

Town of Perryville  
Meeting Minutes  
March 6, 2007

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Austin Amos, Barbara Brown and Tim Tolbert; Town Administrator Denise Breder, and Financial Coordinator Peggy Rice.

The Town Meeting was called to order at 7 p.m. by Mayor Eberhardt.

Pledge to the Flag

APPROVAL OF THE MINUTES

MOTION was made by Commissioner Brown and seconded by Commissioner Amos to approve the February 6, 2007 Town Meeting minutes. All in favor; motion carried.

WILMAPCO Regional Transportation Plan-Tigist Zegeye, Executive Director

Ms. Zegeye reported that WILMAPCO is a Metropolitan Planning Organization that is Federally designated for regional transportation planning in the New Castle, Delaware and Cecil County, MD areas. The staff consists of 9 staff members and subcommittees. It was established ten years ago in March of 1996 to come up with a long range plan which is a 20 year plan. The plan was revisited and updated in 2000 and 2003. Updates are required every 4 years; the next update is due by March 2007. One of the challenges faced is the growing amount of miles traveled and increased trip lengths and accommodating the future road use with limited funding; currently only 4.4% has been spent on new roadway. Items that they work to accommodate are creating travel choices, accommodating the needs of elderly people, preserving aging infrastructure and addressing congestion and improving the air quality. One of the biggest challenges is financing the transportation system. In new Castle County we have the opportunity to work with the comprehensive plan update and in Cecil County we have the opportunity to plan with transportation systems accommodating growth associated with the BRAC. Ms. Zegeye reported that in working with MDOT they have developed a revenue projection for Cecil County with projected revenues of about \$81,000,000 in funds for Capital Improvements through 2030. We are required to provide a list of projects projected over the next twenty years the current aspiration list is at a cost of \$229,711,000, this funding is strictly for the I-95 projects because it is from toll revenues. About \$28 million is identified funding for Maryland projects. In identifying specific projects identified for Cecil County it consists of the widening of I-95 from the Susquehanna to the Delaware line at a cost of \$505,000,000 adding one lane to each direction plus bridge expansion. Also along Maryland 272 to US 40 Lums Road and Maryland 213-Frenchtown Road to US 40 adding to the lanes in both directions at a cost of about 27,900,000. There are a number of projects including a commuter rail from Perryville to Wilmington and bicycle

and pedestrian projects that there is not enough funding for. Ms. Zegeye commented that although funding is limited they are open to any input that anyone may have on items that they may help them with. If it is a small project they can hire a consultant and give the results to us.

Mayor Eberhardt inquired if WILMAPCO supported the MARC train extension.

Ms. Zegeye reported that they did.

Mayor Eberhardt commented that the MARC train station in Perryville is so popular that the parking lot is full there. Therefore, the overflow parking lot is behind Town Hall and on Tuesday's, Wednesday's and Thursday's our parking lot is completely full. Mayor Eberhardt commented that we have approached Vernon Thompson, with Cecil County Development and the new Secretary of Transportation and Delegate Rudolph has been provided with photos of the overflow of parking and something has to be done. This may be relieved by the extension of the MARC service but until then there has to be a short term solution.

Ms. Zegeye reported that she will take that back to MDOT; a member of the Executive office does sit on our Council, and WILMAPCO can possibly put together a solution and MDOT would be the implementing agent.

Mayor Eberhardt reported that the MD legislature is considering a clean air bill with California standards by 2011, he reported that there is a strong chance that it would get passed. Mayor Eberhardt understands that Delaware may be in the process of considering a similar bill and was hoping to have the support of WILMAPCO, particularly if the bill passes in Maryland.

Ms. Zegeye commented that this can become difficult because we are in the Philadelphia air shed as well so New Castle County and Cecil County are lumped together for air quality purposes among other things, so if one state does pass the bill and the other state does not pass it they still have to approve of our plan collectively. It is definitely a challenge but she believes it would be in the best interest to have it in both states.

Mayor Eberhardt inquired if WILMAPCO has any input or position on the discussions on where to move the I-95 toll facilities, or a joint Maryland/Delaware Toll Facility.

Ms. Zegeye reported that there had been talks frequently with the Secretary of Transportation before the new administration was in place and that there were

Town Meeting Minutes  
March 6, 2007

- 3 -

disagreements as to where to move it too. There has since been new Secretaries assigned although she does not believe they have proceeded with anything, she will follow up with that as well and let us know the status. Ms. Zegeye asked what his position on this subject is.

Mayor Eberhardt commented that this community would like to see it moved closer to the Delaware line, although Elkton does not.

Mayor Eberhardt also discussed a proposal in conjunction with the I-95, Hatem Bridge construction to put a dual left hand turn lane on Route 40 after coming through the toll, he is not seeing that in the plans. He inquired if that project was locked in or not.

Ms. Zegeye commented that she has not seen a dollar amount yet so it must be in the development process.

Mayor Eberhardt had also read in the local press that the Hatem Bridge construction had been delayed again.

Ms. Zegeye stated that our concerns will be documented and she will get back to us with responses and hopefully MDOT will help them with the process.

#### F/Y 2006 Audit Presentation-Jim Baxter

Mr. Baxter reported that this report is based on the figures as of the Fiscal Year June 06. Mr. Baxter noted that this report is based on his opinion that the financial statements are materially correct and the figures are accurate. Mr. Baxter reported that pages 2 through 8 are the Management Discussion and Analysis pages which give you a narrative summary of the financial statements behind them. Mr. Baxter reported that page 9 is the Statement of Assets which reflects the town's financial position as of June 30, 2006. It shows the Governmental Funds and the Water and Sewer funds, the assets and the liabilities. Almost all of your assets are cash or investments in plant property and equipment at about 17 million. The liabilities are slightly over 2 million dollars, for the size of the town and the assets and revenue, the town has very little debt. If you look at page 26 it shows a side by side summary of three years '04', '05', and '06'. In each one of the years the General Fund showed a surplus. The Water and Sewer Fund has shown an increase in revenues, due to rate changes, although the expenses have also increased. There is still a deficit in the Water and Sewer Fund, although in '06' was the smallest deficit. Another thing that he wanted to mention was the fact that Denise had changed her role over the course of the year and bringing Peggy on caused some change in the Finance Department. One thing that was typically done was a transfer of money between

Town Meeting Minutes  
March 6, 2007

- 4 -

funds to square up the due to and due from between the funds, so there was not a large inter fund receivable. Mr. Baxter commented that with the change in the positions that it got overlooked this year and did not happen before the audit date but has subsequently been a transfer of funds bringing it to what it typically would be. The one comment that he had would be that at the time of the audit the amount of debt was significantly low. There are some Capital Projects that we will be entering into or have already entered into that will change things a little bit.

Mayor Eberhardt inquired about how the property tax decreased this year.

Mr. Baxter reported that in the year of '05' we had two years of Ikea. The property tax line should read real estate and property taxes. The other local taxes would be the State share of income taxes and amusement taxes and a couple of other miscellaneous taxes.

Mayor Eberhardt inquired if there were any recommendations that he had for us going forward.

Mr. Baxter commented that we have already taken steps by forming a new rate structure for the Water and Sewer billing; which was struggling even without the new plant being built yet.

Mayor Eberhardt wanted to remind everyone that when this new rate was approved last year it was for a three year rate structure, so there will be more changes to come.

Mr. Baxter commented that with the new Water Plant loan and interest to pay off that will be a substantial amount of new debt to take into consideration.

#### MAYOR'S REPORT-

Mayor Eberhardt reported that he has been attending meetings of the Legislative Action Committee for which he is a co-chair person; the committee proposes legislation to help benefit Municipalities. Mayor Eberhardt reported that there is currently a one billion dollar structural deficit; many of the programs got funded this year from funding from the rainy day fund from the previous Administration. Mayor Eberhardt anticipates that there will be tax increases. Although right now there are campaign promises not to raise taxes during this session, there will probably be a special session called to raise taxes on gas, sales, and cigarettes. With that in mind there have been discussions once again about slot machines as a source of revenue. This will have an impact on us because Municipalities get a lot of money from the State such as Municipal Highway User

Town Meeting Minutes  
March 6, 2007

- 5 -

Revenue, Program Open Space, and State Aid for the Police, HUD grants, etc. The State Legislation has two choices to raise taxes or cut spending. If they choose not to raise taxes and cut spending it will trickle down to the locals because there will be less funding available, then it trickles down to the local Governments on whether they should raise taxes or cut spending.

Mayor Eberhardt reported that they interviewed a new police officer and he should be starting in a couple of weeks. Mayor Eberhardt attended the ribbon cutting event at the Food Lion. Mayor Eberhardt had attended a Work Shop with the State Fire Marshalls Office and the Perryville Fire Company which was open to the public regarding Residential Sprinkler Systems; we will be introducing some Legislation tonight in regards to this meeting. On March 22, 2007 at 7 p.m. in this building the Sheriff's Department will be holding an informational meeting for the public regarding Sex Offender registration and tracking. Mayor Eberhardt wanted to report that they have been working on the Captain John Smith event scheduled for July 21<sup>st</sup> and are going to combine that with the 125<sup>th</sup> Anniversary of the founding of Perryville. One thing that they are attempting to put together is a photo history of the Town of Perryville to be on display during the event. We are looking for some help with people interested in the history of Perryville to gather some photos to help with that project.

#### COMMISSIONER'S REPORTS

Commissioner Brown's Report

#### ANNOUNCEMENTS:

March 12, 2007Parade Committee Meeting, 4:30 p.m., Town Hall Meeting Room

March 22, 2007Perryville Greenway Committee, 10 a.m., Administrator's Office

March 22, 2007Capt. John Smith & Town Anniversary Committee, 5:30 p.m.,  
Town Hall Meeting Room

#### Notes:

February 13, 2007Completed and mailed a grant application to the LSHG for review and hopefully it will be forwarded on to the Maryland Heritage Area Authority for their review. This grant is to construct the entrance to the pier from Roundhouse Drive.

February 23, 2007A purchase order was issued to Grubb Contractors to replace the back door to Rodgers Tavern.

Town Meeting Minutes  
March 6, 2007

- 6 -

February 23, 2007 We received a proposal from Schlenger/Pitz for mechanical and electrical engineering services at Rodgers Tavern on the existing systems. It was rather costly and we are looking at revising our request as well as further consultation with our architect.

February 28, 2007 Completed all of the attachments and supporting documentation that will accompany the grant proposal hopefully to MHAA. This was without a doubt the most exhausting and difficult grant I have written.

March 2, 2007 I participated in the conference call with SHA, and our project engineer to see what progress is being made on the pier project. Review of the design has stopped until we resolve the permit issue on the allowable width of the pier. We are moving, but slower than a snail.

I attended the opening of the Food Lion and it was wonderful to be able to shop in my own town. It is a very nice store and I am delighted to see so many people working there. Please give all of the businesses there your support.

I have reviewed two inspection reports done in 2003 and 2005 (the County has our bridge on their regular schedule) on the bridge over Mill Creek that is on the park road. It was obvious to me that there was a problem with the road surface because of the sinking that was in the road last summer. Well, if you've been over it lately the surface is broken up. It will be patched when it dries out sufficiently, but I am in the process of getting an estimate to address some concerns that were in the report as well as a schedule of how or in what order we should do the repairs needed. The bridge is perfectly safe, but the reports both mention maintenance that should be done. I'd like to address that maintenance in the upcoming budget. An MHAA Grant for \$64,000 passed a TAC review.

Commissioner Amos asked Commissioner Brown what types of things were wrong with the Bridge.

Commissioner Brown reported that cracks were detected and dirt gets down into the cracks causing water to expand and contract and the road to start sinking and that there is some bank erosion.

Town Meeting Minutes  
March 6, 2007

- 7 -

Commissioner Amos commented that there is no weight limit posted and he feels that there should be, he inquired if anyone knew what that was. He recalled that it needed an upgrade at one time and that the VA would not do it at the time.

Commissioner Brown commented that she believes that the weight limit is in the reports.

Mayor Eberhardt reported that we have renewed an agreement with the VA to use the other entrance for big trucks. He believes that the issue we have is with our garbage truck.

Commissioner Brown commented that for some reason we never got copies of the report. Commissioner Brown has obtained a copy of the 2003 and 2005 report and assumes they will be doing an inspection in 2007. It is our responsibility to maintain it although the County pays to get it inspected and gets the report.

#### COMMISSIONER TOLBERT'S REPORT-

Commissioner Tolbert thanked Public Works for the ice and snow removal. The Water plant received a violation in the amount of \$450 for exceeding the backwash limit discharge. The preliminary lab results for the Wastewater Plant are looking good. There have been no water main breaks.

Mayor Eberhardt inquired if we have heard anything regarding the dam.

Jane Bellmeyer, reporting for the Cecil Whig, reported that she had heard that the snow melt has been slowing and the ground has not been saturated and the water will be running toward the Hudson River not the Susquehanna.

#### COMMISSIONER AMOS' REPORT-

Commissioner Amos wanted to announce that there are two seats open for the May 8<sup>th</sup> Town Election. He will pick up the papers to file but will only file if there are not two people filing.

#### Public Works Report

A leaking valve on River Road was repaired. Trees and brush were cleared for the walking trail along the Park Road. Street signs were straightened and potholes filled that were caused by the winter storms. Snow was plowed and salt was spread to keep the

Town Meeting Minutes  
March 6, 2007

- 8 -

roads passable during the snow and ice storms. Installation of the meters in new homes on Rustic Court began. Work was begun for the budget process for the new fiscal year. Met with U.R.S. on the punch list for the new fiscal year. The public works department had purchased three new phones for emergency's for after hours and weekends due to the poor service from the existing phone service. As soon as the weather permits work will resume on Front Street to complete this project.

#### Planning & Zoning Update

The Planning & Zoning Commission did not meet in the month of February. No applications have been received for the March meeting.

Commissioner Amos commented that there is a rezoning Public Hearing for a request to rezone a property to be a neighborhood business to be held on March 13, 2007. He commented that he feels that people who may have issues regarding the request should personally appear to express their opinions; he is not comfortable with the submission of letters to be presented unless they are notarized.

Mayor Eberhardt commented that as it stands now we accept letters to be presented for Public Hearings.

Mayor Eberhardt had asked the Director of Public Works to look into getting the signs that he has seen at the Havre De Grace High School and downtown Aberdeen making it illegal for vehicles not to stop at crosswalks, the signs cost \$179 and he thinks that Public Works has a way of making them stay put. He wanted to get the general consensus of the board.

Commissioner Amos commented that it is another step taken to assist with public safety.

Commissioner Brown commented that she is ok with it.

#### TOWN ADMINISTRATOR REPORT-Denise Breder

##### Town Administrator's Report Town of Perryville, MD

- Water Treatment Plant and Distribution System Improvements Projects:
  - The Construction Bid Approval Packages were prepared and submitted to MDE for both the WTP and WDSI projects. Once we get approval from MDE

Town Meeting Minutes  
March 6, 2007

- 9 -

- on these submissions, we should be able to proceed with issuing the “Notice of Award” and “Notice to Proceed” for both projects.
- Our projects are now on the agenda for the Board of Public Works meeting scheduled for April 4<sup>th</sup> instead of March 21<sup>st</sup>. Apparently, no one is available from MDE’s Water Quality Financing Administration to present our funding request at the March 21 meeting. I did ask if we could present the Town’s request, but I was told that MDE staff must be there. Although, according to our loan officer with MDE, we do not now need to wait on BPW approval to issue Notice of Award and Notice to Proceed on the projects. The approval that we do need before going forward with the projects is on the Construction Bid Approval Packages that were submitted. I have been told that MDE is quite anxious to close on our loan, so I expect that they will give the review of the submitted documentation high priority and a quick turn-around.
- A letter was issued to J.L.W. Associates (the low bidder on the WTP project) requesting that they hold their bid for an additional 30 days. We just received word that they have agreed to the extension.
- On February 20<sup>th</sup> at 10am a pre-submission meeting was held for the RFQ in the Town Hall meeting room. Nine (9) companies sent representatives to the meeting. The RFQ due date has been extended to March 8, 2007 at 2pm. As the Town is taking no further questions, this should be the final extension on the due date.
- February 15<sup>th</sup> at 3pm, met with members of the Owens Landing HOA Board, their attorney, the Town attorney - Keith Baynes, Mike Caldwell and Cathy McCardell to discuss the ownership of the water lines and meter, the fire hydrants, the installation of water meters on each building (versus the current set-up of one master meter), and the back billing. As a result of this meeting, an abatement request is before you tonight. Also, in the near future I expect to receive an MOU, to be drafted by the HOA attorney and reviewed by Mr. Baynes, covering the billing of water use during an actual fire. Additionally, the HOA board would like to see the Town maintain the fire hydrants, so that may be part of the proposed MOU. The Town was very clear that the underground water lines and any water used during a leak is the responsibility of the property owner.
- Ron Powell did update the list of rental properties / landlords, which he then supplied to Nelson Campbell. Nelson is now working on the landlord training. She will schedule the meeting, send out a letter to the landlords, and prepare an agenda.

Chief Daly had a date that Ms. Campbell had scheduled for the landlord tenant meeting of April 12<sup>th</sup> at 7 p.m. here at the Town Hall.

TREASURER’S REPORT-Peggy Rice

Town Meeting Minutes  
March 6, 2007

- 10 -

Ms. Rice reported on the bank balances as of March 6, 2007, County Bank had a balance of \$765,528.28, the Maryland Government Investment Pool is \$2,184,945.04, Bay First Bank is \$682,998.16 and the National Bank of Rising Sun is \$216,282.26, with the overall total of \$3,849,753.74.

Ms. Rice had four months of Financial Summaries from August through November of 2006. Ms. Rice read the figures from the November Financial Summary which included the month to date surplus in the General Fund of \$593,875.08, the Water Fund a surplus of \$166,288.50, and the Sewer Fund a surplus of \$87,500.75. The year to date General Fund figure is \$1,201,176.06, the Water Fund is \$86,913.40, and the Sewer Fund is at a deficit of \$12,756.40.

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

For the Month of February 2007:

- 107 Purchase Orders were processed totaling \$213,781.02.
- 92 Accounts Payable checks were processed totaling \$370,017.31.
- Processed 600 cash receipts totaling \$381,354.92.
- Prepared the August, September, October and November 2006 Financial Statement Summaries.
- Prepared and mailed Form 1096 (Summary and Transmittal for Vendor 1099s) to appropriate agencies on February 21, 2007 (due February 28, 2007).
- Provided Department of Public Works, Police Department, Parks & Recreation, Administration and Water and Sewer Directors with year to date expenditure reports.
- Received a letter from the VA Maryland Health Care System stating that they will remit payment for the Bay Restoration Fees from January 1, 2005 to September 30, 2006 in the amount of \$48,586.89.

Mayor Eberhardt commented that we receive 5% of the Bay Restoration Fee that we receive from the State, he inquired how that works.

Ms. Breder commented that we have to fill out a return to receive it, so we actually are not getting the full 5% once the paperwork is included.

Mayor Eberhardt inquired if we had received payment for the outstanding bill referenced from last month's meeting.



Town Meeting Minutes  
March 6, 2007

- 12 -

Chief Daly reported that the Perryville Police Department was audited on February 28, 2007 on various reports and that they were very pleased with the attention to detail on the record keeping. Chief Daly reported that he has a letter of Accommodation for Wendy Mullins, the Administrative Aid, to be kept in her personnel file for her attention to detail on reporting. Chief Daly reported that the Perryville Police Department has started handing out Business contact forms to be filled out and returned by the various business owners in town with contact information in the event that we find damage to their building we can notify them. Chief Daly reported that he has been working on a Mission Statement for the past month or so for the Police Department including a strategic plan, budget proposals and solutions to the staffing problems. Chief Daly inquired if Commissioner Brown needed him for the Captain John Smith event.

Commissioner Brown commented that she would not need him there.

Mayor Eberhardt wanted to commend Chief Daly and the staff for the good report regarding the audit.

#### COMMUNITY CORNER- John Strause

Mr. Strause reported that 611 will be permanently out of service and that 614 has been moved up to the substation. The Committee has agreed to let Dale Brown purchase the old Fire Truck, he has agreed to let the Fire Company name stay on it and will use it for parades, funerals, and special events. The volunteers are going through various Drivers' training exercises. The committee has agreed to purchase a new ambulance for \$147,529, the County will pick up \$100,000 of the cost, and there will be \$10,000 from trade in cost, so we will be getting the ambulance for about \$37,000. The department received a Homeland Security grant this week for approximately \$183,000 to purchase new turnout gear. They are also getting 30 new air packs and new defibrators. It costs about \$1,400 to outfit one single person. On May 5<sup>th</sup> there will be a Shrimp Feast at Station 6 at 5 p.m. until 8 p.m. and the dance from 8 p.m. until 11p.m.

Community Fire House

February 2007 Stats

Calls 41  
Avg. Response Time 2.9 min.  
Avg. Personnel/Call 21.7

Town Meeting Minutes  
March 6, 2007

- 13 -

Total Man-Hours 479

EMS Calls

Calls 61

Avg. Response Time 4

Total Man-Hours 122

County Upgrade 14

Totals

Emergency Calls 102

Man-Hours 601

Training Hours 169

Fund Raising 30

Station/ Equip. Repair 150

Total Man Hours Donated 950  
To the Community

Hydrant Water Use\*\* 450

Mr. Strause reported that they have been having problems with trucks turning around in the yard at Station 16, they recently caught one doing it and submitted a bill for \$1,100 to them for damage that they had done.

Mayor Eberhardt understands that they do not want to use the old house next to the Water Plant as a training exercise because of asbestos but it was established that the asbestos was only in the linoleum. Mayor Eberhardt commented that we are looking into costs of getting that removed, if it gets removed would they be interested in using it for training?

Mr. Strause commented that he is sure they would be interested but we would have to keep in mind that the State does ban burning from June 1 through September 30.

Commissioner Amos inquired what was going to be done with the old turnout gears.

Town Meeting Minutes  
March 6, 2007

- 14 -

Mr. Strause reported that they had been discussing several options, such as donating them to New Orleans or members having a set to remain in their car, although that brings up some insurance issues, they would like them to remain in Maryland if possible. Mr. Strause commented that the gear is only ten years old so it still meets the standards. The new gear is a lot lighter and more comfortable to wear.

#### FROM THE FLOOR

No comments were made from the floor.

#### OLD BUSINESS

Ms. Breder read the summary of the Ordinance introduced last month on the agenda to be approved this month which read as follows:

##### Ordinance 2007-1

#### Authorizing Ordinance – Maryland Water Quality Financing Administration Loan

This Ordinance authorizes the Town of Perryville to borrow up to \$14,500,000 from the Maryland Water Quality Financing Administration (the “Administration”) for phased improvements to the Town’s drinking water system, including (i) construction of a new 1.0 mgd plant with membrane filtration to replace the existing 0.75 mgd water treatment plant, (ii) construction of a raw water pumping station and transmission main to replace the existing facilities and (iii) construction of a 1.0 million gallon elevated water storage tank and associated water transmission main (the “Project”). The Ordinance also authorizes the Mayor and the Town Clerk to execute loan agreements and bonds in substantially the forms attached to the Ordinance to evidence the loan, which will be appropriately completed at closing.

A portion of the loan, in the amount of \$2,000,000, qualifies under the Administration’s loan forgiveness program, under which the Administration will forgive the repayment of all principal if the Town performs all of its other obligations under the loan agreement for a period of ten years after closing. Those obligations include completion of the Project, maintenance and insurance of the Project, and submission of annual audited financial statements to the Administration. No principal or interest will be payable on this portion of the loan unless a default occurs.

The remaining portion of the loan, not to exceed \$12,500,000, will be amortized over thirty years after completion of the Project and bear interest at 10% of the average of the Bond Buyer 11-Bond Index (currently less than 1.00%) for the month preceding the loan closing. Interest will be payable semiannually.

Town Meeting Minutes  
March 6, 2007

- 15 -

MOTION was made by Commissioner Tolbert and seconded by Commissioner Brown to approve Ordinance 2007-1. All in favor; motion carried.

#### NEW BUSINESS

Mayor Eberhardt commented that the MML sponsors a regional essay contest for 4<sup>th</sup> grade students. Mayor Eberhardt would like to issue our local winner a \$100 savings bond with the approval of the board.

MOTION was made by Commissioner Amos and seconded by Commissioner Tolbert to give a \$100 savings bond to the local essay contest winner. All in favor; motion carried.

Ms. Breder read an abatement request from Owens Landing Condo Association prepared by our Administrative Services Supervisor.

Owens Landing Condo Association received a high water/sewer bill for January 1, 2005 to March 31, 2005 due to a check valve blowing off in building 9/10 Owens Landing Court. Owens Landing Condo Association had requested an abatement for that time period. This event alerted me to the fact that the Town had not been reading the meter at Owens Landing for the prior six quarters and the Association was only getting billed the minimum. After reviewing their account, looking at their usage and putting a spreadsheet together, it showed the usage for those six quarters (July 1, 2003 to December 31, 2004) was 6.7 million gallons, which was 1.4 million gallons over the minimum that they had been billed. Therefore, a bill was sent to them in the amount of \$10,251.84 as a back billing for the additional 1.4 million gallons actually used.

On November 18, 2005 there was a meeting with Owens Landing Condo Association to discuss the back billing. According to our Ordinance on determining a water and sewer abatement the average usage for the previous four quarters must be in excess of three hundred percent. However, I could not determine an average usage because there were no readings taken for the previous six quarters. The outcome of the meeting was to start with period beginning October 1, 2005 and get a years worth of readings to determine the average usage and see if an abatement is warranted. As of October 1, 2006, there has been a years worth of readings. The end result was that their additional billing was not in excess of three hundred percent of their average usage. However, due to extenuating circumstances, being that the Town failed to read Owen's meter for six quarters, which would have alerted them to the fact there was a leak or other problems, the recommendation is to give both a water and sewer abatement in the amount of \$6,595.92. This \$6,595.92 will come off the back billing leaving a balance of \$3,655.92 payable to the Town.

Town Meeting Minutes  
March 6, 2007

- 16 -

Commissioner Tolbert inquired why the meter had not been read for the past year and a half.

Ms. Breder does not know how that could have happened.

Commissioner Brown inquired if there could be other meters out there that have not been read, that is a lot of consumption to have missed.

Ms. Breder commented that there are different people in place including a new Public Works Supervisor and a new person doing the billing. We cannot change what happened in the past but will need to work based on the current situation.

Mayor Eberhardt commented that if we do decide on a figure we will not renegotiate with them again.

MOTION was made by Commissioner Tolbert and seconded by Commissioner Amos to approve an abatement of \$6,595.92 for the Owens Landing Condo Association and there will be no further negotiations. All in favor; motion carried.

Ms. Breder presented a request from the Perryville Outlet Center to change the sign on the Water Tower located off of I-95 that we now own. The request was made a couple of years ago but with management and staff changes on both ends the issue did not get resolved. Ms. Breder commented that the main issue is since it is our tower and we charge other entities to lease space on the towers that they should be charged a monthly fee too if they choose to change the sign.

Mayor Eberhardt commented that from his recollection of the initial request we had responded that since their name is on it and it gets a lot of advertising we wanted to discuss collecting a fee from them. Mayor Eberhardt commented that it would not have to necessarily be to the town, it could be in the form of a donation to the Boys and Girls Club or another town related activity. Mayor Eberhardt commented that this is a commercial value and we have Sprint and other companies that currently pay compensation for rental of the tower, so he feels that the Outlet Center should be paying to advertise their name.

Ms. Garoutte, who was present on behalf of the Outlet Center, stated that she would take this request back to them.

Town Meeting Minutes  
March 6, 2007

- 17 -

Commissioner Tolbert commented that he had some safety issues regarding the tank because it is over twenty years old. One of the items that he wanted to be addressed in the upcoming budget process was getting the tank inspected and to perform maintenance based on that inspection, so until that time it should left alone.

Ms. Garoutte explained that they have been getting pressure from the previous owners to have the name changed on it.

Mayor Eberhardt suggested that Ms. Breder get back to them with a response that we will be getting the tank inspected around the time of the fiscal year budget process, after July, '07' and that we would like for them to get back to us regarding some form of compensation for having their name on the tower.

Mr. Baynes, the town attorney, discussed the Sprinkler System Ordinance to be introduced tonight. Mr. Baynes commented that the copy that we have in the packet does not have some of the changes he had made based on the Work Shop Session.

Ms. Breder commented that reference to the meter size should have been included, referencing section 82-6 of the existing code giving the town the ability to review the existing meter size and determine if a larger meter is needed.

Mayor Eberhardt inquired if we can incorporate those changes that were to be included into the Ordinance to be voted on at next months meeting.

Mr. Baynes stated that you can because you are discussing and agreeing to the changes and it is being introduced tonight.

Commissioner Tolbert inquired if we would have to have a Memorandum of Understanding with the Fire Marshall's office. Commissioner Tolbert inquired if we would have to hire someone to make recommendations and review the sprinkler systems now that we are broadening the scope of use of them.

Ms. Breder commented that the State Fire Marshall's office performs the inspections for \$75.

Commissioner Tolbert commented that he would like to see the County get involved with the new process.

Mayor Eberhardt asked that a summary of the Ordinance with the items as discussed be introduced this evening.

Ms. Breder summarized Ordinance 2007-2 as follows:

An Ordinance to establish, create and Adopt Chapter 83 of the Code of the Town of Perryville for the purpose of establishing and adopting standards requiring the installation of interior automatic fire sprinkler systems in new residential construction.

This Ordinance shall apply to every new residence, including single-family, multi-family, duplex dwellings, modular homes, mobile homes, and trailers constructed within the Town of Perryville on all existing lots and future lots, or proposed new subdivision, which has received preliminary plan approval for which a building permit has not been issued as of the effective date hereof, shall have an interior sprinkler system installed. The requirement for interior sprinkler systems shall not apply to the rebuilding, refurbishment, renovation or alteration of a residence in existence as of the effective date hereof unless such existing structure is razed and replaced by a new principal structure.

Interior automatic fire sprinkler systems required pursuant to this Ordinance may be connected to the domestic water supply supplying the residence, provided the water supply is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler system requirements, and proper back flow valves are installed.

Mr. Baynes questioned the section which references existing lots, or proposed new subdivision, which has received preliminary plan approval for which a building permit has not been issued, he is questioning if the town is going to make them adjust their building plans for sprinklers. Mr. Baynes inquired if we have any new projects that may be affected by this.

Ms. Breder commented that there are a few projects that may be affected including some lots off of Ellis Court, two single family homes and Hawkins Court.

Commissioner Tolbert commented that we issue zoning permits not building permits maybe that should be switched.

Mr. Baynes commented that you can change it to say zoning certificates.

Mayor Eberhardt wanted to have the understanding of the board that as we do with Town homes when a resident is required to upgrade the size of their meter from 5/8 to 1 inch meter for fire protection purposes only, we charge them the 5/8 inch rate.

Commissioner Tolbert commented that it could be an amendment to the 82-2 A Ordinance tied in with the meter size approvals.

Town Meeting Minutes  
March 6, 2007

- 19 -

Commissioner Brown wanted to make sure that we were not locked into up to a one inch size meter size due to the multi-family term being part of this Ordinance.

Ms. Breder commented that the Ordinance does not specify that it has to be one inch.

Mayor Eberhardt commented that the Ordinance has been introduced and the changes based on comments will be included for the vote on it at next month's meeting.

Mayor Eberhardt introduced a Charter Amendment Resolution regarding the Election which would change the times on the polls on Election Day from 7.a.m. to 8 p.m. to 7 a.m. to 7 p.m., based on previous recommendations from the Election Board.

Commissioner Tolbert believes that the procedure for a Charter Resolution should be to hold a Public Hearing.

Mr. Baynes commented that it does require that a Public Hearing be held.

After discussion on the fact that it would not meet the requirements to be effective before this Town Election if a Public Hearing was to be held, Mr. Baynes after reviewing his notes commented that a Public Hearing does not have to be held. Mr. Baynes read the requirements per Article 23A, Section 13g of the State Statutes, it is to be advertised four times after adoption within a forty day period and will become part of the Charter 50 days after adoption unless a petition is received on before the fortieth day with signatures of 20% or more of persons qualified to vote.

MOTION was made by Commissioner Brown and seconded by Commissioner Amos to approve the 2007-4 Charter Amendment Resolution. 3 in favor, 1 nay (Commissioner Tolbert); motion carried.

Ms. Rice introduced Corporate Banking Resolution 2007-5 which transfers the Certificate of Deposit Account with a current rate of 2.86%, APY 2.90% at NBRB to a no-term Money Market account with a better rate of 4.17%, APY 4.25.

MOTION was made by Commissioner Amos and seconded by Commissioner Brown to approve the 2007-5 Corporate Banking Resolution. All in favor; motion carried.

Ms. Breder introduced a request for a street name approval for Hawkins Court, which is noted as Harford Street (private) on the approved plans. Although since it is private it cannot be an extension of Harford Street and it still needs a street name so the owner has requested that it be named Hawkins Court. Per section 72-2 of the Town

Town Meeting Minutes  
March 6, 2007

- 20 -

Code, the town must approve new streets in town. Therefore, approval is needed for the proposed name.

Mr. Strause, representing the Fire Company was not real happy about this because of the potential confusion it may cause in the event of an emergency.

Mr. Baynes inquired if anyone had made sure that another road has not been given that name.

Commissioner Amos inquired if we had approved the road that is known as Aleta Lane, he does not recall us doing that.

Ms. Breder commented that she does believe that we were involved in that approval.

Commissioner Brown feels that it should be checked with Emergency Management and if it acceptable to them, they can name it what they want.

Mayor Eberhardt concurred with Commissioner Brown in that event.

Mr. Strause commented that they will have to comply with Emergency Management if it is approved he is just concerned with lack of manpower sometimes and if another station responds and they have last year's maps they will be confused.

Commissioner Brown agrees that there are mistakes on the County Maps.

Ms. Breder commented that the town does give a list of the new roads to the State Highway Administration each year.

MOTION was made by Commissioner Brown and seconded by Commissioner Amos if approved by Emergency Management to approve the street name of Hawkins Court as a private street. All in favor; motion carried.

Mayor Eberhardt commented that there is a vacancy on the Planning and Zoning Board and after reviewing the resumes Matthew Oberholtzer was chosen to be voted on tonight.

MOTION was made by Commissioner Brown and seconded by Commissioner Amos to appoint Matthew Oberholtzer to the Planning and Zoning Board. All in favor; motion carried.

Mayor Eberhardt commented that Bob Matthews term on the Board of Appeals was going to be ending on April 1, 2007 and that he wished to serve on the board for another term.

Town Meeting Minutes  
March 6, 2007

- 21 -

MOTION was made by Commissioner Amos and seconded by Commissioner Brown to appoint Bob Mathews to the Board of Appeals for a three year term. All in favor; motion carried.

Commissioner Amos commented that he would like the Election date being moved up to April to be considered so that the new elected officials would have input in the budget process.

Mayor Eberhardt commented that this has been discussed and when it was looked into it was discovered that a lot of the Municipalities in the County and across the State are in May; although, North East just had theirs in February, this may be something to discuss again.

Mayor Eberhardt also wanted to bring forward a request that he has for the June Town Meeting to be moved up two days due to a conflict in scheduling he has and he does not want to miss the first meeting in which the new elected officials would be in place, in reviewing the Charter it would allow for that if sufficient notice is given. The date would be Thursday June 7<sup>th</sup> if the board does not object to that.

The board was ok with that request.

Commissioner Brown had an Ordinance that was presented to her regarding mini bikes and off road motorcycles, etc. The board has seen it and the Chief has reviewed it and she would like it to be reviewed by our Attorney to see if it would be enforceable.

Mr. Baynes commented that he would look into that.

MOTION was made by Commissioner Brown and seconded by Commissioner Amos to adjourn the March 6, 2007 Town Meeting at 9:20 p.m. All in favor; motion carried.

Respectfully submitted,

Jackie Sample,  
Town Clerk

Town Meeting Minutes  
March 6, 2007

- 22 -

