

**Town of Perryville
Meeting Minutes
September 4, 2007**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, James Hansen, Gary Tennis and Tim Tolbert; Town Administrator: Denise Breder, Accounting Clerk Krissy White, and Police Chief Chris Daly.

Pledge to the Flag

APPROVAL OF THE MINUTES

Commissioner Brown asked that a correction be made to page nine which reads that they replaced the back porch and the steps on the front porch of Rodgers Tavern. She commented that it should read that they replaced rotten boards on the steps to the front porch and they replaced rotten boards on the back porch and steps of Rodgers Tavern.

MOTION was made by Commissioner Tolbert and seconded by Commissioner Tennis to approve the August 7, 2007 Town Meeting Minutes with the change as noted. **All in favor; motion carried.**

DUCK BLIND DRAWING-

Mayor Eberhardt announced the drawing for the duck blinds and picked a person from the audience to pick the names. The drawings comprised of two seasons, the early season being September 5-November 25 and the second season being November 26-February 15 with three blinds to each season. The winners of the first season were John Thomas for the Furnace Bay blind, Larry Dukes for the Furnace Bay II blind/Ikea, Willard Lee Jr. for the Stump blind. The winners of the second season were Terry Hornberger Sr. for the Furnace Bay blind, Michelle Thomas for the Furnace Bay II blind/Ikea, Richard Bailey for the Stump blind.

MAYOR'S REPORT-

Mayor Eberhardt read a Proclamation proclaiming September 17th – September 23rd 2007 as Constitution week which Commissioner Brown accepted on behalf of the Daughters of American Revolution.

Mayor Eberhardt announced that the Boy's and Girl's Club has closed and that we have been in discussion with the Cecil County Y.M.C.A. who are very interested in starting programs in the Perryville area. They have been looking toward a western Cecil County Y.M.C.A. and view the Boy's and Girl's Club closing as an opportunity to offer services here. Mayor Eberhardt prepared a legislative action request to the Maryland Municipal League regarding illegal fireworks. Mayor Eberhardt commented that New Jersey had some good legislation where they worked out something with Pennsylvania to discourage the solicitation of illegal fireworks sales from Pennsylvania to New Jersey

residents. Mayor Eberhardt is looking to have something passed for us to discourage the solicitation of illegal fireworks sales in Pennsylvania to Maryland residents.

SWEARING IN CEREMONY-

Mayor Eberhardt swore in two police officers, Officer Dale Hoffman and Officer Keith Budnick.

COMMISSIONER'S REPORTS –

COMMISSIONER TENNIS' REPORT-

Commissioner Tennis reported that last month the Mayor had asked him to review the employee handbook to see what additions, changes or deletions need to be made and to form a personnel committee to interview potential employees and give their report to Denise and have her make the decision. One of the main issues is employees being called into work on a non scheduled day and not getting overtime pay if they had taken any leave during that same pay period. Commissioner Tennis commented that he plans on getting that committee formed and up and running in another month.

COMMISSIONER TOLBERT'S REPORT-

Commissioner Tolbert reported that work is progressing at the Water Treatment Plant and the new Tower site. On August 25th they had a failure at the Frenchtown Lift Station pump station. Septic tank trucks were brought in to pump waste to the sewer plant; temporary bypass diesel pumps were installed. On August 26th the diesel pump broke down so we now have two pumps with backups to backups. In the interim a contractor came out to tear out the damaged parts. Commissioner Tolbert commented that an estimate of \$41,579.00 was given to replace the damaged parts and they are looking into the insurance company possibly paying some; but regardless of who will be paying the work must get started so he asked permission for a purchase order.

MOTION was made by Commissioner Tolbert and seconded by Commissioner Brown to issue a purchase order in the amount of \$41,579.00 to Retro Electric to get that work started. **All in favor; motion carried.**

Commissioner Tolbert commented that M.E.S. and the State and the proper agencies were notified about the problem.

Mayor Eberhardt is aware of some issues that came up regarding the intake pipe when it comes to the Water Plant invoice to be discussed later.

Kevin Pampuch, representing U.R.S. commented that this will probably be in next months report; they are still working on that report.

Commissioner Tolbert commented that where the tie in is being made for the new water line a neighbor inquired what they were doing on his property, we assured him that we would work with him to determine if we are on his property.

The neighbor was present and commented that he had old plats of his property that may be useful in determining the property lines.

Mayor Eberhardt recalled problems regarding the intake pipe when he first came on board and was just wondering if they found what condition it was in.

Mr. Pampuch commented that the sheet piling is through the muck layer and that they have not come to a conclusion yet on what will be suitable bedding elevation so that the structure can be placed out there.

Commissioner Tolbert commented that the upstream intake portion was completely gone; the down stream portion was operable based on what he has heard.

COMMISSIONER HANSEN'S REPORT-

PLANNING & ZONING UPDATE

September 2007

PLANNING & ZONING MEETING:

- The Planning & Zoning Commission met on Monday, August 27, 2007.
- The meeting began with a public hearing on a text amendment to the zoning ordinance. The request was to change the height limitations on buildings in the Light Industrial 2 (L-2) zone from 75 feet to 120 feet in height. The Planning Commission made a recommendation to the Mayor and Commissioners to approve the text amendment with conditions.
- During the regular Planning and Zoning meeting, Principio Health Center received approval of their Final Site Plan.
- The next Planning and Zoning meeting will be held on Monday, September 17th at 6:30pm. The meeting will begin with a public hearing on a proposed annexation and zoning request. The request is for annexation of 151.6 acres of property, more or less, into the Town of Perryville with a Town zoning designation of L-2. The property is located on Principio Furnace Road and is

- shown on Tax Map 34 as part of Parcel 43. The property is owned by Woodlands-Coudon, Inc. and others. The public is invited to attend.
- The regular Planning and Zoning meeting will follow the public hearing.

BOARD OF APPEALS:

- The Board of Appeals met on Tuesday, August 14th at 7 pm. The Board granted approval for a single family home to be located off of Roundhouse Drive in the Commercial Marine Zone.
- The Board of Appeals will meet on Monday, September 24th at 7 pm to hear a variance request for a 6 foot high fence within the side yard at 549 Aiken Avenue. The public is invited to attend.
- The Board of Appeals is currently seeking a volunteer to serve as a Board member. This position is to finish a term that will end in June 2008. Anyone interested in serving on the Board of Appeals is asked to submit a letter of interest and resume to Town Hall.

Mayor Eberhardt commented that he had received a letter of interest and resume and believes that the board has also received the resume and he asked if they were prepared to vote on the person that had applied. He is not aware of any other parties that had applied.

Ms. Breder commented that she has seen a request for Mrs. Terborg; she has not seen any other requests.

Mayor Eberhardt commented that she is the request that he was referencing.

MOTION was made by Mayor Eberhardt and seconded by Commissioner Tennis to appoint Susan Terborg to the Board of Appeals **All in favor; motion carried.**

Mayor Eberhardt inquired if Commissioner Hansen had any additional information regarding the conditional approval on the height variance.

Mr. Baynes commented that because their ground level was below 150 feet they can request to have a building built with the height limit of 120 feet. Other areas along the I-95 corridor would not be able to build at that height because there ground elevation is 150 feet. They will also have to increase the setback requirements.

Mayor Eberhardt asked for confirmation that this will come before the board, it is not on the agenda tonight.

Ms. Breder confirmed that it will come before the board and it was not on the agenda for tonight there will be a public hearing on October 2nd prior to the Town meeting which will be advertised.

COMMISSIONER BROWN'S REPORT-

Announcements:

- August 27, 2007 I was advised by some citizens that a coyote attacked a dog being walked on a leash along the park road. Witnesses were able to scare the animal away. The incident was reported to the Wildlife Division of the Department of Natural Resources, our police, our employees. I need to emphasize that the park does have wildlife in it and that users should always be alert to the possibility of an encounter. Hopefully this is a one time incident, but if anyone sees this animal stay away from it and let Town Hall or our police know. I also want to plead with citizens not to feed animals that are in our park. We all know the cats are being fed, but so are the wild ducks, geese and deer. This attracts the wildlife to want to stay in the park and not just pass through. Feeding these animals will force us to have to hunt them. I hope we don't ever have to do that so please do not feed them.
- September 5, 2007 I will be hosting the Cecil County Board of Tourism for a tour of our trails. They will have lunch and their regular meeting at Box Car Avenue.
- September 10, 2007 Fall Parade and Autumnfest Committee Meeting, 4:30 p.m., Town Hall meeting room.
- September 14, 2007 The Wallis Brothers will be providing a free concert for all ages from 7-9 p.m. on the Lawn at Box Car Avenue Ice Cream & Shaved Ice. Bring your lawn chairs and join us for a nice relaxing evening of entertainment and treat yourself to some ice cream.
- September 20, 2007 Perryville Greenway Committee Meeting, 10 a.m., Administrator's Office.

NOTES: The Northern Chesapeake Baseball Club is using the SR. Field in our park for league games each Sunday beginning at 1 p.m. thru November 4. They practice each Tuesday evening beginning at 5:30 p.m. This league is associated

with the Ripken Baseball so go take in a game and give our local boys some support.

Commissioner Brown commented that she has been made aware of The Cecil Bandits Football League using the field at the park for practice in the attempts to establish a league that is being pursued by one of our police officers. She will be contacting Officer Mitchell to obtain a contract.

The multi-purpose field project is ready to start. We had a meeting scheduled for this past Tuesday in anticipation of the final approval for moving ahead. But the County cancelled the meeting at the last minute. We were able to reschedule for 2 p.m. this afternoon. Her understanding is that we need an N.O.I. Project application permit.

Mr. Pampuch commented that the permit has been issued; he only has a carbon copy but not the original.

Commissioner Brown indicated that McGuirk should be able to start tomorrow but to keep digging for the original.

The application to Delmarva Power Company was completed and sent last week. Hopefully that will move along so we can install power for utilities at the Boat Ramp. The Eagle Scout clearing project is nearly complete and I have not heard from Critical Area yet as to allowing us to fill that deep hole to expand our parking.

MEETINGS:

August 9	Council of Government Meeting in Charlestown
August 23	Substitute for Mayor Eberhardt at County Mayor's Meeting
August 24	The Community Picnic held at the Perryville Elementary School
August 28	Meeting with Tri-state Waste Solutions
August 29	Perryville Greenway Meeting
August 30	Meeting with State Highway

Mayor Eberhardt reported that the MD. Transportation Authority who was to attend tonight to give an update on the bridge project had just called to cancel because they were broke down on I-95.

Mr. Nafiz Alqasem, the project manager for the Engineering Division, for the Maryland Transportation Authority was present and can give us an update on what is going on with the project.

Ms. Breder summarized her report as follows:

**Town Administrator's Report
Town of Perryville, MD
September 4, 2007**

- Water Treatment Plant and Distribution System Improvements Projects:
 - RFQ for Construction Phase Engineering Services – a package of information was submitted to Maryland Department of the Environment requesting approval on the Town's procurement procedures for this portion of the project –written approval received
 - August 28, 2007 Attended the progress meeting for the water treatment plant project at the site
- Wastewater Treatment Plant: MES prepared a Sewage Sludge Utilization Permit Application for removal of compost from the WWTP; it has been signed and returned to MES for completion of the submission packet to MDE
- Comprehensive Plan update: Supplied additional information to Mr. John Leocha of MDP to assist him with the Water Resources Element section of the Comp. Plan
- Updated Town contacts for Department of Emergency Services
- August 8, 2007 Prepared for and attended Emergency Response Plan Committee meeting; the next meeting is scheduled for 9/12 at 2pm in my office.
- August 9, 2007 Ms. Heather Erickson, Mr. Chris Rogers and I met with Mr. Barry Montgomery and his staff to discuss his plans for 5271 Pulaski Highway (contract purchaser for the property).
- August 9, 2007 Commissioner Brown, Mayor Eberhardt, Ms. Heather Erickson and I attended the Council of Governments meeting. On the agenda for that meeting was an informational discussion regarding Water Resource Elements for Comprehensive Plans.
- August 10, 2007 Mayor Eberhardt, Chief Daly and I interviewed a candidate for one of the police officer vacancies.
- August 11-26, 2007 Vacation.
- August 28, 2007 Commissioner Brown and I met with Mr. Kevin Beane and another representative from TriState Waste regarding various problems with trash, recycle and yard waste pickup in Town. Hopefully there will be some improvements based on that meeting, especially with the recyclables being missed.
- August 30, 2007 Prepared for and attended the Perryville Greenway Committee meeting.
- August 31, 2007 Attended a meeting with SHA
- Had numerous discussions and email correspondences with Mr. Fred Sussman (annexation attorney hired by the Town), Ms. Meaghan Alegi and Ms. Heather Erickson regarding the proposed annexation of the Coudon property.

Commissioner Brown inquired if she wanted to mention the fact that they may change the recycling schedule to come later in the morning to pick up recyclables.

Ms. Breder commented that they had discussed that option although they did not indicate when it would be just that it would be later so that they would not miss items that they may not be seeing in the early a.m.

Commissioner Brown commented that they are looking to start a system of tagging items that people have put out for recyclables that did not get picked up that would indicate the reason that the items did not get picked up. In the meeting when you hear that people put out a treadmill for recyclable you understand why it does not get picked up.

Commissioner Hansen commented that he was told that the items had to be put in a container preferably a blue container and they were not to be put in plastic bags.

Mayor Eberhardt commented that the Cecil County Landfill representatives were at the Town Meeting held at the Perryville Middle School earlier in the year to make a presentation and the problem is they cannot have a bunch of plastic bags hanging around that cannot be recycled. They were looking into a processing machine that would actually rip the bag from the items but he is not sure where they are in that process.

Commissioner Brown commented that she puts hers in a cardboard box and they take the whole thing.

Mayor Eberhardt commented that it sounds like some ground rules need to be sent out in advance.

Ms. Breder commented that we have gotten the rules out in the last three newsletters and although there was a mistake in the schedule of the second newsletter which Tri-State does review it did get straightened out.

TREASURER'S REPORT-Krissy White

**Treasurer's Report
Town of Perryville, Maryland
September 4, 2007**

For the Month of August, 2007:

- 133 purchase orders were processed totaling \$287,929.02.

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- 90 accounts payable checks were processed totaling \$279,518.17.
- Processed 407 cash receipts totaling \$740,909.84.
- Prepared the July 2007 month-end closing entries and financial reports.
- Worked on closing entries, accruals, reconciliations and adjustments for the Fiscal Year 2007 close.
- Reconciled payroll expense to the quarterly 941 forms.
- Coordinated Fiscal Year 2007 audit requirements with Jim Baxter, CPA.
- Transferred payment to Greensburg Environmental Contracting Systems, Inc. in the amount of \$176,286.79 on August 22, 2007.
- Transferred payment to J.L.W. Associates, Inc. in the amount of \$9,801.00 on August 22, 2007.
- During August, we received \$382,134.62 from the VA. This amount represents payment of: \$56,161.56 in outstanding Bay Restoration Fees and \$325,973.06 in outstanding Sewer Service Fees. We currently have a balance due of \$205,072.73 from the VA (\$15,581.37 for Bay Restoration Fees and \$189,491.36 in service charges)
- We received \$457,208.69 from Cecil County Treasurer's Office for FY08 Real Estate Tax revenues collected. Discounts in the amount of \$9,295.80 were taken. The amount billed for the year is \$1,128,321.19.
- Provided Department Heads with copies of their respective year to date expenditure reports as of August 23, 2007.
- We received our new copier (budget amendment to lease from August) and we now have a fax machine (410-642-2677) and the capability of emailing documents from this machine (i.e.: approved (signed) purchase orders).

Ms. White reported on the Financial Summary for the month of July the MTD for the General Fund was at a surplus of \$923,922.91 and an YTD surplus of 923,922.91. The water fund was at MTD deficit of (\$22,997.36) and an YTD deficit of (\$22,997.36). The sewer fund is at a MTD deficit of \$(52,653.68) and an YTD deficit of \$(52,653.68).

Ms. White read the bank balances for Mercantile County Bank the balance was \$923,343.41 for the MD Government Investment Pool the balance is \$2,066,982.59, for Bay First Bank it is \$376,917.25 and for NBRS it is \$67,761.45, for a grand total of \$3,435,004.70.

Mayor Eberhardt being aware that Jim Baxter is not performing the audit for FY 08 inquired if we would benefit from someone coming in earlier to see what is going on.

Ms. White commented that they do plan on advertising in a broader area and earlier for the next year.

Ms. Breder commented that Ms. Rice is planning on advertising earlier to get them in sooner, hopefully within the next couple of months to get the bid out there and decide the beginning of next year.

POLICE DEPARTMENT REPORT

Perryville Police Outreach Program August 2007 abbreviated report

- 8-6 Ms. Lewis attended a meeting with the Cecil County Health Department to help youth quit smoking
- 8-7 Ms. Lewis met with Sue Eyet, the owner of Studio 432, to discuss future community service projects
- 8-14 Ms. Lewis attended a Teen Court Meeting at the Cecil County Health Dept.
- 8-15 "Stop Smoking Class" presented by the Cecil County Health Dept. (16 youth attended this class)
- 8-25 Chief's Challenge

Monthly Police Report

August 2007 Stats

CRIME	MONTH	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT
ROBBERY		0	0	0	1		0	0	2		
ASSAULT		2	2	2	4	5	4	2	4		
BURGLARY		3	0	0	0	5	2	0	0		
THEFT		6	9	11	6	8	12	9	9		
AUTO THEFT		1	1	0			0	1	1		
CDS		2	0	3		1	1	2	1		
DISORDERLY		21	8	15	14	19	26	45	15		
MDOP		3	2	1	14	9	8	9	4		
ADULT ARRESTS		4	6	12		7	4	10	8		
JUV. ARRESTS		2	0	0	4	4	1	0	0		

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TRAFFIC								
CITATIONS	3	8	6	9	12	26	13	25
WARNINGS	12	14	17	10	14	15	21	11
SEROS	1	1	0	1	3	4	3	13
PARKING	4	0	0	1				0
VIOLATIONS								
BOAT RAMP	0	0	0	4				0
VIOLATIONS								
ACCIDENTS	4	4	7	2	4	3	15	7
CALLS	187	143	152	144	166	211	292	242

Chief's Report
August 2007

8/14/07 Radio meeting at DES

8/22/07 Bid meeting for grant for outreach program

8/28 & 8/29 Interviews with two potential candidates and both look promising

8/29/07 Traffic initiative with the MDTA, targeting speed and seatbelts. It was a roaming initiative that targeted Broad Street, Aiken Avenue, Route 7 and Ikea Way. During that initiative 20 stops were made, 13 citations, and 10 warnings were issued. There will be two more initiatives this month, one will be for speed and seatbelt and the other for truck enforcement.

Mayor Eberhardt inquired if any additional information was received at the radio meeting regarding the dispatching issues that have been brought up at previous meetings.

Chief Daly reported that the dispatchers are in one room now and there are two more positions to be filled. The Dept. of Emergency Services and the Police are the people that attend the meetings; he believes that Elkton Police are coming on board this month with the radio system.

Commissioner Brown commented that one of the issues that she had brought up at the State Highway meeting was the trucks illegally parked at Route 222 & Route 40 which she has several pictures of. Commissioner Brown stated to them for us to be able to ticket these trucks that no parking signs need to be put up. Commissioner Brown

commented that they indicated to her that the signs would be put up but it may be a month or more. Commissioner Brown commented that we need to be vigilant in making sure that the signs do get put up. They are looking at possibly restriping the road.

Commissioner Tolbert inquired if anything was being done regarding the guy that is camping out on Route 7.

Chief Daly commented that he is aware of the gentleman, he believes that he was offered assistance to help get his vehicle started he believes he is homeless. He is not sure what can be done he is parked legally.

A gentleman from the audience commented that he has taken in some of the V.A. patients that may be trying to get rehabilitated for alcoholism or other issues and they do tend to occasionally wonder off and walk along Frenchtown Road or other areas. He commented that most of them will go thru a six to eight week program and a lot of them do have their Drivers License but he tries to help the ones that are paying a lot in cab fees a week to get around.

Chief Daly commented that maybe he will call the V.A. tomorrow to see if they can assist.

MD. TRANSPORTATION AUTHORITY- Nafiz Alqasem

Mayor Eberhardt briefly summarized for Mr. Alqasem what Mr. Kohlberg and Ms. Triandos had reported on last month. It was to give an update on the status of the work to be done and where the contract is on the Hatem Bridge and the Tydings Bridge due to some concerns from various citizens in light of the recent bridge collapse. Some of the issues that were addressed were the netting to be used under the bridge to catch loose debris once they start construction on the bridge. They had agreed to come back each month as needed to address concerns and to give updates on the progress.

Mr. Alqasem is with the MD Transportation Authority he is the Project Manager for the Hatem redecking contract. Mr. Alqasem commented that they have been working on this project since 2003 so it will be about six and a half years altogether once the construction phase begins. The redecking operations will start in the middle of April, the State Highway work for Route 222 & Route 40 was to be part of the project and a contractor has not been selected for that yet. Originally the contractor was to be selected about three weeks ago with a limited notice to proceed for October 1st and full notice to proceed in the middle of April. Since we are not going to be able to meet the October 1st deadline we took the Route 222 & Route 40 intersection modification out of the contract

and will have to assign it a different contractor who is under contract with State Highway right now. So that work should start in a couple of weeks and the intersection modifications should be done by the end of October. The original scope of the work is working on the decking, we are now looking at the rest of the bridge and may do the substructure as well, we should get a full assessment in a couple of weeks so you will be seeing people walking under the bridge doing their assessments. We will then proceed with a design based on that assessment and hopefully we can include it in the current contract. Mr. Alqasem is aware that Mr. Kohlberg commented that the substructure work may come at a later time, but this way we would get it done all at once and not have to come back to do the substructure. Mr. Alqasem commented that he does not believe that it will add to the duration of the contract if we add to the current scope of work, we would basically be getting a brand new bridge from the foundation up in about three and a half years. Mr. Alqasem commented that the netting that is used is for employee safety in case they fall, structures are made with aluminum or plywood materials to catch any falling debris. These are placed in the areas that would be affected by the falling debris.

Mayor Eberhardt commented that the concern is if the structures are placed in the location that you are working at and they start hammering into that steel that it will cause debris to fall in an area further away.

Mr. Alqasem commented that the majority of the bridge has form underneath most of the problem areas are the outside areas of the bridge not the width of the bridge. They have been putting debris shields in the areas that they do not have form underneath. It is up to the contractor, some proposals have just shielding the areas that they are working on and some proposals show them erecting shields the entire width of the bridge. We are working on an addendum to the contract to include that the contractor is responsible for monitoring loose debris under the entire bridge if they choose to shield only the areas they are working on.

Mayor Eberhardt inquired what impact on traffic the very busy left turn lane coming from the Hatem Bridge that gets backed up now passed the toll plaza will be once the construction starts.

Mr. Alqasem commented that he is not the traffic engineer he is the structural engineer but the way he sees it shutting down one lane and having one lane open to traffic as easing the congestion.

Mayor Eberhardt commented that he is talking about the left lane construction work not the bridge work.

Mr. Alqasem commented that the majority of the work involving lane closures will be done in the off peak hours regarding the signaling modifications and restriping and possibly the guardrail.

Mayor Eberhardt inquired if we could have some input into something else more aesthetically pleasing other than a Jersey barrier.

Mr. Alqasem commented that he will look at the plans tomorrow and bring that up and see what they say.

Mayor Eberhardt stated that last month a drainage issue that the town had was brought up, he asked what the status of that was. He does not know if Mr. Kohlberg had discussed that with him or not.

Mr. Alqasem commented that the drainage issue did not come up.

Mayor Eberhardt asked Mr. Alqasem to relay to Mr. Kohlberg that the drainage pipes from the Hatem to the river are still an issue.

Mr. Alqasem commented that the drainage system will be replaced with the new project.

Mayor Eberhardt commented that we need to take a look at that because right now that drainage runs right thru our boat launch project and it is exposed, so he would like to see what that is going to be.

Mr. Alqasem commented that he will make sure that whoever comes the next time brings the plans for them to see.

Mr. Strause, representing the Perryville Fire Company, is still concerned with the Opticom service at the traffic signals on Route 40 & Route 222 the Fire Company does not want to see them go.

Mr. Alqasem stated that he would make sure he brings that up.

Debbie Thompson, who resides at 1459 Clayton Street, asked how far the two left turn lanes will go onto Route 222 from Route 40.

Mr. Alqasem commented that it will go as far as Franklin Street.

Mrs. Thompson commented that it is already an issue with people turning onto Franklin Street and into Happy Harry's and Royal Farms during peek times.

Mr. Alqasem commented that he understands this although this is the State Highway's jurisdiction not theirs, they would have the plans for that project.

Commissioner Hansen inquired if the concrete piers by the river that are deteriorating will be fixed.

Mr. Alqasem commented that they will be inspected further in the next couple of weeks checking the substructure, the scope of the work may change.

Commissioner Brown inquired if painting will be part of the contract.

Mr. Alqasem commented that it would not be painted anytime soon.

COMMUNITY FIRE COMPANY-John Strause

Mr. Strause reported that ambulance 692 was retired as of last week; they are now down to one ambulance. The Chevy 2000 ambulance should be here within the next few days, in the interim we moved the utility vehicle as a chase vehicle to have a second vehicle to transport personnel and use as an ambulance if needed although not recommended. Nominations and Elections are next Monday on September 10th. On September 15th the Perryville Fire Company will hold its annual banquet. A couple of weeks ago the fire equipment was tested. We have our new turnout gear and the new helmets and have received about half of the leather boots.

August 2007 Stats

Calls	29
Avg. Response Time	4.0 Min
Avg. Personnel/Call	14.1

Total Man-Hours	236
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EMS Calls

Calls	76
Avg. Response Time	6

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Total Man-Hours	140
County Upgrade	38

Totals

Emergency Calls	105
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Man-Hours	376
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Training Hours	27
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Fund Raising	50
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Station/ Equip. Repair	150
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Total Man Hours Donated To the Community	603
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Hydrant Water Use**	0
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Mayor Eberhardt also read that they now have their pavilion open for rental.

Mr. Strause commented that it is available for rental now.

FROM THE FLOOR

Rudy Sackett, a resident at 325 Susquehanna Avenue, inquired how the guidelines were established for who could participate in the duck blind lottery.

Mayor Eberhardt commented that you must be a resident within the Town limits of Perryville, he is not sure of the other guidelines.

Mr. Sackett stated that his son had come in to sign up for the duck blind drawing but was told that he could not participate because of his age. He has passed the hunter safety course and is a resident of Perryville and certified by the State of Maryland so he does not understand why he would not be able to sign up for it.

Ms. Breder commented that she has been out of the office for two weeks and this is the first she has heard about this, she had spoken to Mr. Sackett before she went on vacation and said she would set him up with the office staff to get the guidelines, she does not know of all of the requirements off the top of her head. There is responsibility

involved in winning the use of the blind, you are getting a key to the gate to the park and are getting transported out there along with a check for a deposit to be put down to obtain the key, she is not sure that a 12 year old would have some of those things.

Mr. Sackett commented that what he is saying is that his son went to the trouble of doing the things that were required of him and he was told he could not participate. There is enough problems with kids in this community that are doing things they are not supposed to and when you have a youth trying to do a positive thing you need to encourage it.

Ms. Breder commented that as she stated there are other issues involving responsibility with getting the keys and issuing a check for the deposit.

Mr. Sackett stated that he would write the check if he had to, the parents would still be the responsible party whether he is twelve or seventeen.

Ms. Breder commented that you would have to sign off on that too.

Mr. Sackett commented that he would be ok with that.

Ms. Breder inquired why he did not fill out the paperwork for him.

Mr. Sackett replied that his son was with him and had his hunting license and stamps and was told that he was not eligible because of his age.

Ms. Breder commented that there may be an issue with insurance as well.

Mayor Eberhardt inquired if they are allowed to hunt by themselves with a Junior Hunter's License.

Mr. Sackett commented that they are allowed to hunt by themselves with the Junior Hunter's License after they complete the Hunter's Safety Course.

Mayor Eberhardt stated that we will have to address the rules so that they are clearer on who can participate.

Mr. Sackett commented that he would not let him out there by himself either he or his wife would be out there with him, you have a youth trying to do the right thing.

Commissioner Brown commented that she did get a call about one youth wanting to sign up for the drawing and she inquired about the rules because she thought that there was an age limit.

Mayor Eberhardt commented that he was unaware there was an issue until now and it is something that we will have to look at for next year. He commented that it will have to be looked at although he is not sure how he feels about allowing a twelve year old to assume the additional responsibility that comes with obtaining the duck blind. I can tell you that the rules would be clear on whether an age limit would be set or not but I cannot tell you how I would vote on it at this point.

Mrs. Hansen inquired if our attorney knew anything about it.

Keith Baynes, the Town Attorney commented that the liability issue would have to be looked at and the town would have to have insurance.

Commissioner Brown commented that another problem is that the blinds are not already in the water your boy would have to do that. I did not know or ask if he was capable of handling that but next year we will ask.

Mr. Sackett agrees with the Mayor he would not want him out there by himself but on the same note he would not want him excluded from participating either, he wants the rules to be made clear.

Commissioner Brown commented that she like the mayor is not sure that she would be comfortable with a minor out there by himself even if he is certified, but if she was assured that a parent or another licensed hunter was out there with him that would be a different ballgame. We will need to establish those rules and we will do that for next year.

Liz Sherrard, residing at 605 Otsego Street, commented that she had a vehicle drive through her neighbor's yard and her yard and into her porch on July 29th at about 10:30 at night. Since that night she has repeatedly asked for the Police report to turn into her homeowner's insurance and she keeps getting excuses and still does not have it. Mrs. Sherrard commented that she went over there today to request the report and was told that the secretary was out so she still could not get it.

Chief Daly was unaware of requests from her for police reports. If it was the accident that he is thinking of and he would have to verify this, it was property damage only and no vehicle obstruction and it would be a Code 89 so no police reports would be involved.

Mrs. Sherrard commented that it was a small silver looking car similar to a Neon with a white young female in it who pulled up in her drunken stupor into the front porch

threw it in reverse and backed out over the sidewalk and slowly drove up the street and turned left onto Aiken Avenue and it was Officer Mitchell that came to her house.

Chief Daly inquired if she had gotten the tag number.

Mrs. Sherrard commented that they got a partial tag number that was given to Officer Mitchell.

Chief Daly inquired if she was going to be home tomorrow.

Mrs. Sherrard commented that she would be home she is on vacation all week.

Chief Daly commented that he will pull the report himself and bring her a copy.

Barbara Deal, who resides at 1468 Perryville Road, brought up her concern for the lack of process from the local law enforcement regarding their investigation of an assault and burglary that occurred to her on August 27th of this year at the Food Lion parking lot. Ms. Deal provided the police with a good physical description and the vehicle which they fled the scene in. Since that incident she provided the police with additional evidence and identified the suspects through a surveillance video of a local business when they attempted to use her stolen credit card. She believes she provided sufficient evidence to be able to arrest the subjects, however they are still at large and she is concerned on who they will attack next or if it will be her again since they know where she lives. She wants her appearance here to be an incentive to encourage the local law enforcement to locate and arrest these individuals before the next victim is seriously injured or killed. She is here to ask the local officials when she can get some answers from our Police Department. What is most upsetting to her is the information that she has found out about she has found out on her own or her sister in law has found out. Ms. Deal commented that she had printed off copies of the surveillance video which identified the suspects and had taken them to Chief Daly on Thursday. She was assured that the other evidence she previously provided would be fingerprinted and he would let her know the next day the status whether anything was found or not. She called many times on Friday and did not get any response, since then her pocketbook was found. Ms. Deal commented that originally they did not want to fingerprint any of the items that she had provided until she insisted on taking it to Police Chief Daly on Thursday.

Mayor Eberhardt commented that this would not be the place to discuss a police investigation.

Ms. Deal commented that she did not come here to have it discussed here she just wants it brought to attention that she is very frustrated on the progress of the investigation.

Chief Daly commented that when he met with her last week he had told her that he would contact her if he got something solid to work with he did not say it would be the next day, prints take a while to come back. They are pursuing this investigation and he did get a lead today that may lead them to two suspects. He does not want to discuss it any further because it is an active investigation.

Ms. Deal stated that Chief Daly had told her he would contact her the next day even if nothing was found out. She just wanted to know that something was being done.

Mary Jackson, who resides on Front Street, expressed concern regarding the trash service in town. She commented that some people are putting recyclables out and they are being picked up on the regular trash day.

Commissioner Brown commented that recycling is voluntary so if it was put out on the regular trash day it will get picked up.

Ms. Jackson also inquired about the yard waste, if people will have to purchase separate containers to put it in.

Mayor Eberhardt commented that they do require it to be loose in containers.

Ms. Breder stated that they can be put in paper bags, they do not have the equipment or personnel at the land fill to remove it from the bags.

Ms. Jackson inquired if a solution was going to be found regarding the smell at the lift station.

Mayor Eberhardt commented that he cannot tell her that it is not going to smell.

Ms. Jackson commented that skateboarders had gone on her front porch and were jumping off of it, she inquired if they were to fall and get hurt if she would be responsible.

Mayor Eberhardt replied that she probably would.

Ms. Jackson commented that they are constantly skateboarding in the 700 block. When she inquires where the children are from they have indicated Armstrong Court and Harford Street, she asks them why they do not skate there and they reply they are not allowed it's too much traffic.

Mayor Eberhardt commented that the Legion had put up no trespassing signs because they were having problems with the skateboarding. Mayor Eberhardt

commented that the question he posed to the Legion if they call our police to respond, are they going to be willing to go to court to prosecute an 11 or 12 year old when they get caught. Mayor Eberhardt commented that we need the public support to do that and not many people are willing to charge an 11 or 12 year old, they just want them to go away. They basically want our officers to come and chase them from their street only to have them go onto another one.

Mrs. Sherrard mentioned adopting an Ordinance regarding the skateboarding since they are tearing up the sidewalks and other things.

Ms. Jackson asked where the pictures were from the Captain John Smith event.

Mayor Eberhardt stated that we have copies of them at the Town Hall.

Ray Juliano, who resides at 761 Concord Point Drive, has called about a sinkhole in his yard and the town and the H.O.A. have both referred him to Crouse Construction because it has not been turned over to the town yet. He has put four bags of dirt in there and it keeps sinking in.

Ms. Breder has been trying to contact a representative from Crouse about another property that there was an issue with and has not had much luck, she will keep trying.

Kevin Pampuch, representing U.R.S. commented that they are aware of a sinkhole at the back yard at the bottom of the development. They had a punch list for Crouse on issues to be addressed consisting of about 300 items, other ones have been popping up since; he will see if this one was one of the items. Mr. Pampuch commented that a large number of the items have been addressed.

Ms. Breder inquired if Mr. Pampuch has gotten any response lately from Crouse and he relayed that he had not.

Mr. Juliano also wanted the Town to know that the Cable Company Atlantic Broadband does not have a local drop point for the boxes to be returned if you you're your digital service to be stopped. They want you to take it to their office in Middletown Delaware or to pick it up for \$35.

Ms. Breder asked Mr. Juliano to give her his email address so that she can follow up with his issues.

OLD BUSINESS-

Ordinance 2007-4 regarding Off- Road vehicles was introduced.

Mayor Eberhardt inquired what impact this would have on the mopeds in Town, he has been asked by several residents who use them.

Commissioner Tolbert commented that number 3 has a broad interpretation stating motorcycles or other similar vehicles.

Mr. Baynes commented that they are permitted on public roads by the State and we cannot change that. This Ordinance deals mainly with dirt bikes, mini bikes and things of that nature that are creating a nuisance on private property.

Mayor Eberhardt inquired what makes them legal on State Highways, he inquired if they are registered.

Mr. Baynes commented that it has to do with the size of the engine and if they are less than 49cc's then they do not have to be registered.

Mayor Eberhardt inquired if the moped would be the only vehicle that is covered by this Ordinance that you can legally ride on the street unregistered.

Commissioner Tolbert commented that some scooters are 49 cc's and do not have to be registered, but some of them are 50 cc's and above and have to be registered.

Commissioner Brown inquired if you have to have a driver's license to drive a moped.

Chief Daly commented that he believes that you do.

Commissioner Brown commented that with a pocket rocket you do not, a moped would be judged very similar to an automobile, it is not as big and heavy but you do have to have an operator's license.

Mayor Eberhardt commented that we are not addressing licenses of vehicles we are addressing unregistered motorcycles or other similar vehicles.

Commissioner Brown indicated the point that she is trying to make is that if you were a licensed operator it would preclude anyone under the age eligible for a license from being able to operate one.

Mayor Eberhardt commented that age has not been mentioned at all this is addressing vehicles not licenses, whether you have one or not you cannot drive that thing around the yard regardless of age.

Mr. Baynes commented that you cannot make your laws more restrictive than those of the public highway.

Chief Daly commented even if they are not required to register they are still governed by the MD. Vehicle Laws, such as wearing a helmet, staying in the far right lane and using hand signals, so in a way they are recognized by the Motor Vehicle Administration.

Commissioner Brown commented that one thing that she does recognize is that mopeds do not create the noise and the problems that the other vehicles create.

Commissioner Brown brought up 79-2 the exceptions that were put into the agreement. Commissioner Brown inquired if commercial businesses can be included in the exceptions for on site use of these vehicles.

Mayor Eberhardt inquired if we needed to have it in final form to introduce.

Mr. Baynes commented that we introduce it as is and at the time we want to take action on it we can adopt it with any number of amendments.

NEW BUSINESS-

Mr. Pampuch reported that the Water Distribution System Improvements are about 418 days until final completion. Mr. Pampuch reported that additional shop drawing resubmittals were done; the tank support shaft panels sections and the tank ring beam and dome structure were completed. There was installation of additional 12" water main and installation of a 16" water main. The contractors submitted a request for payment #4 in the amount of \$435,993.88. We are currently discussing a change in the water main connection vicinity which Mr. Pyles had pointed out may be on his property it was our understanding it was on Town property. Mr. Pyles provided us with some information that he has found in regards to this that we are looking into and will determine what will need to be done from there, if we will be required to get an easement or not. There are other properties in town that we had found that were on private property without easements that we are looking into eliminating all of those conditions. The photos provided represent the concrete pedestal, the concrete dome being poured, the 12" pipe being prepared and assembled for installation in the trench.

Mr. Pampuch relayed that Mr. Pyles just wanted to make us aware that he believes we are on his property he has not said to stop or anything like that he has been very cooperative.

Mr. Pampuch commented that the partial payment request # 4 to Greensburg Environmental is attached for the amount of \$435,993.88; they have reviewed the request and found that it accurately reflects the work that has been completed as of the date of the invoice.

MOTION was made by Commissioner Tolbert and seconded by Commissioner Brown to approve partial payment #4 to Greensburg Environmental in the amount of \$435,993.88. **All in favor; motion carried.**

Mr. Pampuch reported that the progress of the Water Treatment Plant is 390 days to final completion. An existing shed was relocated, excavation for the jack and bore under the railroad was completed, and 50 linear foot of 6" DIP force main was installed. Concrete footings for the filter building extension and control building were installed. The electrical subcontractor is in the process of installing underground conduit beneath the electrical room portion of the Filter Building Extension. A 10" overflow pipe and drain piping for the back pulse and CIP tanks in the filter building extensions were installed. The relocation and temporary connections of the existing generator was completed. The process of driving sheets for the cofferdam around the proposed intake structure in the Susquehanna River has been started. Progress meeting no. 3 was held on August 28, 2007 at the project site. The contractor J.L.W. Associates is requesting payment no.4 in the amount of \$638,469.51. Mr. Pampuch noted that there were two change orders that were approved by U.R.S. that were submitted. One was for a time extension of 30 days due to the permit delays associated with County Grading permit. The second one was for a \$500 credit for use of an alternate material that was proposed by the contractor.

Mayor Eberhardt inquired if this was on the structure or the intakes.

Mr. Pampuch commented that it was on the pre-cast concrete tanks where the pipe enters the tank and it is the seal that seals the concrete to the pipe so that the water will not leak, it is just a different manufacturer. The first page of photographs is the contractor barge being used to drive in the sheet piles and the boring apparatus used to install the casing pipe underneath the railroad bridge. The second page of photographs is the concrete footings for the filter building extension and the installation of 6" DIP sewer force main. Mr. Pampuch commented that they have reviewed the request for partial payment by the contractor J.L.W. Associates for the amount of \$638,469.51 and have found it to be accurate and recommend payment.

Mayor Eberhardt inquired about line item 850 and 860 in the progress estimate report. The amounts of \$41,060.00 is on line item 850 for the set inlet structure and the amount of \$266,825.00 is showing up on line item 860 for installing mechanical equipment and the piping of the inlet structure under scheduled value.

Mr. Pampuch commented that you would need to look at column D where you would see that there is no activity for this period for either line item. Column F is the one that shows the total completed and the percentage of the line item work that has been done. Seventeen percent of the work has been completed for line item 860; a lot of the wait involves ordering the materials and the shop drawings process, etc.

MOTION was made by Commissioner Tolbert and seconded by Commissioner Brown to approve partial payment #4 to J.L.W. Associates Inc. for the amount of \$638,469.51. **All in favor; motion carried.**

Mr. Baynes introduced Resolution 2007-15 regarding an annexation into Town consisting of land owned by Woodlands Coudon, Inc. consisting of 151.6 acres to be zoned L-2, light industrial.

Mayor Eberhardt inquired where we are as far as the attachment referred to in Section 3 regarding an Annexation Agreement.

Ms. Breder replied that this is something that the Board will have to meet with the Annexation Attorney to discuss items to be put into the Annexation Agreement; she has some potential meeting dates to present that they may be able to decide on tonight.

Ms. Breder referenced the schedule that she had behind her report that shows the advertisement schedule which is imperative to be met. One tentative date for the Annexation Agreement meeting was September 11, which one of the board members had a conflict with. The other dates would be September 18th or the 20th. October 23rd is not going to be a good date, if we go with October 25th instead the rest of the schedule should not have to change as far as the advertisement schedule.

Ms. Breder stated the advertisement dates for the Public Hearing which would be September 14th, the 21st, the 28th and October 5th to advertise for the Public Hearing to be held on October 25th.

Mayor Eberhardt commented that the earliest that the Resolution would be adopted would be on November 6th, becoming effective 45 days after that.

Ms. Breder concurred and commented that other important dates are September 17th for the Planning and Zoning hearing regarding the Annexation and zoning designation recommendation, October 25th would be the Annexation hearing, October 2nd would be your hearing for the text amendment for the height of the building, right before the Town Meeting, with November 6 being the presumed Resolution adoption.

Commissioner Brown referred to a reference of Exhibit A attachment on Section 1 of the Resolution.

Ms. Breder commented that those attachments would be there prior to the hearing, along with the Annexation Agreement once the details are hammered out.

Budget Resolution 2007-16 was presented requesting to move funds in the amount of \$2441.16 to two other accounts.

MOTION was made by Commissioner Tennis and seconded by Commissioner Brown to approve the Budget Amendment 2007-16. **All in favor; motion carried.**

Ms. Breder wanted to know what authority they want to give her in the approval of change orders for the Water Plant and Water Distribution project. The reason she is inquiring is because of the time restraints regarding the project.

Mayor Eberhardt stated that as long as it is within the contingency amounts that we have reserved, and it is changed provisions and not some user requested change.

Ms. Breder commented that they are discussed and negotiated with U.R.S. and the contractor before I even see them, it is basically a formality.

Mayor Eberhardt commented that we are getting the recommendation from our engineering firm.

Commissioner Brown commented that one of the items that was discussed with the trash company was in asking for a roll off to be put somewhere on the Town Property for the yard waste especially for the leaves. The limit is for three containers and a lot of people are going to have a hard time getting rid of all of the leaves since they are limited on when they are picked up and that they will only take three at a time.

Commissioner Tolbert commented that the Public Works Department may be able to collect that.

Mayor Eberhardt inquired if he meant like the bulk trash collection that we do on the second Monday of the month.

Commissioner Tolbert indicated that it would be something like that.

Commissioner Brown inquired how they were going to haul it without it falling out.

Commissioner Tolbert commented that they could put a tarp over the truck.

Mayor Eberhardt commented that we would have to get the word out there if we are going to do anything.

Commissioner Tennis commented that he could run that by the guys and see if that can be done.

MOTION was made by Commissioner Hansen and seconded by Commissioner Brown to adjourn the September 4, 2007 Town Meeting to a closed Executive session at 9:50p.m. **All in favor; motion carried.**

Respectfully submitted,

Jackie Sample,
Town Clerk

Town Meeting Minutes
September 4, 2007

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