

**Town of Perryville**  
**Meeting Minutes**  
**May 6, 2008**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, James Hansen, Gary Tennis and Tim Tolbert; Town Administrator: Denise Breder, Financial Coordinator: Peggy Rice, and Police Chief Chris Daly.

**The Personal Property Tax Rate & Real Estate Property Tax Rate Public Hearing was called to order at 7:00 p.m.**

**Pledge to the Flag**

Ms. Rice presented the proposed real property tax rates. For the tax year beginning July 1, 2008, the estimated real property assessable base will increase by 7.8 %, from \$365,935,021 to \$394,335,280. If the Town of Perryville maintains the current tax rate of \$0.362 per \$100 of assessment, real property tax revenues will increase by 7.8% resulting in \$102,809 of new real property tax revenues. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.336, the constant yield tax rate. The Town is considering not reducing the real property tax rate enough to fully offset increasing assessments. The Town of Perryville proposes to adopt a real property tax rate of \$0.362 per \$100 of assessment. This tax rate is 7.7% higher than the constant yield rate and will generate \$102,809 in additional property tax revenues.

Sandra Reeder, who resides at 356 Elm Street, stated that she does not need another tax increase with the way that everything else is going up and the County trying to get a tax increase too she will end up losing her house if she gets hit with both tax increases.

Pamela Hancock, 1524 Frenchtown Road, agreed with everything that Ms. Reeder stated. The average person is struggling to make ends meet with the current increases in the necessities.

Betty Thompson, who resides on Ingleside Avenue, commented that she agrees as well. Mrs. Thompson commented that there are a lot of seniors who live in Town and she is not saying that they deserve special recognition, everyone is being impacted, but they do not get a cost of living increase. Mrs. Thompson realizes that the Town needs the money but they may need to cut back just like everyone else is going to have to cut back.

Colonel Fisher, who resides at 365 Elm Street, offered to assist with looking into reductions in spending as opposed to tax increases. Colonel Fisher also suggested talking to his boss about some pro-bono work looking into how the Town operates and items that may have been overlooked in cutting costs. Colonel Fisher commented that he is not sure how often or if the Town conducts an independent audit like this.

Ms. Breder commented that we conduct an audit on our books every year but as far as an operational audit she is not sure about.

Colonel Fisher commented that it is an option to consider instead of raising taxes.

Ms. Breder commented that although we do not do an official operational audit every year when the budget is being put together it gets scrutinized and cuts are made.

Colonel Fisher commented that he has been to budget meetings and agrees that cuts do get made but larger corporations do the same thing but also have another process through an independent company that identifies waste that people are not easy identifiable to. Colonel Fisher commented that he wants to throw it out there as an option before considering a tax increase if you decide you are interested we would need to work with his boss to make that happen.

**Motion was made by Mayor Eberhardt to close the Public Hearing and open the regular Town Meeting at 7:10 p.m.**

#### **Town Meeting-7:10 p.m.**

#### **APPROVAL OF THE MINUTES**

**MOTION** was made by Commissioner Brown and seconded by Commissioner Tennis to approve the April 1, 2008 Town Meeting Minutes. **All in favor; motion carried.**

#### **MAYOR'S REPORT-**

Mayor Eberhardt reported that the board met on April 8 regarding Annexation issues which they are considering for Susquehanna Overlook. On the 9<sup>th</sup> of April he met with Mary Halsey, who is the new representative for Cecil County on the MD Transportation Authority local issues. This came out of legislation from the Hatem/Tyding bridges work group. On April 15<sup>th</sup> we gave a tour to some representatives from WILMAPCO on walkable communities showing them the ability for us to walk from place to place. As a result of that we may be able to get some grants from WILMAPCO to help us with our trail system. He attended the meeting of the Cecil/Harford Chapter of the MML on the 17<sup>th</sup> of April. Riversweep was on the 19<sup>th</sup> of April. On the 23<sup>rd</sup> of April Mayor Eberhardt attended the board meeting of the YMCA in Elkton and the report given on the Perryville programs was that they were getting a good response. They were excited about the fact that they are opening a summer camp and were expecting approximately 15 people and already have 17 already signed up for the

Perryville program and are expecting more people. On the 24<sup>th</sup> of April he attended a budget workshop regarding the Town budget. On the 29<sup>th</sup> he met with the County Commissioners regarding approval for the Susquehanna Overlook Annexation which was given. Also discussed was developing a plan regarding the fly ash issue which is in the County now and the Town and the County has written to the Secretary in regards to that. The County now has a pretty good plan moving forward and plan on having a Public Hearing on the 16<sup>th</sup> of June to change their regulations to basically deny any use of fly ash in the County. The Council of Governments met on the 1<sup>st</sup> of May once again Mayor Eberhardt asked the County to brief the Council on the fly ash issue to get the cooperation from the other towns in the County to also send a letter to the Secretary in regards to the new fly ash regulations. On the 24<sup>th</sup> of April Mayor Eberhardt attended the rededication of the Perryville Middle School. Mayor Eberhardt also shared some historical information regarding the Middle School which used to be the High School; it was the first High School in Cecil County. Mayor Eberhardt commented that they were very pleased with this project because it not only was renovation of the school but also addressed some traffic safety issues by moving the bus route to Coudon Boulevard. They also went to an effort to preserve the front of the building facing Aiken Avenue and create a campus like setting by having the Elementary School in one direction and sidewalks to the library in the other direction. Mayor Eberhardt received a letter from the MD Transit Authority that they are conducting a study on the location and method of tolling on I-95. Mayor Eberhardt commented that the Hatem/Tyding bridges work group, particularly those that were involved in Economic Development in Cecil County was most anxious to have that toll facility located somewhere else and he thought that the issue was dead. Mayor Eberhardt commented that George Fish from the MTA was present tonight that he may be able to explain how that came about.

Mr. Fish stated that the issue never really died it had come about from the bridges work group.

Mayor Eberhardt indicated that it is an eighteen month study that they are to be doing. Mayor Eberhardt commented that the Transit Authority have informational meetings scheduled at the new library from 5-8 p.m. tonight and tomorrow night to discuss the bridge construction and AVI renewals.

Mr. Fish commented that there are meetings scheduled next week on the 14<sup>th</sup> and 15<sup>th</sup> at Meadowview Elementary School from 5-8 p.m. as well.

Mayor Eberhardt presented a Proclamation to the Tourism Department proclaiming May 1<sup>st</sup>-May 31<sup>st</sup> as Cecil County Tourism month. Commissioner Brown accepted it on their behalf to present to them at their meeting tomorrow.

Mayor Eberhardt also presented an award to Commissioner Tolbert on behalf of the staff at the Water Plant from the MD Rural Water Association for Perryville having the best tasting surface drinking water in the State of Maryland; Salisbury received an award for the best tasting well water. Mayor Eberhardt presented a plaque to Commissioner Tolbert who has served on the board for 18 years which is strictly a volunteer service. Mayor Eberhardt commented that there have been many occasions where Commissioner Tolbert has been called out in the middle of the night when a pump breaks down or when the water is not coming into the Water Plant or a break in the line. Mayor Eberhardt commented that Tim is not the most vocal member of the board but when he has something to say you listen.

Chief Daly thanked Commissioner Tolbert on behalf of the Perryville Police Department for his support of the Perryville Police Department and wished him success in his future endeavors. Chief Daly personally thanked him for allowing him the opportunity to lead the Perryville Police Department. Chief Daly presented him with a picture of the current staff at the Perryville Police Department and with the Perryville Police Department Patch.

#### **COMMISSIONER'S REPORTS –**

#### **COMMISSIONER BROWN'S REPORT-**

#### **ANNOUNCEMENTS:**

May 7, 2008 Cecil County Tourism Board of Director's will meet in the Perryville Library at 11 a.m. Following the meeting a tour of their new "Visitors Center will be conducted at the Perryville Outlet location. I encourage you to visit them and become familiar with how they promote Cecil County. There are also volunteer opportunities to help out manning the Facility so if anyone is interested please let them know.

May 10, 2008 Spring Fling in the Community Park, 9 – 5 p.m. Greater Perryville Chamber of Commerce fundraiser for their Scholarship Fund and donations made to other worthy endeavors in Perryville. Give them your support.

May 24, 2008 Perryville Greenway Committee Meeting, 10 a.m. Administrator's Office.

May 28, 2008 Meeting of the Volunteers for the Diamond in the Rough, Town Hall Meeting Room, 6 p.m.

**PROJECT UPDATES:**

**Note:** Some good news was received today for the FEMA Project reimbursement. I will defer the details to Denise and her report.

1. The boat launch area was blacktopped yesterday to repair the area where the trench was made to install the electric and to repair a hole in front of the drain. The building has been poured and is presently having all the amenities installed. The foundation for the building will be done soon. Hopefully Delmarva will finalize the installation of the electric. We are still in the process of planning the additional parking area which cannot be blacktopped due to critical area regulation. We are looking at the paver system.
2. We continue to look at finalizing the contract for purchase of the adjoining waterfront property.
3. Paving re-aligning another section of the Park road has been completed. Public Works will seed the bank next to the water. Sections one and two of the parking areas closest to the Senior Ball field are slated to be blacktopped and a concrete sidewalk will replace the existing blacktopped one there now. This concrete walk will connect with the interior walkway that is replaced presently being replaced.
4. A contract has been let to remove three large fallen trees on Stump's Point. This contract will be reimbursed to the Town at 100% from a Department on Natural Resources grant for debris removal. This work is scheduled to take place this Wednesday or Thursday. As a result the park road will be closed from the fishing pier around to the kayak launch as the work is done.
5. The boat launch mitigation project to plant 49 trees on the newest section of trail is almost completed. Planting of some of these trees were assisted by members of the Head of Elk Chapter DAR. The trees and shrubs that were destroyed this past winter on Roundhouse Drive due to an automobile accident have been replaced. Also, we have replaced the two Memorial Holly Trees on the Town Property adjoining the trail. I also want citizens to know that funds to do most of the plantings are funds collected from development when required planting cannot be done on site. The Town offers a "Fee in Lieu of" opportunity that allows us to collect money for those plantings and then plant where we need to. I also want to let you know that trees and shrubs destroyed by the auto accident were reimbursed to the Town from the owner's insurance company.
6. I assisted Chief Daly with getting the basketball court in the mini-park overlaid and with concreting the backstop standards to stop their turning when being used. Funding for this project came from the Police Outreach Program Grant, but required a bid from three contractors Nelson Campbell and I provided the bid specs and list of possible bidders.

7. New swing seats and chains have been ordered for both the mini-park and Community Park. As soon as they arrive they will be installed.
8. The Rodgers Tavern renovation project is on-going. A meeting was held with Fire Marshall Harry Bradley and his concerns are being addressed.

**MEETINGS ATTENDED:**

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|----------------|--|
| April 8, 2008  | Annexation Meeting for Susquehanna Overlook  |
| April 9, 2008  | Cecil County Tourism Board Meeting in Chesapeake City  |
| April 10, 2008 | 10 a.m.- Shore Erosion Inspection with reps of FEMA; 11:30 URS Project Manager, Denise and I met concerning the pier Project; 1 p.m. Nelson Campbell and I met with Ken Ropp concerning possible development of a plan to address the Meck property if acquisition is forthcoming. |
| April 14, 2008 | Met with Cliff Hamilton of the Cecil County Health Department, Nelson Campbell, Eric Grubb and I concerning Rodgers Tavern and a café use.   |
| April 15, 2008 | 9 a.m. Met with the WILMAPCO representatives along with Mayor Eberhardt. Asked about planning opportunities for an inter-town trail system. 3 p.m. attended the bid opening for the wastewater treatment plant; 6:30 p.m. attended the work session.                               |
| April 16, 2008 | Attended the dedication ceremony for the new County Office Building.   |
| April 17, 2008 | Planted trees on trail with the DAR; attended the MML Chapter Meeting.   |
| April 18, 2008 | Attended the Earth Day festivities and was a banner judge at Perryville Elementary School.   |
| April 19, 2008 | Conducted the annual Riversweep event. This was the best ever and the weather was grand.   |
| April 21, 2008 | Met with several tree experts to show them the trees to be removed at Stump's Point.   |
| April 23, 2008 | Met with Fredrick Von Staden, Environmental Health Services, of  |

the Cecil County Health Department, Nelson Campbell and Eric Grubb at Rodgers Tavern to address requirements to address Sewerage concerns at the Tavern.

- April 24, 2008      Attended the Perryville Greenway meeting.  
Attended the Budget Workshop of the Mayor and Commissioners
- April 25, 2008      Attended the Micro-Business Presentation at the Perryville Library. This event was well attended and the focus was on really small businesses and their economic impact.
- May 1, 2008        Attended the meeting of the Cecil County Economic Development Commission and then the Council of Government's Meeting in Elkton.

Mayor Eberhardt inquired if we have a schedule for painting the lines at the boat ramp.

Commissioner Brown commented that we do not have a schedule yet, Mike has the decal that we have to put on there, we need to get the approved plan and get the dimensions because they are changing the size.

Commissioner Brown presented an Event Form for the First Baptist Church of Perryville for them requesting to use the lot adjacent to Rodgers Tavern for a Community Block Party on July 5, 2008 from 6 p.m. - 9 p.m. free to the public and they will provide a certificate of liability insurance.

**MOTION** was made by Commissioner Brown and seconded by Commissioner Hansen to waive the event fees and approve the request for the Baptist Church to use the lot adjacent to Rodgers Tavern for their block party. **All in favor; motion carried.**

#### **COMMISSIONER HANSEN'S REPORT-**

#### **PLANNING & ZONING UPDATE**

**May 2008**

#### **PLANNING & ZONING MEETING**

- At the April Planning and Zoning meeting the Planning Commission held a public hearing on the annexation request of Susquehanna Overlook and

recommended approval of the request and the proposed R-1 zoning to Mayor and Commissioners with conditions. The Planning Commission also reviewed the Concept Plan for Honaker Woods, a Preliminary Plan for Sumpter Woods, which received approval and the General Development Plan for Woodlands Perryville, which the Board made a recommendation to the Mayor and Commissioners for conditional approval.

- The next Planning and Zoning meeting will be held on Monday, May 19th at 6:30pm. At that time, the Planning Commission will hold a public hearing on the Woodlands Perryville Preliminary Plan and the Mixed Use District zoning.
- We had several residents attend the last meeting and encourage and welcome the public to attend future meetings. Planning and Zoning meetings are held on the third Monday of each month at 6:30pm as long as applications are received.

#### **BOARD OF APPEALS:**

- No Board of Appeals meetings were held in April. They did however meet last evening on the matter of a special exception request for a double wide manufactured home at 1424 Clayton Street. This request was approved with several conditions.

Commissioner Hansen attended the Riversweep event and the workshops for this past month.

#### **COMMISSIONER TENNIS' REPORT-**

Commissioner Tennis attended the April 24<sup>th</sup> budget workshop and wanted to remind everyone that May 13<sup>th</sup> is Election Day for the Town of Perryville.

#### **Public Works Report-April 2008**

Public Works continued updating meters in the "Old Town" area to allow for more accurate time efficient meter reading. They began cutting the grass on a regular basis throughout Town for the spring/summer seasons. They also began seeding and spreading straw on the multi-purpose fields at the park as each field is completed. We are hoping to have grass on those fields in the coming weeks. Mike met with URS on Beacon Point and Old Town on final items to be addressed. Mike met with URS on the

water distribution project. Public Works completed several work orders to keep the Wastewater Plant running efficiently. Curbs were painted throughout Town and began applying fresh coats of paint to the Town's fire hydrants. Street's, drains, and sidewalks were evaluated throughout Town for possible renovations, to be applied to the budget.

Mayor Eberhardt asked Ms. Breder if we had a projected point yet for when we are going to get the Beacon Point utilities turned over.

Ms. Breder did not have a projected date, one of the points that URS made when reviewing things was that the roadways and the easements need to be monumented or pins put in so that we can tell where public property meets private property for future work that may need to be done. This needs to be done by Crouse construction before we can take it over.

Mayor Eberhardt inquired if this had been conveyed to Crouse.

Ms. Breder commented that she just received the report from URS on Friday and she will be forwarding them to Crouse very shortly.

#### **COMMISSIONER TOLBERT'S REPORT-**

Commissioner Tolbert wanted to thank everyone for allowing him the opportunity to serve on the board for the past 18 years.

#### **Water Distribution Progress Report-URS- Mark Prouty**

Mr. Prouty reported that there is 113 days to substantial completion which is August 26th for the Water Distribution project and 173 days until final completion which is October 25th. Work completed since the previous report is the valve vault 8b pipe work is ongoing. I MG tank sand blasting and prime coat application has begun. The tank interior control room block wall and door is complete. The tank interior electric work is complete. The tank site has been strawed and mulched and seeded, and grass is growing. The tank site perimeter fence installation is complete including the gate. Site restoration has begun at the Cedar Corner Tank valve vault area. Progress Meeting No. 11 was held on April 15, 2008. The contractor has made a request for payment in the amount of \$30,206.89 payment 12 which URS is recommending approval for payment of that amount.

Mayor Eberhardt inquired what the total amount of the contract is.

Mr. Prouty commented that the total amount is \$3,672,515.

Mayor Eberhardt was looking for where we were as far as the payments.

Mr. Prouty commented that the balance to finish is \$276,931.16 which includes the retainage fee.

**MOTION** was made by Commissioner Tolbert and seconded by Commissioner Brown to approve payment request #12 to Greensburg Environmental in the amount of \$30,206.89. **All in favor; motion carried.**

### **Water Plant Project-URS- Mark Prouty**

Mr. Prouty reported that the days until substantial completion for the Water Plant project is 194 which is November the 2nd with final completion at 224 days which is December 2nd. The work completed since the previous report is the installation of the membrane support systems within the future filter tanks was completed. All of the membrane cassettes were delivered to the site. Cartridge filters, CIP tank, backpulse tank and associated piping were installed. The installation of Chemical Injection Vault and approximately 100 linear feet of 12' DIP raw water force main to the Flocculation Tanks were completed. Reject holding tanks were repaired, leak tested and backfilled. The relocation of the existing plant operation system to the control building is in progress. They are waiting for Delmarva Power to come out and complete their work. The electrical sub-contractor is continuing the installation of the conduits, interior lighting, exterior lighting, and miscellaneous electrical components within the Filter Building and Filter Building Extension. The waste force main was completed into the Recycle Pump Station. JLW is preparing to pressure test this pipe. A progress meeting was held on April 29<sup>th</sup> at the project site. This project contract amount was \$8,773,405.47, with the total amount completed and stored at \$4,975,678.83. JLW has made a request for payment in the amount of \$316,594.62 which URS is recommending the board to approve the payment for. The balance remaining is \$3,797,726.00.

**MOTION** was made by Commissioner Tolbert and seconded by Commissioner Brown to approve payment request #12 to JLW Associates in the amount of \$316,594.62. **All in favor; motion carried.**

Mr. Prouty commented that they had made an effort to contact the suppliers of the Zenon Filtration System on behalf of the operators so they could visit a plant that had started up recently to see what they are getting into. In Lancaster Pennsylvania a Zenon Plant is being constructed removing surface water from the Susquehanna River. It had started a while ago and we had expected it to have been done but when we looked into it

and contacted the local sales representative there have been some delays in the construction there and it will not be completed for another year. Mr. Prouty commented that he was told that there was another plant being built in Virginia and he would like to look into that to see what the status of it is. Mr. Prouty commented that it would probably be a good idea to get the operators down there to visit one of those plants.

Mayor Eberhardt commented that he is still waiting for a board tour of our facility.

Mr. Prouty commented that they are prepared anytime, JLW just asked that they tell them when. Mr. Prouty commented that it may be better towards the end of the month.

Ms. Breder commented that the contractor did ask for 48 hours notice.

### **Engineering Services for Wastewater Plant-URS**

Mr. Prouty stated that they are requesting approval to provide engineering services for the Construction Phase of the wastewater plant improvements in which we made a proposal to the Town. We have also received construction bids for the construction of this project which is another item to be discussed tonight.

Mayor Eberhardt referenced a letter that we had some questions regarding the difference in the costs.

Ms. Breder commented that in January URS submitted a proposal in the amount of \$679,567 and she questioned it and sent it back to them thinking there may have been some overlap between agreement for the design services and the construction phase services which they found that there was a little bit of overlap. The revised amount on the contract is \$665,087. The agreement has been reviewed by the MD Department of Environment and they are ok with this agreement. MDE has already pre-approved our procurement processes.

Mayor Eberhardt commented that we had already approved this previously but it is before us again because of the difference in the amount.

Ms. Breder indicated that it was for that and for the additional length of time that was needed, the original construction time was 480 days which has been extended to 570 days.

Mayor Eberhardt wants to make sure that nothing is missing in this contract that this is 100% complete inspection.

Mr. Prouty commented that this is a full service and complete proposal to be your eyes and ears during the construction of the treatment facility other than any unforeseen events that may occur.

Commissioner Tennis inquired how the cost of living increase came into play if you were under contract.

Mr. Prouty commented that it was not under contract, this contract is new it was originally a year ago when we discussed it in the RFQ process. Mr. Prouty indicated that it accounts for the cost per hour associated with the people involved during the year that passed but was mostly associated with the additional construction time that was needed.

Mr. Prouty commented that this is inclusive of certain State approvals for the BNR and ENR grants.

**MOTION** was made by Commissioner Tolbert and seconded by Commissioner Hansen to approve the contract for engineering services for the construction phase of the Wastewater Plant with URS. **All in favor; motion carried.**

#### **Amendment to Engineering Services for the Water Treatment Plant**

Mr. Prouty presented an amendment to the engineering services for the water treatment plant which reflects the change orders that have lengthened the contract by 73 days to date. URS is requesting an increase in the budget for additional services related to the time extension for the project. They estimate that the additional cost associated with this is \$72,000.00.

Mayor Eberhardt inquired if there was any consideration for a rebate from the contractor for additional inspection services needed for example when the vaults were not working properly.

Mr. Prouty commented that sometimes you need to pick and choose your battles, it is not impossible, we can go back on our submittals, which is also time consuming. Mr. Prouty indicated that the cost and time involved in going back to the contractor can sometimes not be worth the amount you are requesting for the rebate. Mr. Prouty commented that if we want them to go back and ask for those dollars we can and in some instances we already have.

Mayor Eberhardt just wants to make sure that URS as our engineering representative are making that decision where it is worthwhile.

Mr. Prouty indicated that when they have their progress meetings with the contractor usually everyone may have to bend a little bit to get to the right figures.

Mayor Eberhardt commented that he does not feel that the board is in the technically qualified position to choose what battles to fight but he wants to be assured that URS is doing that for us.

Mr. Prouty indicated that they do take that to heart they realize that they are spending the Town's money and hopefully that shows in the meetings in which Ms. Breder has attended.

**MOTION** was made by Commissioner Tolbert and seconded by Commissioner Tennis to approve the additional costs for the engineering services for the Water Treatment Plant. **All in favor; motion carried.**

#### **Perryville WWTP Construction Project-Mark Prouty**

Mr. Prouty made a recommendation to the Town to accept the bid by Wickersham Construction for the construction at the Wastewater Treatment Plant for the amount of \$11,489,400. Mr. Prouty was pleased with the people that turned out for the bid process and that some of the bids were quite close together. Mr. Prouty indicated that they have been responsive and appear to have met the requirements that have been asked of them.

Ms. Breder commented that she had asked Ms. Rice to do a D&B report on the three low bidders and Wickersham Construction did get the best report and Mr. Baynes reviewed the bonds and found them to be acceptable. Ms. Breder commented that if a motion is made to approve the contractor it should include that it is pending MDE approval for the procurement process.

**MOTION** was made by Commissioner Tolbert and seconded by Commissioner Tennis for a recommendation to accept the bid from Wickersham Construction pending MDE approval. **All in favor; motion carried.**

#### **MDTA- Geoffrey Kohlberg-Chief Engineer for the Transportation Authority**

Mr. Kohlberg was present to give an update on the construction project for the Hatem Bridge redecking. The construction which will include the reduction of four lanes to two lanes will begin on or about June 9<sup>th</sup>. The work start date on or about June 9<sup>th</sup> to coordinate with the completion of the northbound joint work of the Tydings Bridge so that the lanes are not restricted on the Tydings Bridge at the same time. Mr. Kohlberg commented that there are four public informational meetings scheduled for May 6 and 7

from 5:00 p.m. – 8:00 p.m. at the Perryville Library and on May 14<sup>th</sup> & 15<sup>th</sup> from 5:00 p.m. - 8:00 p.m. at Meadowview Elementary School. Mr. Kohlberg commented that part of the coordination effort was through the Cecil/Harford Work group regarding EMS coordination with both sides of the river. The Transportation Authority funded the purchase of radios to be on the same frequency for EMS responders and they have been purchased and are being programmed at the 911 Center. On May 21 there is a tabletop exercise scheduled for first responders where a lot of the coordination details will be locked in and there have already been several EMS meetings prior to this. This will be working on finalizing the procedures and the possibility for a field exercise in the future to do a test run. The idea is if there is an incident on the structure that requires the bridge to close to traffic that the response time will be absolutely minimized. We have coordination as part of the contract with a tow truck at the end of the bridge, we have made arrangements in the contract for openings in the barriers so that emergency services can get in or for a vehicle that may have broke down. There are multiple handouts that will be distributed at the public meetings regarding the AVI renewal being free if you have a current AVI decal during the three year construction period. There will also be handouts on advisories during the construction period. There has been some truck restrictions put into place from 6 a.m. until 10 p.m. to minimize any incidents from those vehicles that would take a much longer time to recover from. There is also an email alert system and a web site that we have set up which is [www.hatembridge.com](http://www.hatembridge.com) where you can sign up for the email alert system if there are any delays on the bridge. There is also a phone number set up regarding conditions on the bridge which is updated every 15 minutes, that number is 1-888-6382-411.

Buddy Davis, believed to be a resident of Perryville, inquired about bus transportation across the bridge for those that have no transportation.

Mayor Eberhardt believes that we have a brochure downstairs that has a schedule of the Cruiser bus and where it goes.

Ms. Breder did not think that it went across the bridge yet, that it was in the works but not started yet.

Lisa Tome, from the Herald believes that it has begun and that it is on Fridays.

Mayor Eberhardt inquired if all of the gates will be open when the lane reduction occurs at the end of the bridge.

Mr. Kohlberg indicated that they would be.

Mayor Eberhardt recalled in one of the Work Group sessions that if there was a problem on the Hatem during construction such as a shut down that they would recognize the AVI decal on the Tidings Bridge during that time.

George Fish, from the MD Transportation Authority commented that if it is a long term incident that occurs and depending on the nature of the incident they will recognize the AVI on the Tydings Bridge.

Mayor Eberhardt inquired if the email alert messages will invoke the use of the AVI on I-95 if that message is distributed.

Mr. Kohlberg replied that it will not automatically distribute that message.

Lisa Tome inquired what their definition of long term is.

Mr. Fish replied that it is usually a half an hour but sometimes can be less than that.

Mr. Kohlberg commented that it depends on the estimated time needed to clear up the incident and whether a tow truck is needed and it also depends on EMS feedback on the time they will need.

Mayor Eberhardt commented that he would think that the policy ought to be during this three year construction period that any incident that occurs on the bridge will cause a backup and that we would want to get every vehicle that we could diverted to the Tydings Bridge.

Mr. Kohlberg commented that happens and you are diverted and the incident only takes 15 minutes to clean up then you would not be gaining anything from that diversion.

Commissioner Hansen commented that he had heard that they are going to repave the outside lane and tear up the middle of the bridge first and replace it, he inquired if that was true.

Mr. Kohlberg commented that Phase I they will be working on the downstream side removing both lanes towards the upstream side of the bridge, removing the downstream side of the bridge and reconstruct that first. They will then split traffic and do the center section, then they will move both directions of traffic to the downstream side and build the last upstream portion. There are three stages to the deck construction and the fourth stage is to construct the median barrier. Mr. Kohlberg commented that there are also handouts at the Open House regarding the four stage construction phase.

Mr. Kohlberg was asked if there were restrictions on the times that they are working.

Mr. Kohlberg commented that they can work 24-7 but there are noise restrictions in place.

Commissioner Tolbert inquired if there were going to be 6 a.m. – midnight shifts.

Mr. Kohlberg said that the total contract time is estimated at about three and a half years without double shifting, but there may be extended periods of construction during the summer season.

Commissioner Tolbert inquired if there will be any times while equipment is being moved in that both through lanes will be blocked.

Mr. Kohlberg indicated that this should not occur that the barriers will be broken up to allow movement in and out of, there may be a police initiated slow down in traffic to allow equipment to move more effectively.

Ms. Tome inquired if the plan was going to be constantly evaluated in the event of any changes that may occur.

Mr. Kohlberg does not anticipate any significant changes to the plan.

Mayor Eberhardt believes that in one of the Work Group meetings that Delegate Rudolph was adamant about having the plan re-evaluated if we somehow misread this and it turns out catastrophic.

Mr. Kohlberg commented that they certainly are not going to ignore the project, they will be paying close attention to it; we will be in touch with you and monitor what is going on and there are cameras set up on the bridge to monitor the progress and traffic.

Mayor Eberhardt inquired if the radios were also provided for the police.

Chief Daly commented that the radios are in for the police and they are being programmed at the Department of Emergency Services.

Mayor Eberhardt commented that after all of this is done and before you open the final two lanes we would like to have a bridge walk to celebrate the opening.

Mr. Kohlberg commented that he would relay that message.

Pamela Hancock commented that as it is now if you break down there is nowhere to go to get out of the way, she inquired if that is how it was going to remain.

Commissioner Tennis wanted to know how they were going to restrict the commercial truck traffic restrictions from 6 a.m. until- 10 p.m.

Mr. Kohlberg commented that it will be four axles or greater and the police will be enforcing that.

Commissioner Tennis inquired if there were going to be signs informing them of the restrictions.

Mr. Kohlberg commented that there are signs that are being erected that will be covered up until the construction starts on Route 40, 155, 222, and on I-95.

Commissioner Tennis asked what would happen if there is an accident on I-95 and traffic gets diverted to the Hatem Bridge.

Mayor Eberhardt commented that he recalls that the diversion Routes from I-95 were not going to be on Route 222 or 155 that they would be from Aberdeen and Northeast.

Mr. Kohlberg stated that this was correct.

Betty Thompson inquired about the cost of the booklets that are available for crossing on I-95 and how long they are good for and how many you have to use to cross the bridge.

Mr. Fish was not sure of the cost but commented that if she leaves her name after the meeting he will find out and get back to her.

Mayor Eberhardt commented that they are similar to the old bridge tickets and they do have an expiration date on them and they work for you if you do commute everyday, they are \$.80 a piece.

#### **ADMINISTRATORS REPORT-Denise Breder**

Ms. Breder summarized highlights of her report and the full report will be on file if anyone needs to review it.

**Town Administrator's Report  
Town of Perryville, MD  
May 6, 2008**

- Water Treatment Plant and Distribution System Improvements Projects:
  - Reviewed and approved two sales agreements with Delmarva Power for getting electricity to the water tower and upgrading the electricity at the water plant. Mayor Eberhardt reviewed and signed the related easement agreement for the water tower electric.
  - Attended a construction progress meeting at the water plant, on April 29, 2008.

The bids were received for the surveying work for the water plant property and the adjacent Town owned property. Five companies responded to the bid request. The bids are currently under review.

However, the low bidder did not separate the cost for parcel 22 as was required in the bid specs, so it may be ineligible for acceptance. It is the intention to include the survey work in the FY'09 budget and to issue the Award after the budget is approved and the Notice to Proceed immediately after the beginning of the new fiscal year.

    - I prepared the procurement approval package for submittal to MDE. The package will be sent first thing tomorrow to MDE to get that review under way.
  - The license to use the VA property as a lay-down area has been received and is ready for signature by the Mayor. It does not require any financial remuneration and the restoration of the property is to be done as part of the contract for construction.
  - Contacted Cheryl Guth, the Town's bond counsel, regarding the closing on the wastewater treatment plant SRF loan. I expect to have something on the agenda next month related to this from Cheryl. Cheryl indicated that she and MDE expect the Town to close on the loan in July or August.
  - The Wastewater Treatment Plant Capacity Management Plan was prepared by URS Corp. and sent to EBA Engineering at the requirement of MDE. The Town is still working with MDE to get some of the necessary information for the Water Treatment Plant Capacity Management Plan submitted.
- Pier Project update:
  - April 10, 2008 Met with Kevin Pampuch (URS), John Klein (CoastWatch Eng.), and Commissioner Brown to go over what was needed for the Phase I submission to SHA for the pier project. Met again on the 14<sup>th</sup> of April to review the final submission package.
  - The Phase I submission to State Highway Administration has been done. SHA received the submission on April 21, 2008. Additional funding for the project is being sought.

- Annexation issues:
  - The advertisements have been placed in the newspaper as required for the Susquehanna Overlook annexation for a 5/29 Mayor and Commissioners hearing.
  - I prepared and sent annexation packages to Maryland Department of Planning, Cecil County Planning and Zoning and the Cecil County Commissioners seeking their comments, as required, on the annexation. So far, Cecil County has responded that the proposed zoning of the property is consistent with Cecil County zoning and no further action is required by the county.
- April 10, 2008 Met with representatives from FEMA and MEMA, Commissioner Brown, Nelson Campbell, John Klein (CoastWatch Eng.), and a representative from Tidewater Marine for the final inspection of PW 1226 (FEMA grant) that resulted from Hurricane Isabel. The inspection went well and we have received notice that FEMA will be sending a check to the Town in the amount of \$52,944.33 to close out this project.
- April 15, 2008 Prepared for and attended the Mayor and Commissioner work session.
- April 24, 2008 Attended the Mayor and Commissioner Public Input meeting on the budget.
  - Reviewed commented on the trash removal bid package that was prepared by Krissy White prior to it being sent out.

Ms. Breder wanted to thank Commissioner Tolbert whom she has worked with for the past ten years who has been a source of a lot of knowledge and has a unique perspective on things, he will be missed.

### **TREASURER'S REPORT-Peggy Rice**

The Financial Statement Summary for the month of March 31 the MTD for the General Fund was at a deficit of (\$216,941.80) and a YTD surplus of \$489,946.01. The water fund MTD was a deficit of \$171,807.24) and a YTD deficit of \$135,013.37. The sewer fund MTD was a deficit of \$(30,141.44) and a YTD surplus of \$20,812.85.

The bank balances for PNC; the balance was \$1,402,856.44 for the MD Government Investment Pool the balance is \$2,598,867.57, for Bay First Bank it is \$868,216.41, for Bank First \$2,500.00, and for NBRB it is \$69,642.96, for a grand total of \$4,942,083.38.

For the month of April, 2008:

- 182 purchase orders were processed.

- 166 accounts payable checks were processed.
- Processed 412 cash receipts.
- Prepared the March month end closing entries and financial reports.
- Processed Loan Payment Disbursement Request 23 and 24 to MDE on April 10, 2008 totaling \$387,849.
- Transferred payment to Greensburg Environmental and JLW on the approved payments.
- Received \$19,675.70 on April 10, 2008 from the Cecil County Treasurer's Office for Fiscal Year 2008 Real Estate Tax Revenues collected in January.
- Billed the VA \$86,233.03 for third quarter sewer services and \$7,122.33 for Bay Restoration Fees.
- With the Administrative Supervisor interviewed 11 candidates for the Billing Clerk Position.
- Met with all department heads to prepare the Fiscal Year 2009 Working Budget.
- Attended the Mayor and Commissioner's Budget Work Session on April 24<sup>th</sup>.
- The next meetings regarding the budget are as follows:

5/15/08 Mayor and Commissioner's Budget Worksession with Department Heads, 6:00 p.m. Town Hall.

5/22/08 Public Hearing on budget, 6:00 p.m. Town Hall (to be advertised on 5/8/08.

6/3/08 Adoption of budget at Town Meeting.

Mayor Eberhardt wanted to thank the staff on the progress made on getting the water and sewer bills out earlier in response to citizens concerns over the length of time between billings. Mayor Eberhardt inquired about the proposals from the banks that we are waiting for.

Ms. Rice indicated that we had received one from NBRS but are still waiting for the one from PNC. The PNC branch will be moving its facility on Craigtown Road and will be taking over the Bay First Bank on Route 40 in August.

### **Perryville Police Department Chief's Report-**

#### Juvenile Outreach Program

Chief Daly reported that there were 35 individual appointments and 16 parent meetings. There were 11 activities for the month of April scheduled. Miss Michelle wanted to thank Matt Chambers and the rest of the staff at IKEA. Earlier this month IKEA donated furniture for our new building along with art supplies. Kids in the Outreach Program are adopting four soldiers in Iraq and Afghanistan, back on the table

there is a list of items that can be used for care packages for the troupes and they will be accepting donations at the Outreach Program and would like to have them by May 31<sup>st</sup> to ship overseas. The Cecil County Health Department gave the Juvenile Outreach Program a grant and the kids developed a "Smoking Stops Here" pamphlet which will be used throughout Cecil County by the Cecil County Health Department.

Monthly Police Report-April

MONTH	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT
<b>CRIME</b>										
ROBBERY	1		0	2						
ASSAULT	8	2	8	5						
BURGLARY	1	0	0	3						
THEFT	21	12	17	10						
AUTO THEFT	0	2	1	0						
CDS	4	1	2	1						
DISORDERLY	12	7	15	12						
MDOP	10	6	12	2						
ADULT ARRESTS	2	4	3	4						
JUV. ARRESTS	2	0	3	0						
TRAFFIC CITATIONS	12	3	15	9						
WARNINGS	10	32	20	25						
SEROS PARKING VIOLATIONS BOAT RAMP VIOLATIONS	8	9	5	8						

Town Meeting Minutes  
May 6, 2008

				- 22 -
<b>ACCIDE</b>	11	7		9
<b>NTS</b>				
<b>CALLS</b>	220	122	236	209

### **Perryville Police Chief's Report-**

4/3/08- Staff Meeting

4/8/08- Radio Meeting at DES/Hatem Tabletop exercise at JFK Barracks

4/14/08- Budget meeting with Peggy Rice

4/14-4/19/08- YMCA Carnival and Little League Parade. We had no problems at either event and both events went smoothly. Provided security at the MARC Train Station on the 17<sup>th</sup> for the Popes Mass in Washington DC.

4/24/08- Met with Colonel Fisher and a photographer for recruitment photos. During the month I met with three new applicants and we are currently processing three applicants.

Chief Daly announced that because of the cost of fuel his officers and he are contributing \$40 a month to offset the fuel cost.

Mayor Eberhardt asked Chief Daly to discuss the use of the bicycle patrols.

Chief Daly commented that they are going to use them in the problem areas on an overtime detail. He will be ordering bike racks for the officers so that they can get into the other communities like Beacon Point. This way if they are in another community like Gotham Bush or Beacon Point they will have their patrol car with them instead of going all the way back to the station if they get a call. They will be getting equipped with better lights and a siren so they can make vehicle stops.

Commissioner Tennis wanted to commend Chief Daly for doing a good job he sees by his report that there are no juvenile arrests which is an indication that the Outreach Program is having some success.

Chief Daly commented that they are not going to save every kid but those that can be saved are worth saving.

Commissioner Hansen wanted the Chief to know that there are a few new people in Town who are not parking in the direction of the traffic along the street.

Chief Daly commented that he will let his staff know to look out for those vehicles.

Commissioner Brown wanted to thank the Chief and the participants in the Riversweep from the Community Outreach Program; there was a good showing and they

really worked. She also wanted to mention that she has received a lot of complaints about speeding in the park.

Chief Daly commented that he will look into it.

Evelyn Hansen, who resides at 531 Broad Street, inquired if there was an incident that happened at the Outreach Program.

Chief Daly commented that they did have an incident and it was minor and it was dealt with by the staff and was over in about 10 seconds and he was called immediately at home, nobody was hurt and we are still dealing with the situation and reevaluating some things. He could not comment more because juveniles were involved but he and Michelle were both notified immediately and he had an officer there within minutes but the staff dealt with it before the officer even got there.

#### **FROM THE FLOOR**

Austin Amos, 1544 Perryville Road, announced that he came here for one reason tonight and that was to be here for Tim's last night. He wanted to thank Anne and Audrey for letting us have him for 18 years. Mr. Amos commented that they did not always agree but when Tim spoke he listened. He wanted to thank him for all that he has given to the Town. Mr. Amos also wanted to announce that this September one of the members of the Perryville Fire Company will be inducted into the Harford/Cecil Fireman's Associations Hall of Fame in September at their banquet.

Pamela Hancock, who resides at 1524 Frenchtown Road, commented that she was not sure if the TNR program was on the agenda tonight but she had left some information in our box outside on Tort Law and is not sure if we had gotten it or not because she had not heard anything. Ms. Hancock wanted to relay information on case law regarding cats that have been upheld in the courts which states that they are not predisposed to harm humans. Another case found that an owner of a roaming cat was not found liable for a cat's actions including those on private properties because it is a domestic animal not likely to do harm if allowed to run at large. Ms. Hancock also cited cases of benefits to the eco system. Ms. Hancock indicated that she found a lot more information regarding the eradication and removal of cats not successfully working than the TNR program not working. Ms. Hancock stated that sterilization is an accepted procedure for the cat population by the American Veterinarian Medical Association and the Humane Society of the United States among other organizations as a procedure for the cat population.

Ms. Breder commented that she had not received the information that she had left in the box regarding Tort Law.

Ms. Hancock indicated that she would bring one in to her.

Dr. Mindy Carletti, indicated that the Tort Law was a part of the package that the board had previously been given. Dr. Carletti wanted to thank the board for taking the time to look into the issues regarding the feral cats and she realizes that they have spent a lot of time back and forth regarding this problem. Dr. Carletti has proposed a long term solution to this cat over population issue. Commissioner Hansen invited us to the American Legion where we were able to secure some monetary assistance from the American Legion in the sum of \$2,000, which allows us to be able to offer the Trap, Neuter and Return Program at no charge to anyone. Commissioner Brown was also instrumental in assisting us with this program by introducing us to the Manager of the Perryville Outlet Center who invited us to attend a fundraising event held there where we were able to raise another \$700. Many cats have been trapped and removed and killed at the Cecil County SPCA. Dr. Carletti commented that the problem persists. Dr. Carletti is a veterinarian who is an advocate of the Trap, Neuter and Return program but she also cares about the people. Dr. Carletti indicated that part of her job is to educate owners of pets. Dr. Carletti commented that she had heard that Dr. Feldman was also contacted who is a veterinarian at the MD State Department of Health. Dr. Carletti contacted her and spoke to her on a couple of occasions and also met with her in person. Dr. Carletti indicated that Ms. Feldman has to base her decisions on the side of Public Health, so if there is the most remote chance of a human being hurt in any way by any animal she has to side against that decision, that is the role of her job. Dr. Carletti indicated that she is not aware of any people being bitten by cats at the park over the last ten years after inquiring. Dr. Carletti commented that all of the cats that she has trapped at the park have been tested for feline leukemia & FIV, which are communicable diseases transferred from cat to cat, not to humans or other animals and every cat trapped so far have tested negative for the disease. Dr. Carletti does advocate humane euthanasia if a cat does test positive for feline leukemia. Dr. Carletti showed Dr. Feldman the dens where they live which shows that they are out of the elements. A cat would normally be held for four to five days after a surgical incision for it to heal properly. Dr. Feldman inquired if the cats were micro-chipped and Dr. Carletti indicated that she felt that would be a great idea so with the additional \$700 they will microchip the cats in addition to having a medical record and a photo. The cats will be vaccinated against and retrapped in a years time and we will know which ones will need the vaccination again by there microchip number. Dr. Carletti indicated that they will also be doing strategic deworming once a month in their food because she too is concerned about intestinal parasites. Dr. Carletti feels that the dogs that roam freely and do approach people are more of a threat to people to pass diseases or hurt a human then the cats that are in the park. Dr. Carletti commented that she is aware that taxes is a major concern of the residents and that this program will be of no cost to the residents because of private funding, if another agency was to come in and remove them she would assume that the taxpayers would have to pay for the cost.

Commissioner Tennis inquired if she was actually doing this right now in the park.

Dr. Carletti is not doing the program but has trapped cats from the park which she is still housing and they were tested and are no longer shedding toxoplasmosis.

Mayor Eberhardt commented that he would like to have been notified as a matter of courtesy when a State Official is contacted to look at our park.

Dr. Carletti commented that in talking to Dr. Feldman on the phone she mentioned to her if she was ever interested in coming to visit the park to see where the cats live that she lives right in Perryville and would be happy to show her the park. Dr. Carletti did not think of it as being an issue and was not trying to do anything behind our backs she was simply showing her the park and where the cats resided.

Mayor Eberhardt commented that Dr. Feldman relayed to him that she was there on official business on that day. Mayor Eberhardt commented that Dr. Carletti is also going over there and taking soil samples.

Dr. Carletti stated that she as a veterinarian would not be comfortable in saying that any animal is good to be anywhere if that animal is spreading disease which is while the soil samples are taken.

Mayor Eberhardt suggested that it would have been a nice bit of courtesy that you were professionally going to our Public Park and taking samples and analyzing them.

Mary Jackson and Buddy Davis who are both residents of Perryville spoke in favor of the TNR Program.

Ruth Nissen, a resident of Earleville, also was in favor of the TNR program.

Mayor Eberhardt asked for a 10 minute recess at 9:40 p.m. The meeting resumed at 9:50 p.m.

#### **OLD BUSINESS-**

**MOTION** was made by Commissioner Tolbert and seconded by Commissioner Tennis to set the Real Estate Tax Rate for the Fiscal Year 2009 to the current rate of \$0.362 per \$100 of assessable real property. **All in favor; motion carried.**

**MOTION** was made by Commissioner Tolbert and seconded by Commissioner Hansen to set the Personal Property Tax Rate for the Fiscal Year 2009 to the current rate of \$0.94 per \$100 of personal property assessment. **All in favor; motion carried.**

T.N.R. Program

**MOTION** was made by Commissioner Brown and seconded by Commissioner Tennis to accept the TNR Program as presented by Dr. Carletti.

Commissioner Tolbert commented that if we accepted this we would be in violation of our own Town Code, Chapter 40, Article 11 on animals running loose, we have documentation from the Cecil County SPCA which is our animal control warden, The American Veterinarian Medical Association and two State Agencies recommending not doing it.

Mayor Eberhardt read a portion of a letter signed by Katherine Feldman, a State Public Health Veterinarian, and Cindy Driscoll, a Department of Natural Resources Veterinarian. In the letter is stated that they do not recommend proceeding with a managed cat colony in Perryville Community Park. An alternative to consider is Trap-Neuter and Remove, whereby cats would be trapped and those that are socialized would be adopted. It stated that cats not suitable for adoption would be moved to a sanctuary or euthanized.

Mr. Baynes, the Town Attorney commented that he would have to look at this in regards to the liability of the Town and his suggestion would be that it not be a town sponsored program that it would just be granting Dr. Carletti and her crew permission to do the program and have them sign a release to the Town. This would only protect the Town from Dr. Carletti and her staff this would not protect the Town in regards to anyone else that would be at the park that may get bit.

Commissioner Hansen inquired if signs could be put up stating that the Town of Perryville is not responsible for any actions of animals biting someone.

Mr. Baynes commented that this could be for any animal; you could put people on notice that there are wild animals in the park regardless of what it is.

Commissioner Hansen commented that the Town does not own any of these cats in the park so how can we be responsible.

Mayor Eberhardt commented that by voting for the TNR program there is a high chance that you do own them.

Commissioner Hansen commented that he is for the TNR program, he feels that it is the sensible thing to do and put signs up and have the people involved with the program sign a release form.

Commissioner Brown indicated that according to DNR the Town would be responsible for any domesticated animal in the park biting someone but not for a wild animal biting someone because we cannot control them from coming in and out of the park because it is not a fenced in park.

Commissioner Tennis commented that a feral cat is a wild animal.

Commissioner Tolbert stated that we have an Ordinance about animals running loose and we as Public Officials are responsible for the use and operation of the Park it is public property and it is for everyone not just for the people that love cats. We have recommendations from various agencies recommending not establishing cat colonies on public property.

Mayor Eberhardt commented that he feels that they have done the responsible thing by listening to their concerns but cannot vote for this program when he has letters from various agencies recommending against it because of the potential for disease, injuries the impact on wildlife and humane concerns.

Pamela Hancock asked the Town to just leave them alone and do not remove them if they decide not to go with the program they are not harming anyone and they have lived there for a long time.

**MOTION** was made by Commissioner Brown and seconded by Commissioner Tennis to approve the TNR program that Dr. Carletti has proposed. **3 in favor; 2 opposed, (Commissioner Tolbert, Mayor Eberhardt): motion carried.**

#### **ENOCH OFFICE EQUIPMENT AGREEMENT-**

**MOTION** was made by Commissioner Hansen and seconded by Commissioner Brown to approve the lease agreement for the downstairs office with Enoch Office Equipment for the 60 month lease with the \$1.00 buyout at \$299.00 a month. **All in favor; motion carried.**

## **NEW BUSINESS-**

### **Woodlands Project Concept Plan**

Doug Hill, presented the Woodlands Concept plan to the Mayor and Commissioners for approval. Mr. Hill came before the Town in February for support of the Public Design Charette that they had planned and were pleased with the support and the turnout throughout the week long event of about 200 people. Mr. Hill commended the board and the staff for their assistance with this plan. Mr. Hill opened it up for discussion on the development plan that the board had before them.

Mayor Eberhardt stated that they have to get rid of that single family residence in the corner. A lot of effort was made to change that piece of property to Commercial Zoning. Mayor Eberhardt wanted clarification on what they were asking us for approval on.

Ms. Breder indicated that it was the general development plan.

Mayor Eberhardt inquired where that fits in the process and what our approval tonight means in terms of any binding legal issues.

Chris Roger, from URS indicated that this is the same process that the previous developer went through, the rezoning for the previous plan was never really consummated because they did not followed through with the final subdivision of the property so we are starting over. This is the first stage in the floating zone procedure getting the property rezoned to mixed use development and giving the applicant a sense of knowing that the plan is approvable. It went before the Planning and Zoning Board and has been slightly changed per comments in a letter from the Planning and Zoning Board. It is the same as a concept plan that would be approved by the Planning and Zoning Board but because it is a floating zone plan, a concept general development plan it has to be approved by this board. If the board approves it tonight the developer's next step is to prepare a preliminary plan for, a formal rezoning application that goes through the public hearing process for rezoning. If you have any comments about the layout or the mix you should make it known so the plans can be revised accordingly for the next level of review.

Commissioner Brown asked to be walked through what the existing zoning was to be had the plan worked verses what we are looking to change now.

Mr. Rogers indicated that this includes property that was not part of the original mixed use development plan.

Doug Hill referenced the map which showed the properties indicated in yellow that were previously zoned as C-2 zoning which is Woodside Mobile Home Park at 11.6 acres to add to the mixed use development overlay. The Motel, the Hair Salon and the home is not planned to change the use to non-commercial so they are not part of the zoning application change they are part of the overall land plan.

Commissioner Brown understands that it means that the yellow portion from off of Coudon Boulevard that borders the piece that you are not changing will all be included as part of the plan.

Doug Hill concurred with what Commissioner Brown discussed.

Commissioner Brown inquired if the development that goes up toward the corner is also part of the MUD.

Mr. Hill stated that it would be.

Commissioner Brown inquired if down on the other side of Coudon Boulevard it would also be part of the MUD.

Mr. Hill indicated that it would.

Mr. Rogers disagrees with Mr. Hill a little bit on the rezoning, he indicated that right now it is a general development plan and the staff did not require the property owner signatures. We indicated when they apply for the preliminary plan and the formal rezoning application then all of the signatures should be on the plan. Mr. Hill is still in the process of trying to obtain signatures from the Patel's for the Manor House, Bobs III C's and the Beauty Salon. They have already submitted an application to Planning and Zoning for the next level for a Public Hearing to be held, we talked to the attorney briefly about them proceeding with the rezoning with the Mayor and Commissioners without the signatures but that the rezoning be conditioned upon prior to the submittal of the site plans or subdivision plans which consummates the rezoning getting the signatures in place.

Mayor Eberhardt thought that you could not ask for rezoning of someone else's property.

Mr. Rogers indicated that it will not be finalized until the rezoning is consummated through the submittal and recordation for approval of the site plan. Mr. Rogers believes that the whole thing should be rezoned MUD. If they do not get the signatures before that process then they will have to revise the plans and count those properties out then start all over again.

Commissioner Tennis inquired if they have acquired any of the other properties. He noticed that Bob's III C's has closed the business.

Mr. Hill was not sure why they chose to close but they do have a contract and are scheduled to settle on that property in June and the motel across the road in July. The Patel's on the other side of the road are undecided, they own three properties, the motel, a house that they rent and Ellersley Manor, which is where they live and some apartments. Mrs. Patel was the most active member of the Perryville Community of the design Charette. Mr. Hill indicated that the reason for the single family is because Mrs. Page wants to be very close to Route 40 which is not consistent with the rest of the plan. Mr. Hill commented that with your comment earlier this gives him the ability to go back to her and explain that this is not a feasible option. The other property is owned by Jennifer Ewing who has asked us for a formal offer. They have sent her a letter about a week ago about the rezoning and for her to consider some different scenarios and he has not heard back from her yet. Mr. Hill does believe that the other properties will come under their control. Mr. Rogers has asked that we do not submit any further site plans past the preliminary until we have the properties under our control or we will be forced to modify the plan and come back before this board. The former Honda Dealership asked them to remove them from their site plans which they have complied with.

Ms. Breder wanted to point out that this general development plan is modified slightly from the general development plan that was approved by the planning commission.

Mr. Hill summarized the changes that were made on the general development plan since being approved by the Planning and Zoning Board. The first was the removal of Parcel #379-655, lot 1 from the Preliminary Plan. (Colonial Honda). The parking garage was reoriented to accommodate the removal of Parcel # 379-655, lot 1 and re-shaped and resized building number 30 to accommodate the removals of parcel 379-655, lot 1. Re-oriented the hotel to address comments from URS. Relocated building #14 to the North, North East corner of the project to accommodate the re-orientation of the hotel. Removed eight townhouses and replaced with building #9, religious use/chapel. Added 13 single family lots. (Twelve lots near the charter school, building #1, as well as one lot next to the medical office building #13). Re-oriented the senior apartments, building #4, to accommodate the transit center circulation pattern. Re-oriented the charter school, building #1 and the skate park. Re-oriented the police/emergency facility, so that it does not impact the wetlands. Added a bandstand to the Town Commons.

Mr. Rogers commented that the general development plan that they are asking for approval on tonight is different from what was approved by the Planning and Zoning board, based on recommendations from the Planning and Zoning Board and the developer rethinking some of their plans. Mr. Rogers indicated that he does not feel that the general

development plan needs to go back before the Planning Commission because the Planning Commission will be seeing the preliminary development plan that will be the same as this general plan so if they do not like the changes that will be reflected in their actions on the preliminary plan and their recommendations.

Ms. Erickson indicated that they are scheduled for a Public Hearing on May 19<sup>th</sup> for the preliminary plan and the rezoning application.

Mayor Eberhardt inquired if the Public Hearing will include rezoning of properties that they do not own.

Mr. Rogers commented that as they discussed briefly with the staff tonight they would recommend to the board if they are in favor of the plan that includes another property whose signatures are not on the application to conditionally approve the rezoning to MUD. This would be conditional that prior to the submittal of the next level of plans they receive all signatures from the particular property owners. If not they will have to revise the plans.

Ms. Breder indicated that Ms. Erickson had a motion spelled out in the letter directed to the board but Ms. Breder indicated that if they want that single family residence removed from the upper right corner that they may want to include that in the motion.

**MOTION** was made by Commissioner Brown and seconded by Commissioner Tennis to approve the general development plan with removal of the single family home as identified and conditioned upon the developer addressing comments in the URS comment letter and returning to the Planning Commission in the form of a Public Hearing on the preliminary site plan and the proposed mixed use development zoning. **All in favor; motion carried.**

#### **MDTA Agreement-**

**MOTION** was made by Commissioner Brown and seconded by Commissioner Hansen to allow the authorized representative of the board of the Town Commissioners to sign the letter from MDTA revoking the lease for the additional parking under the bridge at the boat ramp during construction. **All in favor; motion carried.**

#### **Budget Amendments- Ms. Rice**

Ms. Rice summarized the budget amendments; the first one was to increase the Administrative Department Contractual for temporary services due to staff leave of

absence, advertising due to cost of audit RFP and Capital Outlay Office Furniture for shipping charges with offset to salaries. The second was to recognize additional expenses for repairs and Maintenance Roads, Waterway Improvement Grant income and related expenditures for Comfort Station at the Boat Launch. Also to recognize additional expenditures for the park Shoreline Erosion Project with offset to FEMA Grant (additional income) and to reclassify Capital Outlay for the Trail segment to Capital Outlay-roads for the park. The third one is to increase/decrease Water Plant budget accounts to reflect actual expenditures. The fourth one is to increase/decrease the Sewer Plant budget accounts to reflect actual expenditures.

**MOTION** was made by Commissioner Brown and seconded by Commissioner Tolbert to approve the budget amendments. **All in favor; motion carried.**

#### **Trash Bid Contract-**

Ms. Breder commented that Tri StateWaste appears as the low bidder at \$20,608.80 per month; however their bid only shows dumping once a week, if you add an additional \$1,240 it would bring them up to \$21,848.80.

Mayor Eberhardt inquired what dumpsters we were doing twice a week.

Ms. Breder indicated that it is the ones at the Community Park, Owens Landing, the ones required to be removed in the contract.

Commissioner Brown commented that she was surprised to see that some of these were getting dumped twice a week and that Owen's Landing's dumpsters would be residential dumpsters.

Mayor Eberhardt commented that it may have been in the Public Works Agreement.

Ms. Breder indicated that Owen's Landing's the way the dumpsters were sized that they had to be dumped twice a week.

Commissioner Brown commented that we should consider a larger dumpster and only doing it once a week.

Ms. Breder commented that she is not sure if they will accommodate a larger dumpster the way they are set up now.

Commissioner Brown suggested that they may need to get changed she does not see the need for them or the park having to get dumped twice a week. We just took a whole bunch of them out of there because we were not using them.

Mayor Eberhardt commented that we may be stuck with the twice a week dumping at Owen's Landing depending on the size restrictions but he can't see it twice a week at the park.

Ms. Breder indicated that we may just have to go back to the bidders and ask for them to re-bid for a once a week dumping instead of re-advertising the whole bid. Ms. Breder inquired if we want to table it until next month if we have time.

Mayor Eberhardt asked Ms. Rice if they had time to do that.

Ms. Rice indicated that she did.

Commissioner Brown indicated that they are removing another dumpster that they are not using in the park.

Mayor Eberhardt we need to be clear on the number that are out at the park.

Ms. Breder and Commissioner Brown believe that it was 10 and two were to be removed and Commissioner Brown has asked for a third to be removed.

Mayor Eberhardt also wanted to mention that some of the other towns bill residents for their trash services, such as Elkton, Havre De Grace and Rising Sun, which may be something to consider during the budget process.

**MOTION** was made by Commissioner Brown and seconded by Commissioner Hansen to table the trash removal bids until next month. **All in favor; motion carried.**

### **Sprint Agreement**

Ms. Breder summarized the Sprint Agreement that has an extension of two additional five year terms. The temporary and permanent relocation areas are both shown as exhibits in the agreement. Subsequent carriers can sublease space on the monopole from SSLP. The sublets are required to come to the Town to get ground space from us they cannot lease from the property that Sprint is leasing from us. (Ms. Breder asked for and got verification from the Town Attorney regarding the sublets). Sprint will reimburse the Town \$4,000 incurred for engineering and legal review fees; there is no reduction in the rent. Ms. Breder commented that she had talked to a couple of municipalities and one of them did not have a provision for ground rent but did have reserve space on the

monopole for future use. In talking to some of the other municipal and private owners of towers they said to definitely include the provision that any company that subleases space on the monopole must negotiate land rent with the owner which we have included. Also when negotiating the land rent we should be able to collect a one time fee to cover our costs as we are doing with Sprint. Since the monopole is in a residential neighborhood we may want to require the related utility structures to be screened. We may want to consider a clause giving us the right to reject a sublease if for whatever reason we find it objectionable. You may want to consider capping the number of subleases. Ms. Breder believes that the rent that we get from Sprint is still a competitive rent; however we may want to ask Sprint to provide comparables for our review. Ms. Breder mentioned that one thing that she did not notice in the original or in the amendment was that we include a provision in the lease that at the end of the lease Sprint restore the site from moving all equipment above and below ground to the previous state so that we do not end up with a tower that we have to demolish.

Ms. McKee, from Sprint, commented that removing the equipment was referenced in the original agreement. She read a portion of paragraph 7 in that agreement which stated that "Upon termination or expiration or expiration of this Agreement, SSLP may remove its equipment and improvements in which case SSLP will restore the Site to substantially the condition existing on the Commencement Date, except for ordinary wear and tear.

Ms. Breder inquired if we wanted to add a clause that gives us the right to reject a sublease.

Mr. Baynes indicated that he would like to see it in the amendment; it would come under number 4 for the subsequent carriers.

**MOTION** was made by Mayor Eberhardt and seconded by Commissioner Brown to approve the Sprint Agreement with the change in paragraph 4 to allow the Town to be able to reject a sublease. An addition on to the 1<sup>st</sup> sentence in paragraph four to will read "SSLP and Owner hereby agree that SSLP is permitted to sublease space on the monopole after the completion of the construction of the Permanent Relocation Area subject to the Town's approval. **All in favor; motion carried.**

**MOTION** was made by Commissioner Tennis and seconded by Commissioner Brown to close the Town Meeting at 10:47 p.m. to a closed Executive Session to discuss Real Estate issues. **All in favor; motion carried.**

Respectfully submitted,

Jackie Sample,  
Town Clerk

Town Meeting Minutes  
May 6, 2008

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