that she needed to leave immediately. Mrs. Hancock inquired why she was being banned from the park and he stated that they got a call that she was disturbing the peace and witnessed kicking over and setting off cat traps which is a criminal offense, which she stated was a false criminal allegation. Mrs. Hancock immediately stated that she had done no such thing which did not matter because the order came from Chief Daly so she had to go. Mrs. Hancock inquired if she could speak to Chief Daly and he stated that she could call him on Monday. Mrs. Hancock inquired if she could have the allegations and the banned information in writing and he told her no. Mrs. Hancock asked if she could video the explanation of the allegations regarding the call witnessing her kicking over the cat traps and he responded no because he did not have all of the information. Mrs. Hancock indicated that he obviously had enough information to have her banned from the Perryville Park. Mrs. Hancock commented that a Hatem Bridge cop even showed up. Mrs. Hancock called Chief Daly on Monday and he did not return her call. Mrs. Hancock spoke to the dispatcher at the Police Station the next day at 10:37 a.m. who informed her that the reports were ready and that there were two, so there were evidently two police reports about her. Mrs. Hancock commented that at 10:52 a.m. she received a call from Chief Daly who told her that she would need to get a lawyer and file a law suit and get them through a subpoena and she believes she overheard him to say that she was still banned from the park. Mrs. Hancock commented that it was later confirmed that he had sent a deputy out to the park on that date and spread word that she was banned from the park to the other deputies. Mrs. Hancock commented that she has not received anything in writing and have not been given a good reason for being banned from a Community Park for simply standing there with her camera. Mrs. Hancock commented that nobody is giving her concerns any consideration and will not even take the time to talk to her.

Mayor Eberhardt inquired if she was finished with her statement.

Mrs. Hancock inquired if that was all that he was going to say about the issue, she still wants to know why she was banned. Mrs. Hancock commented that she was counting on Attorney Baynes to allow her to continue speaking last month once she passed her five minute limit that was given and he did not allow her to. Mrs. Hancock commented that she wanted to know what section of law that came from, that she could not use her husband's five minutes by proxy.

Mr. Baynes commented that Governments are allowed to set their own rules and regulations on how to conduct a meeting and they can be enforced in a meeting. If they elect that individuals cannot defer their time to someone else that is part of their rules and regulations.

Mrs. Hancock indicated that she was not happy with the Mayor's attitude about this situation and feels like she is being treated like a criminal.

Mayor Eberhardt commented that he gave her the time to speak.

Mrs. Hancock commented that if anyone cares about their civil rights they may want to pay attention.

OLD BUSINESS-

Mayor Eberhardt presented Ordinance 2008-2 which was discussed earlier in the Public Hearing to be voted on he asked if there was any questions regarding it.

Commissioner Fox asked for clarification on whether Mr. Campbell's plans were approved or not.

Mayor Eberhardt stated that they were not.

MOTION was made by Commissioner Brown and seconded by Commissioner Fox to approve Ordinance 2008-2 as recommended by the Planning and Zoning Board.

Mayor Eberhardt wanted to verify that the Planning and Zoning Board did recommend that.

Mr. Rogers verified that the Planning and Zoning had recommended it as written.

There was discussion regarding clarification on the way that they are now doing the measuring.

Mr. Campbell commented that all they wanted to do was to be able to build as to what already existed at the river shore now.

Mayor Eberhardt commented that he was disappointed that the people that had come to previous meetings complaining about the size of the new building did not bother to get up and say anything during the Public Hearing.

Commissioner Hansen commented that when Owen's Landing Condominiums were first built in the early 90's the height of 55 feet and when they got to the last building it was almost 60 feet in talking to the maintenance man of the building. Commissioner Hansen stated that as time went on another building was built which was around the same size as the existing ones. Commissioner Hansen commented that all of this time has elapsed and now we are changing the Zoning Ordinance, he does not see why we would not want to keep them consistent with the existing buildings.

Commissioner Brown indicated that one point that she wanted to make was that a representative from the Fire Company was here last month regarding the height of the buildings and their main concern was that if you keep adding heights to these buildings there is no way to fight a fire.

Ms. Breder apologized for not having the Planning and Zoning Board's recommendation in this packet; it was part of last month's packet. Ms. Breder reiterated Mr. Rogers schedule of events ending with the recommendation from the Planning and Zoning Board for approval for the new Zoning Ordinance on July 21st.

Mr. Rogers also reminded them about striking the definition of Condo from the new Ordinance per the discussion earlier when they make their motion.

Commissioner Brown amended her motion to include striking out the definition of Condo.

MOTION was made by Commissioner Brown and seconded by Commissioner Fox to approve Ordinance 2008-2 as recommended by the Planning and Zoning Board and to remove the definition of Condo from it. **All in favor; motion carried.**

The next item before the board was for Board of Appeals Appointments, there are currently three positions available and there are seven people interested. Mayor Eberhardt commented that he would like for the board to interview each one of them before appointing them and have Mr. Malesh involved in the process as well since he is the chairman on the Board of Appeals.

Ms. Breder indicated that you will need to extend the terms of the existing three members because of the lapse in terms in the event of a Board of Appeals meeting that may occur, they were extended for sixty days two months ago.

MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to extend the terms for the three Board of Appeals members which includes Jennifer Hagar, Amy Chetelet and Susan Terborg for another 60 days. **All in favor; motion carried.**

Commissioner Brown inquired where we were with the Planning and Zoning Board and if we needed anybody for it.

Ms. Breder indicated that she did not have those terms with her but she will check.

Commissioner Brown thinks it would a good idea to check because if we have openings coming up some of these people may be interested in being on that board or you could at least let people know.

Mayor Eberhardt inquired where we are with fuel bid contracts.

Ms. Breder commented that she believes that this gets done in October.

NEW BUSINESS-

Ordinance 2008-03, a text amendment to the Zoning Ordinance for Programmable signs in the highway Commercial District was introduced.

Chris Rogers stated that the Perryville Outlet Center requested permission to install a programmable sign that has changing text which the Town staff said was not allowed. The Perryville Outlet Center has since requested a change to the Zoning Ordinance to allow programmable signs. The staff took the request and crafted it into specific Ordinance language since it was a general request. It was introduced to the Planning Commission at their August meeting at the Public Hearing; it generally allows programmable illuminated signs to be placed in the C-2 zone. The conditions would be that the sign was only visible to travelers on I-95, not visible from any residential dwelling within 1000 feet of the sign. It must show scrolling text only and any illumination by flashing or intermittent lighting does not change in intensity to gain attention of the passerby. All other applicable requirements of Article XV, signs are complied with. All other applicable requirements of Article IX, Part VI, and Highway Corridor Overlay District are complied with, provided the proposed sign is located therein. Mr. Rogers explained that the scrolling text would be seen from I-95 not from 222. The applicant can demonstrate that the proposed sign is consistent with the requirements of the Maryland Transportation Authority. Mr. Rogers commented that they are still waiting to here back from the Maryland Transportation Authority regarding any problems that they may have with the proposed Ordinance. They also explained to them in the letter that due to time restraints and advertising requirements we needed a response by September 15th.

Mayor Eberhardt commented that he is not sure why the staff has put so much effort into the proposed draft of this Ordinance before getting the approval from the Maryland Transportation Authority; he is not sure what the rush is.

Mr. Rogers indicated it was based on the request from the Outlet Center.

Mayor Eberhardt commented that it just seems like we are going through a lot of work before even finding out if it going to be acceptable through the Maryland Transportation Authority.

Commissioner Brown commented that one of the reasons that she believes we are even considering this is because it is not in our downtown area or even on the Route 40 corridor area, it would be to distracting if there.

Delaware Valley Development Corporation.

Ms. Breder summarized a request from Delaware Valley Development Corporation for support in their effort to renovate Richmond Hill Manor; they are looking to receive Federal Tax Credits and loan funds from The Department of Housing and Community Development. This was one of the two companies that made a presentation at the Mayor and Commissioners work session. Ms. Breder commented that they sent a sample form of a letter for us to use which would express our support in their plans for the substantial rehabilitation of the 48 apartment units. The ultimate approval for the plans would have to come from the Perryville Town Council in the form of a local resolution. They are additionally asking for us to recommend that Cecil County waive the building permit fees.

Mayor Eberhardt thought that we may be jumping ahead to soon that the deadline for this was several months away and we wanted to talk to Cecil County first since they want us to recommend to the County for them to waive the permit fees.

Commissioner Brown indicated that she would not be comfortable doing anything until we have heard from the County either since they are looking for us to pass this by way of a Resolution.

Mayor Eberhardt commented that the County may be saying that they will endorse it if we endorse it.

Commissioner Brown read where it stated that the plan to relocate no more than five households, maybe the number will be smaller when all is said and done.

Commissioner Tennis mentioned that the second paragraph in their letter to us presenting this proposal had a sentence which read "A local contribution to the project also is required to qualify for DHCD funding; he inquired if that was coming from the County.

Mayor Eberhardt commented that in the support letter it stated that the contribution is considered waiving the County fees. Mayor Eberhardt reiterated that he would like to contact the County before deciding on anything.

Ms. Breder commented that Kathy Ebner, a representative from Homes for America, was present tonight to answer any questions that anyone may have regarding their request for a Payment of Lieu of Taxes (PILOT) of 6.5% rental income, which would amount to about a \$10,000 reduction that we would receive from the property. They are looking to renovate Concord Apartments on Concord Drive and Mill Creek Road.

Ms. Ebner commented that they did not have the draft letter of support done in time for the packets but had emailed it late Friday, she has one available for tonight if needed. They are looking for a contribution from us in the form of Payment in Lieu of Taxes of 6.5% rental income amounting to about \$10,000 to support this program to rehabilitate Concord Apartments.

Commissioner Brown inquired what period of time the \$10,000 was.

Ms. Ebner commented that in the support letter she referenced fifteen years.

Commissioner Brown commented that if it is fifteen years we are talking \$150,000.

Ms. Ebner commented that we are seeking that contribution because of the population that we are serving their incomes are capped so therefore our revenues are as well and this would help to offset some of the costs.

Mayor Eberhardt inquired if they had gone to the County for some form of contribution as well.

Arthur Edwards, another representative from Homes for America, commented that they had an initial conversation with Dave Mahanney from the County who basically said what you thought they would say that they would see what the Town said first. Mr. Edwards indicated that we are starting here and will continue on up to the County.

Ms. Ebner commented that they are just hoping for a letter of approval from the County not a contribution.

Mayor Eberhardt commented that the County gets a larger share of taxes from you than we do so they should be paying their fair share of the \$10,000 tax relief, it should be pro-rated between the Town and the County.

Ms. Ebner commented that they go to the Towns first then to try to get the job done due to time restraints and deadlines.

Ms. Ebner commented that it did not have to be a contribution to us in the form of Payment in Lieu of Taxes of 6.5% rental income; the PILOT could be set at a higher level so that it is more of a wash to what we are currently paying.

Mayor Eberhardt commented that they still will need to try to talk to the County; he has heard that in the past the County is not interested in these kinds of programs.

Mr. Edwards commented that Mr. Mahanney seemed to be excited about the prospect of redeveloping Concord Apartments.

Mayor Eberhardt inquired if there were any projects that they have where the projects are split between the Counties and Towns.

Ms. Ebner commented that she is working on one in Cumberland, MD where the County gives a 60% tax abatement and the Town also gives a 60% tax abatement. Ms. Ebner commented that she can research some of their other developments to see if their Counties make contributions. Ms. Ebner commented that their hope would be for us to at least consider and contribute something even if the County does not want to contribute.

Mr. Edwards commented that this would be an investment into our community and the longer it sits the more the condition of the buildings will continue to deteriorate.

Beacon Point Request-

Ms. Breder commented that this request was a follow up to our discussion from the Work Session, we did send a letter to Crouse regarding Beacon Point, but really did not discuss Court Yards at Olde Towne. Ms. Breder stated that the board has the request before them she wants them to decide how they would like to proceed with it.

Mayor Eberhardt commented that in our letter it basically states that we would deviate from some of the monumentation requirements provided that they reimburse the Beacon Point HOA for all costs incurred on the electric bills for the street lights in the development. Mayor Eberhardt inquired if there is still something that we need to get from them that would prevent us from doing the same thing for Court Yards at Olde Towne.

Ms. Breder commented that we still have the property issue that is outstanding but as far as she knows it is addressed in the written agreement with Crouse and she believes they are going to give us a payment for it.

Commissioner Tennis indicated that they should be treated separately since they are two different properties.

MOTION was made by Commissioner Tennis and seconded by Commissioner Brown that if Crouse reimburses the Beacon Point HOA for costs incurred on the electric bills we will have them do the monumentation for the right-of ways and easements. **All in favor; motion carried.**

Mayor Eberhardt inquired if there were any outstanding issues regarding Court Yards at Olde Towne.

Ms. Breder indicated that all of that will get taken care of with the as-built certifications and the final punch list. Ms. Breder commented that the purpose for both of them is to get both of the public infrastructures turned over to the Town.

Mr. Baynes suggested putting a time limit on them for getting the things done, although he is not sure what that may be.

Ms. Breder commented that Kevin had stated that it could be at least 6 months for the monumentation at Beacon Point, which is a lot larger development than Court Yards.

Commissioner Brown commented that the electric bills will be dragged out for another six months then.

Ms. Breder indicated that she had not included the six month time frame in there in the hopes that the developer would give us the time frame, they are paying a lot of money to keep the property bonded so they may pay people overtime and get the job done as quickly as possible.

Mr. Baynes suggested giving them 90 days on Court Yards and see what they come back with and if it can't be done that quickly then reevaluate it.

Ms. Breder elaborated more by suggesting giving them 90 days to complete the certification, get the property deeded over to us and get the payment made to us.

MOTION was made by Mayor Eberhardt and seconded by Commissioner Brown to have Crouse do the monumentation for the public roadways, sidewalks, right-of ways and easements within 90 days, turn over the deed to the property to Lot 1 in accordance with the previous agreement. **All in favor; motion carried.**

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MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to adjourn the September 2, 2008 Town Meeting at 11:15 p.m. **All in favor; motion carried.**

Respectfully submitted,

Jackie Sample,
Town Clerk

