

**Town of Perryville
Meeting Minutes
November 6, 2007**

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 Town Meeting was called to Order at 7:00 p.m.

Pledge to the Flag

APPROVAL OF THE MINUTES

Mayor Eberhardt asked if there were any changes or comments regarding the two public hearings that were held on October 2nd and October 25th.

Commissioner Brown wanted to mention the fact that on page one of the October 25th Public Hearing minutes where they referenced the land being located near Firestone Road in the section where it is capitalized, it is IKEA Way not Firestone Road, although it may still be showing Firestone Road on the Plat the road has been renamed for a year or more.

Mayor Eberhardt commented that he believes that is what has happened it is shown on the plat as Firestone Road.

Ms. Breder commented that it probably is shown on the plat that way but she agrees that it should read IKEA Way for the record.

Mayor Eberhardt commented that we will paren. that into that line.

MOTION was made by Commissioner Brown and seconded by Commissioner Hansen to approve the October 2, 2007 Public Hearing Minutes and the October 25, 2007 Public Hearing minutes with the change as noted. **All in favor; motion carried.**

MOTION was made by Commissioner Brown and seconded by Commissioner Hansen to approve the October 2, 2007 Town Meeting Minutes. **All in favor; motion carried.**

MAYOR'S REPORT-

Mayor Eberhardt reported that he met with the YMCA building committee last month who took a proposal to the board members of the YMCA who have agreed to offer programs in Perryville and we have offered them the Cifaldo building to conduct their programs. They are in the process of putting some programs together and we hope to have them here at the December Town Meeting to see what they have to offer. Mayor

Eberhardt attended a relocation fair at Fort Mammoth, VA which was intended to educate people about our community schools, recreation, etc. who will be relocating here, about 700 came through the fair. Mayor Eberhardt thanked those who attended that Fall Fest and parade. Mayor Eberhardt met with the board of the American Legion to discuss policing issues that they have concerns with and he has talked with the Chief who came up with a plan to address their needs. Mayor Eberhardt also met with Delegate Rudolph to discuss some SHA issues and thanks to him and the community for voicing their concerns at last months Town Meeting with SHA representatives attending the proposed left turn lane closing west bound on Route 40 into Perryville will not be happening, also the Opticom system will be staying in place. Mayor Eberhardt along with Commissioner's Brown and Hansen attended the Fall MML Conference in Greenbelt, particular items included were discussions regarding the structural deficit and funding and the impact that it will have on Municipalities. Another police candidate was interviewed and another one is going through the background check process. Perryville was a recipient of a banner city award including a flag and plaque from MML for participation in Municipal League Activities. Perryville was 1 of 12 other towns out of 157 cities and towns throughout the state who received that award. Our Juvenile Outreach Program is the recipient of a Grant in the amount of \$98,353 from Cecil Partnerships for Children, Youth and Families. Mayor Eberhardt congratulated Chief Daly and Ms. Lewis for their participation in this program.

COMMISSIONER'S REPORTS –

COMMISSIONER BROWN'S REPORT-

Announcements:

November 29, 2007 Meeting of the Perryville Greenway Committee, 10 a.m. in the Administrator's Office.

Note:

1. Work is progressing on the multi-purpose fields. Public Works has installed the drainage pipes and catch basins for the fields. Seeding will soon begin as the final layer of top soil is spread and the final grading done. Hopefully, we will get sufficient rain for the seed to grow. I am hoping that can be completed in the next two to three weeks. If you've been in the park, you will note the huge pile of fill dirt is almost gone.
2. Down stairs we have a toy box or contribution jar for those who wish to donate to the Marine Corps Reserve project Toys for Tots. All donations will stay in Cecil County so please help us fill that box.

3. The boat ramp expansion is waiting on the final approved site plan and permitting. Once that is complete we hope to move forward with installation of water, sewer, electric and a restroom facility for Phase I. Nelson Campbell has worked tirelessly to prepare the RFP's to be sent out when permitting is secured. It would be nice to get this work done this winter when the ramp is less used.

4. We are making preparations to have some dangerous trees taken down along the park road. It is believed that there will be quite a bit of wood available soon for those who burn it for fuel. If anyone is interested, please call me and let me know so that I can let you know when the wood is available and where it will be. My number is 443-309-5196 or you can call Town Hall and leave a message for me.

Mayor Eberhardt asked for clarification regarding the Tree lighting ceremony, he read in Cecil Soil that it was on the 1st of December, he thought it was on the 8th of December.

Commissioner Brown confirmed that it is going to be on the 8th of December.

Mayor Eberhardt inquired if we have a date for the boat ramp to be taken out.

Commissioner Brown commented that she had spoke to Mr. Caldwell about that and it will more than likely be in December since they have to arrange for a crane to come and move it. She wants to let people know that it will not be placed in the same place when it is taken out of the water because the installation of the water and sewer on site may be starting so it will be put on the other side.

COMMISSIONER HANSEN'S REPORT-

Planning & Zoning Update

No applications were received for the regular Planning & Zoning and Board of Appeals meetings, therefore, no meetings were held.

Since no applications were received for the month of November, the Planning and Zoning Commission and the Board of Appeals will not be meeting this month.

Commissioner Hansen has also been working on some safety issues around town such as loose drainage covers, pedestrian signs and a speed limit sign on Broad Street going into Perry Point.

COMMISSIONER TOLBERT'S REPORT-

Commissioner Tolbert reported that the S-turn at the pump station is back in operation, the standby diesel pumps were removed. There were a couple of small water leaks throughout town that were repaired. Work is ongoing at the Water Plant and the Water Tower.

COMMISSIONER TENNIS' REPORT-

Commissioner Tennis reported that the following items were completed by the Public Works Department.

Painted shutters at the community center.
Swept leaves off of Aiken Avenue.
All pumps are back in service at the s turn lift station.
Helped locate valves at Turnpike Drive.
Took the big dump truck to Lancaster truck and body to have plow and spreader installed (the truck was returned 11/6).
Worked on fields at the park.
Repaired a water leak at Good Shepherd.
Set up for Autumn Fest.
Repaired a water leak at Bayscape Drive.
Painted the Town Administrators office.
Repaired a leak at Turnpike Drive.
Straightened street signs around town.

Commissioner Tennis attended a work session on October 16th and an Annexation Hearing on October 25th at the Town Hall.

Mayor Eberhardt inquired if we have had a snow removal contract come through yet.

Ms. Breder does not believe so, she believes that it was a two year contract and that this may be year two but she will look into it.

URS- Mark Prouty

Water Distribution Progress Report

Continuation of 16" water main installation

Removal of paving within Frenchtown Road
Replacement of base paving within Frenchtown and paved driveways
Installation of fire hydrant assemblies and air release manholes
Fabrication and welding of tank panels
Concrete finish work on tank support shaft
Seeding and mulch trench restoration
The 6th payment request is \$539,867.10, with the amount eligible to date being \$2,004,143.53 of the \$3,597,982.00 contract.

Water Treatment Plant Progress Report-

The installation of several concrete pre-cast vaults such as the distribution flow meter vault, pressure reducing vault, grinder pump, recycle pump station and valve vault.
Installation of 12" SDR 35 PVC recycle line from filter building to the raw meter pump station
Concrete was poured from the electrical room floor in the filter building extension
Concrete was poured for the ramp at the raw water pump station and filter building extension
Installation of 8" exterior CMU wall at the raw water pump station, control building and filter building extension.
Installation of roof trusses on the control building and filter building extension.
Installation of sheathing on the control building
Installation of electrical junction boxes, conduit within the control building
Installation of 24" pipes, intake screens, slide gates and 20" butterfly valves at the proposed intake structure as well as the 20" DIP out to the limit of the cofferdam was completed. The structure was leak tested and the area within the cofferdam received rip-rap prior to flooding the structure. Walker Diving is removing the sheet piling and preparing to install the bypass pumps which will enable Walker to make connections to the existing 20" intake pipes. Work is almost finished out in the river.
The 6th payment request is \$691,821.72, with the amount eligible to date being \$2,185,534.26 of the \$8,613,987.00 contract.

Mayor Eberhardt commented that his understanding is that they plan to use the new intake structure long before the new plant comes on line.

Mr. Prouty replied yes that is what they plan to do.

Mayor Eberhardt inquired if the total paid to date can be added to the progress summary report.

Mr. Prouty commented that it shows on the application of payment from the contractor for their use tonight until he does that for next month.

Mayor Eberhardt commented that he is aware of that but he prefers that it be on the progress report sheet as well.

Mr. Prouty commented that he will have that done for future reports.

MOTION was made by Commissioner Tolbert and seconded by Commissioner Tennis to approve the payment request in the amount of \$539,867.10 to Greensburg Environmental. **All in favor; motion carried.**

MOTION was made by Commissioner Tolbert and seconded by Commissioner Tennis to approve the payment request in the amount of \$691,821.72 to J.L.W. Associates. **All in favor; motion carried.**

Mr. Prouty summarized two documents that were requested from MDE amending the original contract for engineering services with URS and the Town for the Wastewater Treatment Plant Design. The request does not change the agreed upon contract amount it just provides additional clarification and additional terms for URS to comply with. They had requested costs in a format more acceptable that the State finds acceptable. They had added an access to audit clause which Mr. Prouty read concerning their record maintenance procedures.

Commissioner Brown brought up the fact that when the figures to their spreadsheet are added that she gets \$675,502 not \$675,501 as shown at the total price column on number 13. On the letter that was submitted from URS regarding the Wastewater Treatment Plant Upgrade the amount referenced was \$679,500.

Mark Prouty believes that the one to go by is the one that is on the cost summary form but will find out for sure and make the adjustments.

Mayor Eberhardt attended a briefing with Cecil County Public Works this morning in regards to sewer plant upgrades throughout the County and the Public Works director had made a statement that because they were upgrading one of their plants they were going to get TMDL credits. Mayor Eberhardt inquired if we would get the same kind of credits with the upgrade in Perryville.

Mr. Prouty commented that there has been no offer of credit or mention of credit to his knowledge regarding the Perryville Treatment Plant. Mr. Prouty believes the treatment plant they are talking about is Cherry Hill and what they are talking about is taking its effluent from the stream and bringing the sewage to a more centralized treatment plant and treating the water to a higher level. Mr. Prouty commented that Cecil

County is trying to work out with MDE the amount of nitrogen that the Cherry Hill Plant should put into the streams which is taken to the new plant where the new plant will decrease the nitrogen even further, so the difference in what they would have put into the stream and what they will be putting into the stream is the credit they are asking for. He does not know where that request stands at this time.

Mayor Eberhardt again inquired if we would have the opportunity to get those credits.

Mr. Prouty commented that we could put in a request for that and see what they have to say. Mr. Prouty commented that he could draft a brief letter to MDE and ask about that and see what they have to say.

Ms. Breder asked if a motion could be made for the contract amendment since MDE did request it.

MOTION was made by Commissioner Tennis and seconded by Commissioner Brown to approve the amendment to the contract with URS and the Town with the State required format and with the correction of the math. **All in favor; motion carried.**

ADMINISTRATORS REPORT-Denise Breder

**Town Administrator's Report
Town of Perryville, MD
November 6, 2007**

Ms. Breder summarized her report for this months meeting:

- Comprehensive Plan update: The Draft Comp. Plan is being distributed to the Planning & Zoning Board at this month's meeting for their review to be followed by a meeting between Mr. Mark Gradecak of MDP and the P&Z Board. The purpose of the meeting is to discuss the plan and make changes (if necessary) in order to have a document that the Planning Board is comfortable with recommending approval of to the Mayor and Commissioners.

Mayor Eberhardt commented that Commissioner Hansen had stated that there were no applications received this month so there was not going to be a Planning and Zoning meeting and this will take a full night, he inquired when it was going to take place.

Ms. Erickson commented that she is working on getting that together it will be either the last week in November or the first week of December there are some members of her board who were on vacation for this month's meeting.

Ms. Breder commented that we are also going to get more color copies made to distribute beforehand so that everyone can review it we just have not gotten to that yet.

Ms. Erickson commented that she is also working on getting her Comprehensive Plan members to review it as well before going before the Planning Commission since all of the planning members were not part of the Comprehensive Plan process.

Commissioner Brown would like to be notified when that date is determined so that she may attend.

ADMINISTRATORS REPORT (cont.)-Denise Breder

- The annexation resolution for the Susquehanna Overlook / Happy Valley proposed annexation was supposed to be introduced at tonight's Town meeting. However, since we have not even begun to discuss the terms and conditions of an annexation agreement, I told the petitioner's attorney that we would have to put off the introduction until we are closer to having a proposed agreement. I expect a two-month delay, which means the resolution would be introduced in January. Please keep the 12/18 meeting (that was supposed to be a public hearing for this annexation) on your calendars so that we can instead use that time to discuss the annexation agreement.
- October 16, 2007 Prepared for and attended the monthly Mayor and Commissioners work session. The next work session is scheduled for November 20, 2007 at 6:30 pm to be held in the meeting room.
- October 30, 2007 Met with Mr. Rowan Glidden, Mr. Clarence Cullum, Mr. Kevin Pampuch and Ms. Heather Erickson to discuss placement of the public water line for the Principio Health Center project. The Town requested that the public line to be in the Rt. 40 right-of-way, however, SHA denied the request based upon the developer's statement that the sewer line (which is not to be dedicated to the Town) is going to be placed in a private easement. However, the easement would not be suitable for placement of both utilities. The applicant is going to re-apply to SHA with additional information.

- In follow-up to last month's Town meeting, a letter was sent to Sprint regarding the Town's position on Sprint's request to place a temporary and then a permanent monopole at the site of the existing Cedar Corner Road water tower to hold communication equipment. Mr. David DiStefano informed me via telephone that Sprint was considering placement of its communication equipment at a location not owned by the Town, but I have not received any other correspondence from Sprint or any representatives.

Ms. Breder stated that if anybody has any questions the report will be on file at Town Hall if needed.

TREASURER'S REPORT-Peggy Rice

Ms. Rice read the bank balances for PNC, formerly Mercantile County Bank the balance was \$1,961,879.74 for the MD Government Investment Pool the balance is \$2,076,090.43, for Bay First Bank it is \$459,704.32, for Bank First \$2,436.36 and for NBRS it is \$68,243.10, for a grand total of \$4,568,353.95.

Treasurer's Report Town of Perryville, Maryland November 6, 2007

For the Month of October, 2007:

- The Uniform Financial Report was transmitted electronically to the United States Bureau of Census on October 31, 2007 and the Audited Financial Statements were overnighted to the Maryland Department of Legislative Services on October 31, 2007 to meet the November 1st due date. Jim Baxter, CPA will present the audit at the December 4, 2007 Town Meeting.
- Transferred payment to Greensburg Environmental Contracting Systems, Inc. in the amount of \$143,097.62 on October 11, 2007 for the Water Distribution System Improvements.
- Transferred payment to J.L.W. Associates, Inc. in the amount of \$752,395.53 on October 11, 2007 for the Water Treatment Plant.
- Processed Loan Payment Disbursement Requests 9 and 10 to MDE totaling \$895,493. A check was issued by the State on October 30, 2007.
- The Veterans Administration was billed \$85,390.36 for first quarter Fiscal Year 2008 Sewer Services and \$7,813.33 for Bay Restoration Fees.
- Attended Edmunds & Associates User Group Conference and attended seminars on Budget Preparation & Posting, Budget Reporting and Contracts Processing.

Town Meeting Minutes
November 6, 2007

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ACCIDENTS	4	4	7	2	4	3	15	7	9	17
NTS										
CALLS	187	143	152	144	166	211	292	242	263	238

Perryville Police Outreach Program

8 Individual Appointments
2 Parent Meetings
3 JAVA Meetings

Activities for the Month of October consisted of:

10th – Still life art class at Piazza Gallery in Elkton
17th- Group Pizza Night
18th – Milburn Orchards
19th-Train trip to the Washington D.C. to visit the National Gallery of Art. This trip was to experience Jackson Pollock’s work first hand. The kids have been studying his work over the past couple of months at the Piazza Gallery in Elkton.
27th-Wellness Expo followed by a Phantoms Hockey Game in Philadelphia.

Perryville Police Department Chiefs Report-

10/16/07 Radio Meeting at DES

10/17/07 Cecil County Local Emergency Planning Committee

Interviewed six potential applicants to fill the remaining positions.

Halloween night there were no incidents during the trick or treat hours. Mischief night we only had one report of a car being egged.

Chief Daly met with the Director of the Delaware County Police Academy in Pennsylvania to place an ad on their bulletin board for prospective candidates, they have a class graduating in December. Tomorrow Officer Armington will be attending a funeral representing the Town and the Perryville Police Department for Officer Charles Cassidy who was a 20 year veteran of the Philadelphia Police Department who was shot and killed last week. The Police Department also has a Toy for Tot drop box and collection jar for contributions.

Mayor Eberhardt commented that Col. Fisher had given us some information about brochures and some references to help in our recruiting effort.

Chief Daly reported that when Officer Mitchell comes back to work he is going to put him to work on developing a brochure since he is somewhat artistic, maybe he could meet with Col. Fisher and come up with some ideas.

Mayor Eberhardt also wanted to report that he had met with the new Manager of Emergency Services who stated that he would be happy to attend one of our meetings to address any concerns we may have regarding the radio dispatch issues unless the meetings that the Chief has been attending have resolved the issues.

Chief Daly reported that he has a meeting on November 13th with the dispatchers at the Department of Emergency Services and Sheriff Janney to discuss some issues they have with the time it takes for arrests. Chief Daly commented that he believes a lot of the issues are because the dispatchers are used to dispatching for Fire and EMS calls and are not aware of the time it takes for a DWI or a drug arrest. He will be meeting with Sheriff Janney at 10 am and the dispatchers at 11 am. to further clarify this, if any more issues are raised he is sure Mr. Brooks would still be willing to attend one of our meetings.

FROM THE FLOOR

Gary Thompson, who resides at 1459 Clayton Street, commented that the motorcycles are still in his neighborhood making noise and they are not going away. Mr. Thompson commented that an Ordinance to address the issue was tabled last month with no reason given. He wants to know the status and if it is coming back before the board or what the procedure is.

Mayor Eberhardt commented that they have not discussed it any further since the last meeting and that possibly they felt it needed to be restructured or not passed at all he is not sure.

Mr. Thompson asked to poll the board individually to see what their sticking points were.

Mayor Eberhardt commented that we do not have that in front of us tonight to comment on it.

Mr. Thompson inquired if they were going to have it in front of them again in December so we can talk about it.

Mayor Eberhardt commented that he would like too.

Mr. Thompson inquired how that would take place.

Mayor Eberhardt commented that we would have to have a Work Session to see if there were issues that people have with it that need to be resolved and have the Attorney draft another version if necessary.

Mr. Thompson inquired if there is going to be a Work Session.

Mayor Eberhardt commented that they are usually scheduled within the month.

Mr. Thompson inquired if the public was allowed to attend those meetings.

Mayor Eberhardt commented that they were public.

Ms. Breder commented that she did give the date and time for the Work Session in her report earlier which is November 20th at 6:30 pm in the Town Meeting Room.

OLD BUSINESS-

Mayor Eberhardt summarized Resolution 2007-17 by the Mayor and Commissioners which was to adopt an amendment to Section 234 of the Town of Perryville Zoning Ordinance to provide an exception to the maximum 75' height limit in the L-2 light industrial district making it 120' height limit with restrictions. Mayor Eberhardt read some of the restrictions such as: Notwithstanding the maximum building height specified in the Schedule of Zone Regulations in Section 238, in the L-2 Light Industrial District, where the average ground level of the lot or parcel of land upon which the building or structure is to be erected is less than 150 feet above sea level the maximum height of a building or structure may be increased to not more than 120 feet subject to and in accordance with the following:

- a. The required adjacent yards shall be increased by 10 feet for each 10 feet, or fraction thereof, of building or structure height in excess of 75 feet.
- b. Not more than 30% of the gross horizontal area of the building or structure measured from the exterior faces of the exterior walls at ground level (the building "footprint") may exceed a height of 75 feet.

MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to approve Resolution 2007-17 Text Amendment. **All in favor; motion carried.**

Mayor Eberhardt summarized Resolution 2007-18 by the Mayor and Commissioners to approve an Annexation Agreement associated with the Annexation of

151.6749 acres of land, more or less, into the corporate limits of the Town of Perryville. The land is owned by Woodlands-Coudon, Inc., Wilson L. Coudon, George P.W. Coudon, and Timothy M.C. Coudon, and IKEA Property, Inc. as the contract purchaser. It also states that the Mayor and the Board of the Town Commissioners of Perryville hereby approve the form of the Annexation Agreement attached to this Resolution and authorize the Mayor to execute the Annexation Agreement on behalf of the Town.

Fred Sussman, the Town's Annexation Attorney, commented that if you would adopt this Resolution you would then take time to sign the Annexation Agreement before voting on the Resolution for the actual Annexation.

Mr. Sussman summarized some of the specifics of the terms and conditions of the Agreement as follows:

Paragraph 3. Design, Development and Use Criteria and Restrictions for the overall 151 acres.

- ii. Except with the prior approval of the Town's Mayor and Commissioners by Resolution, for a period of 10 years from date of this Agreement the proposed IKEA Building Site may not be developed, improved or used for any purpose other than for the development and construction of an IKEA warehouse and distribution center (with possible full automation and high bay storage), not open to the public, that will be substantially similar in exterior appearance and size to the existing IKEA warehouse and distribution center in the Town of Perryville.
- iii. The height of any building and structure on the Tract shall be governed by Town zoning regulations in effect from time to time, limited by the following restrictions:
 - a. Required adjacent yards adjacent to a building or structure shall be increased by 10 feet for each 10 feet, or fraction thereof, of building or structure height in excess of 75 feet.
 - b. Not more than 30% of the gross horizontal area of the building or structure measured from the exterior faces of the exterior walls at ground level (the building "footprint") may exceed a height of 75 feet.
- iv. No building, structure or other improvement on the Tract may be located less than 500 feet from any portion of the existing Furnace Bay Golf Course that lies to the east and northeast of the Tract.

Paragraph 4. Noise Attenuation Measures

- a. The owner agrees to construct an earth berm to mitigate noise from the development to the adjacent properties as described in exhibits D-1 and D-2.
- b. The construction of the berm described in Paragraph 4.a shall be completed prior to the issuance of any use or occupancy permit for any structure or improvement on the tract.

Paragraph 5. Financial Contribution

- a. Owner shall make a financial contribution (“financial contribution”) to the Town as set forth in the remainder of Paragraph 5.
- b. The amount of the financial contribution shall be \$200,000.
- c. The financial contribution shall be due and payable on the earliest to occur of 1 year from the effective date of the annexation of the Tract, (ii) the issuance of the 1st grading or building permit for any development or construction on the Tract by IKEA, or (iii) the sale or lease of all or any part of the Tract to any person other than IKEA.

One of the other provisions was in lieu of the financial contribution, on or before the date of the financial contribution the Owner may donate and convey to the Town, in fee simple and free and clear of liens and encumbrances, approx. 15 acres of land, suitable for use as ball fields and similar recreational facilities.

Paragraph 6. Easement to Town

This referenced obtaining an easement for the Town, its agents, contractors and employees, with an additional means of ingress to and egress from nearby waterfront land owned by the Town for emergency and government purposes only (such as search and rescue or maintenance and repair of town facilities). The easement is not for the purpose of providing access to and through the Town’s waterfront land.

Paragraph 7. Water and Sewer Service

This states that they will pay the water and sewer rates applicable to other properties within the Town when and if water and/or sewer capacity are

available. Also, that the owner agrees that the annexation of the Tract and entering into this Agreement do not obligate the Town to construct any new facilities or expand its water and sewer facilities in order to accommodate development of the Tract.

Paragraph 8. Applicability of Town Laws

After annexation of the Tract all persons who may reside on the Tract, shall be subject to the Charter and all laws, rules and regulations of the Town, and shall be subject to taxation by the Town, as all generally are applicable to property and residents of the Town.

Paragraph 9. Payment of Annexation Costs and Expense

States that the owner will pay to the Town all costs and expenses of the Town associated with the Annexation of the Tract.

Mayor Eberhardt inquired about the legal standing of Paragraph 6 regarding the easement and ingress and egress and allowance for Town emergency and government purposes, specifically the area in parenthesis, (such as search and rescue or maintenance and repair of town facilities). Mayor Eberhardt asked what happens if he just wanted to take a look at the land.

Mr. Sussman commented that as a government official that would not be a problem, this was generally stating that they did not want the general public to have access due to security and other issues but would make allowances for town and governmental services.

Ms. Breder inquired if we needed to make reference to the invoice that was sent for the record for line item 9.

Mr. Sussman commented that paragraph 9 did discuss that the owner would have to pay to the Town all costs and expenses of the Town associated with the Annexation of the Tract. We were hoping to have that paid today, but were assured by IKEA that we should receive it by this Thursday.

Jay Young, representing IKEA/Coudon commented that the check was being cut on Thursday and would actually not be here until Friday.

Mayor Eberhardt read a portion of the Annexation Agreement Resolution 2007-17 which states that the Mayor and the Board of the Town Commissioners of Perryville

hereby approve the form of the Annexation Agreement attached to this Resolution and authorize the Mayor to execute the Annexation Agreement on behalf of the Town.

Mr. Sussman advised the Mayor and the Board that the Annexation Agreement has been signed by all of the other parties so if the board does vote to approve it he requests that they take a brief recess to sign the Agreement and have it notarized before consideration of the Annexation Resolution.

MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to approve Resolution 2007-18 Annexation Agreement Approval. **All in favor; motion carried.**

Mayor Eberhardt called for a five minute recess at 8:17 p.m.

Mr. Sussman summarized Resolution 2007-15 to annex land owned by Woodlands-Coudon, Inc., Wilson L. Coudon, George P.W. Coudon, and Timothy M.C. Coudon consisting of 151.6 Acres, more or less. The meets and bounds are described in Exhibit A and the outline of the area to be annexed is Exhibit B, the terms and conditions of the annexation are contained in the Annexation Agreement which is Exhibit C which was just approved and the Mayor has signed on behalf of the Mayor and Commissioners.

Mayor Eberhardt asked for clarification on Section 4 where it talks about the introduction and the first reading of this Resolution and the public notice schedules in intervals 4 times, he believes that those should be removed.

Mr. Sussman commented that he thought that this section had been removed from the final draft. Mr. Sussman suggested that Section 4 be deleted in its entirety because it all has been accomplished which will move section 5 to Section 4 and Section 6 to Section 5.

MOTION was made by Commissioner Brown and seconded by Commissioner Hansen to approve Annexation Resolution 2007-15 deleting Section 4 and moving section 5 to Section 4 and Section 6 to Section 5. **All in favor; motion carried.**

Mr. Sussman summarized Resolution 2007-19 by the Mayor and Commissioners of Perryville to adopt an Annexation Plan associated with the annexation of 151.6749 acres of land, more or less, into the corporate limits of the Town of Perryville. Mr. Sussman commented that prior to 2006 the law required for municipalities to have a plan which was known as an Outline for Extension of services and facilities, with the adoption of House bill 1141 2006 that concept was changed to an Annexation Plan. Beginning in 2009 the Annexation Plan will have to comply with what each Municipality will have as a

Municipal Growth Element and Comprehensive Plan. As part of the Annexation process each Municipality will have to adopt by Resolution a plan for annexation of land which has been prepared and has been reviewed by the Town Staff and the applicant. This plan basically deals with the land use pattern, which provides for the use of the property, availability of land for public facilities and that there will be no need for additional schools, open space and libraries to be built to accommodate this particular Annexation.

It discusses the extension of water and sewer to this particular site, the access to the site from MD-327 formerly known as Firestone Road and now is IKEA Way. It discusses the Fire and Police service and the type of emergency procedures that IKEA will have and the various emergency issues that may arise at their facility. The only public services that will have to be extended to the annexed land would be water and sewer and they will be scheduled to be private and subject to the availability of capacity at that time and subject by the review of the Town and any other governing agency. The facilities would be funded by the developer there will not be any public funding.

Mayor Eberhardt read the last portion of the Resolution which states that the Mayor and the Board of the Town Commissioners of Perryville hereby adopt the Annexation Plan attached to the Resolution.

Ms. Breder wanted to point out on the Resolution itself after the 2nd Whereas that we missed one of the Firestone Road references so will probably need to change that to MD 327 or IKEA Way.

Mayor Eberhardt indicated that we should change that 2nd Whereas to IKEA Way.

MOTION was made by Commissioner Brown and seconded by Commissioner Hansen to approve Resolution 2007-19. **All in favor; motion carried.**

NEW BUSINESS-

Commissioner Brown stated that two proposals for a contract for a Project Manager for HVAC and electric work to be performed at Rodgers Tavern were reviewed at the last Work Session, since then we have also gotten another opportunity to file a grant for additional funding for the tavern so it is important to have someone in place to keep this moving. Commissioner Brown recommended hiring Grubb Contracting as the project manager.

Mayor Eberhardt inquired what they were going to be doing? Is it just to supervise the construction?

Commissioner Brown commented that they would be laying out the plans to continue the restoration on where we had left off such as the plaster, lintel repair, stonework, electrical and HVAC. They are going to develop a plan and we are going to take that plan as far as we can with the money we have. We have had a study done to determine what we need to do but not the actual plan.

Mayor Eberhardt stated then this means that they are actually going to do the design and award the contract and manage it.

Commissioner Brown commented that they will be overseeing everything even through the MD Historic Trust because any plan that we do has to be approved by them. They are to manage as far as we can go until we run out of money.

Mayor Eberhardt inquired if their service would be covered with the Grant Funds.

Commissioner Brown commented that as of right now it is not because it was not written that way, but with the new Grant they are submitting they hope it will be covered so they can keep going with the project.

MOTION was made by Commissioner Brown and seconded by Commissioner Hansen to hire Grubb Contractors as the Project Manager for the Rodgers Tavern restoration. **All in favor; motion carried.**

Ms. Breder introduced a revised contract for additional supervisory services at the Perryville WTP and WWTP from MES, a budget amendment will follow if needed. It includes an additional 9 hours per week of Supervision at the WWTP.

Mayor Eberhardt indicated that as we get closer to bringing the new Water Plant on line we need to find out who is going to run it, they need to be involved from day one so that they know that plant whether it is MES or one of our guys. He inquired if we have a schedule of when we will be in the position of needing a Supervisor of Operations who would be involved with the installation and construction so they will know where every pipe is.

Ms. Breder commented that Diane Bower, who is the MES Supervisor, has been attending construction progress meetings, not all of them but most of them and Larry Frasier who as of November 1st is a fully licensed operator has been attending the construction progress meetings as well.

Commissioner Tolbert commented that with the amount of work being done with that site every operator who is on duty is involved with the process of what is going on.

Mayor Eberhardt asked for clarification of the time period for which this contract covers, it appears to be July 07 through June 08.

Ms. Breder concurred that those dates were correct.

Commissioner Brown was glad to hear that we have a licensed operator at the plant now.

Ms. Breder commented that we actually have two licensed operators as of November 1st, Neil Hansen who has not received his certification in the mail yet but has met all of the qualifications.

MOTION was made by Commissioner Tolbert and seconded by Commissioner Brown to approve the MES contract for Supervisory Services. **All in favor; motion carried.**

Mayor Eberhardt asked that the Principio Health Center request be moved to the next thing on the agenda.

Ms. Breder commented that the board has in front of them the letter from Ms. Erickson explaining the problems with the SHA permit, the Indemnification and Hold Harmless Agreement that was executed on September 28th, and the copy of the letter from Mr. Stewart requesting an extension on the deadline that was placed on Principio Health center which was today to get the SHA permits.

Mr. Stewart, representing the Principio Health Center project wanted to thank Ms. Breder and Ms. Erickson and the board members for their assistance with helping them get started with the process. Mr. Stewart commented that they were concerned with meeting the deadline that was given initially for November 6 for the State Highway permits because of the process time that it takes them. It was further complicated when the State Highway established that they did not want the water lines run in the right- of - way of Route 40 and the Town wanted them in the right- of- way of Route 40, which is holding the process up even further. He believes that the water line issue may have gotten resolved today in a meeting with SHA but will have to follow up with it tomorrow for further clarification. He is requesting that the deadline be pushed back to December 31 to allow more time for the outstanding issues to be resolved so they can get their building permit released.

Mayor Eberhardt asked for clarifications regarding the easements, he stated that Mr. Stewart wants easements on private property and the Town wants it in the right-of-way.

Ms. Breder commented that there was a problem with the initial easement because it was only wide enough to accommodate the sewer line not both the water and sewer lines and it was not a sole use easement for the Town's benefit and other things could be built on it by the property owners leaving the Town with problems accessing it. Ms. Breder commented that one of the options was to put the lines in the right-of-way, the other option would be to get a 20 ft. wide sole use easement across the neighboring properties as well as in front of the Principio Health Center property. Ms. Breder is not sure that the second option would be realistic for them because they would have to get easements from the neighboring property owners.

Ms. Breder commented that the main reason the Town wants it in the right-of-way is for future development and ease of access the last resort is a sole use easement. Ms. Breder commented that one thing that Ms. Erickson and she recommend is that if they decide to extend the date is to change the Hold Harmless and Indemnification forms to reflect the new date.

Commissioner Tennis inquired if the other items on their list of items that need to be addressed have been taken care of.

Ms. Erickson stated that most of the items that are pending are items that are dependant on the SHA approval such as the landscaping agreement which has been signed; the bonds for landscaping and for construction were prematurely received in the incorrect amount which will need to be revised. Ms. Erickson stated that we have an approved cost estimate but if SHA does not allow them to put it in the right-of-way then the construction plans will change which will cause the cost estimates to change on the landscaping and the construction, along with the 4% inspection fee and receiving the shop drawings.

Ms. Breder commented that when we told them they could proceed with the project we thought that we had good cost estimates. We did not anticipate SHA having an issue regarding the right-of-way since they typically are in the right-of-way. When the PWA was executed we thought that everything was correct other than having to change the bond amount.

Ms. Erickson wanted to add that they got as far as the pre-construction meeting before receiving notice from the SHA.

Mayor Eberhardt was inquiring if SHA has changed things since Perryville Station because their lines were in the right-of-way.

Mr. Stewart commented that they probably don't want it in the right-of-way for the same reasons that we want it in the right-of-way, he thinks that the right conversation needs to be had and a lot of times it depends on who is making the decisions at the time.

Ms. Breder commented that we will see what the results of the developer's engineer and SHA's meeting today. Ms. Breder commented that she and Ms. Erickson had a conference call with Barry Clothier from SHA and then followed up with a meeting with Rowen Glidden and Clarence Cullum, representatives from the engineering firm. Ms. Breder believes that a lot of the confusion is that SHA had heard that there is already an existing easement but the easement is for the sewer and is not wide enough and is not a sole use easement.

Mayor Eberhardt commented that he received a phone call from Richard Lindsey, a representative from SHA, before coming to the meeting and that in that conversation Mr. Lindsey did not think that Perryville Station lines were in the right-of-way either so he believes we definitely should meet with them again to convince them on what needs to be done.

MOTION was made by Mayor Eberhardt and seconded by Commissioner Tolbert to allow an extension for the SHA approval until December 31, 2007 and to change the Hold Harmless and Indemnification form to reflect the change in the date and to meet with SHA to resolve the right-of-way issues to our benefit for the Principio Health Center Project. **All in favor; motion carried.**

Ms. Rice summarized Resolution 2007-20 regarding budget amendments. For the General Account she is requesting funds to be moved from Personal Property Taxes in the amount of \$264,000 to recognize reduction of taxes for IKEA with offset to Unreserved Fund Balance due to filing of amended returns and a valuation appeal for FY04 to 06. The Water Fund from contractual to reclassify funds in the amount of \$6,818 for MES contract for supervisory services for the Water Plant with offset to salary expense account. The Sewer Fund \$49,462 from contractual and \$7,000 from miscellaneous expense in the overall amount of \$56,462 to reclassify funds for MES contract for supervisory services and miscellaneous expense for MDE for effluent limit violations for the Sewer Plant with offset to Contingency.

Ms. Breder commented that the \$264,000 covers three years and in conversations that Ms. Rice had with Gary Duffy, the supervisor of the Department of Assessments and Taxation Dept believes that the new figures are correct, that the original filed returns were incorrect and these are accurate numbers for personal property taxes. This year we would be collecting \$585,016.

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MOTION was made by Timothy Tolbert and seconded by Commissioner Brown to approve Resolution 2007-20 budget amendments. **All in favor; motion carried.**

MOTION was made by Mayor Eberhardt and seconded by Commissioner Brown to adjourn the November 6, 2007 Town meeting at 9:03 p.m. **All in favor; motion carried.**

Respectfully submitted,

Jackie Sample,
Town Clerk

