

**Town of Perryville
Town Meeting Minutes
May 6, 2014**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, Michelle Linkey, Alan Fox, Ray Ryan, Town Administrator: Denise Breder and Police Lieutenant: Al Miller.

The Town of Perryville Town Meeting was called to order at 6:42 p.m. by Mayor Eberhardt immediately following the Public Hearing.

Pledge to the Flag

The Town Meeting in its entirety can now be listened to on the Town's web site at www.perryvillemd.org.

APPROVAL OF TOWN MEETING AGENDA

Mayor Eberhardt asked to make a couple of changes to the agenda, the first being a last minute request from the Perryville Chamber of Commerce in regards to support for their upcoming Spring Fling that he would like added to the end of the agenda. The other one is to remove the Introduction of Ordinance 2014-04 as recommended by staff; there is some additional work that needs to be done to it before introducing it.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to approve the May 6, 2014 Town Meeting Agenda with the changes as noted. **All in Favor: Motion Carried.**

APPROVAL OF MINUTES

Mayor Eberhardt motioned to approve the minutes with no objections which include, February 18 Work Session Meeting minutes, March 4 Town Meeting minutes and March 4 Closed Session minutes, March 18 Work Session minutes and March 18 Closed Session minutes, March 25 Public Budget Meeting minutes, April 1 Town Meeting minutes, April 3 Budget Meeting minutes, April 8 Budget Meeting minutes, April 10 Budget Meeting minutes, April 10 Closed Session minutes and April 22 Budget Public Hearing. The minutes were approved with no objections.

Mayor's Report

Mayor Eberhardt read a Proclamation promoting May as Tourism Month. Mayor Eberhardt congratulated Commissioner Linkey on becoming the President of the Cecil/Harford Chapter of the Maryland Municipal League for the next year. He met with the County regarding the Enhanced Use Leasing at Perry Point and also met with the Transit Authority regarding the MARC train facilities that they want to locate just outside of town. On the 26th he participated in Riversweep which was very successful. He also

attended a MML Board of Directors meeting, which he is a member. On the 5th of this month he attended a US Senate Hearing regarding the re-licensing of the Conowingo Dam.

Commissioners' Reports –

Commissioner Brown's Report-

Commissioner Brown reported on the various meetings that she attended last month. She announced that the tree planting has been postponed until the Fall. She met with the Chautauqua Planning Committee, this year an artist will be featured at the Perryville Middle School at 6 p.m. on July 14th. She reported on work being performed at Rodgers Tavern and that the picnic tables for Ice House Park are here and ready to be placed when the weather permits. The Geese Police project seems to be working well. The park bridge sustained some minor flooding erosion during the recent heavy storms. The pole that the cameras are to be mounted on has been delivered to the boat ramp and will be installed soon by the MTA.

Commissioner Fox's Report-

Commissioner Fox reported that it has been busy this past month attending the many meetings regarding the preparation of the budget for next year. He also announced that the Spring Fling was going to be held at the Perryville Fire Company property this year instead of town grounds on May 17. He attended the informational meeting in Havre De Grace regarding the Amtrak bridge and he also participated in Riversweep on the 26th. He reported that the Water and Wastewater Plant reports would be on line if anyone wanted to review them.

Commissioner Ryan's Report-

Commissioner Ryan also attended many of the budget meetings the past month. On the 21st of April he attended a Planning and Zoning meeting where they reviewed and approved the 2013 Annual Report that the Planning and Zoning Board sends to the State Department of Planning.

Commissioner Linkey's Report-

Commissioner Linkey reported that she attended the various budget meetings along with an MML Quarterly meeting and a Cecil Transit meeting. She participated in Riversweep where there were about 64 volunteers who cleaned up over two tons of trash and debris at the community park and the boat ramp.

Town Administrator Report – Denise Breder

Ms. Breder noted that a Charter Amendment Resolution may be discussed at the next Work Session regarding adoption of the budget. She stated that one of the 501(c) Grants is completed, which was the Perryville Little League, Restore Church received an advance toward their Easter egg hunt which had a few thousand people in attendance, their Grant is not complete yet. She also attended the Susquehanna River bridge reconstruction and expansion project meeting, along with Commissioner Fox and Commissioner Linkey. A fact sheet was provided which they have on the Susquehanna River Rail Bridge website.

Commissioner Linkey asked if we had a new date for the Lower Ferry Park meeting that was previously cancelled.

Ms. Breder replied that we had not rescheduled it yet but will probably do so within the next month or so.

Treasurer's Report – Rachel Deaner

Ms. Deaner reported that the slot revenue from Cecil County has been trending upward. Her report full report will be on the website and she still owes the board March and April financials.

Police Report – Al Miller

Police Lieutenant Miller reported that their Police Department participated in the drug take back program on the 26th, which produced approximately 45 lbs. of prescription drugs and the new SUV is in and is getting some new equipment installed.

Outreach Program

Haley Hollister and Jerek Griffin reported on the Outreach Program's events and attendance for the month of April. Mr. Griffin announced that their Administrative Assistant will be leaving and they are currently in the process of replacing her. Some of the members participated in River Sweep and will also be continuing with the Community Garden for another year at its current location. They will be setting up an informational table at the upcoming Spring Fling as well as one at the First Baptist Church Block Party on the same day. They will also be participating in the Cody G. Richardson Relentless Walk/Run on May 31.

Mayor Eberhardt wanted to mention the Destination Imagination Team, students from the Perryville High School, which is a group that has been together for seven years now and have moved on to State and Global competitions for creative and outside the box thinking. One of the Outreach members, Malik, has been a part of the team for many years and we want to recognize his accomplishments throughout the years.

Planning and Zoning Report – Mary Ann Skilling

Ms. Skilling attended a Cecil Transit Meeting where staff reported that ridership had increased over 9% in 2013, our bus shelters have been ordered and we hope to have them in soon and are still trying to get the County to negotiate with SHA for right of ways at certain locations. There are also certain requirements that may need to be met with the bus shelters in the SHA right of ways. She also reported on the progress of a facade revitalization project that has taken place at the Pizza Tower building and should be finalized soon. The building at Aiken Avenue and Broad Street will be another one that will be starting when Ercole's shuts down for the month in August.

From the Floor

Willard McCardell, who resides at 421 Broad Street, thanked the Perryville Police Department for providing him with the list of pedophiles in town.

Old Business

Ordinance 2014-02 - Highway Corridor Unified Development, which was discussed at the Public Hearing earlier.

Motion was made by Commissioner Ryan and seconded by Commissioner Brown to approve Ordinance 2014-02. **All in Favor: Motion Carried.**

New Business -

Intergovernmental Coop. Agreement

Mayor Eberhardt stated that this agreement was between the MTA and the Town of Perryville for MTA to reimburse the town for costs incurred to review their request to connect to the town's water and sewer; the proposed site is outside of town limits so it does not follow the standard town planning and zoning process.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve the Intergovernmental Coop. Agreement. **All in Favor: Motion Carried.**

State of MD Electricity Commodity Purchase

Mayor Eberhardt explained that this is to allow Rachel Deaner and/or Denise Breder to enter into a purchase contract on behalf of the town through the State Commodity purchase due to the short window of time that is allowed to be included in purchasing prices offered.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to authorize those two employees to enter into an agreement once the bids are received. **All in Favor: Motion Carried.**

Ordinance 2014-03 to Repeal Chapter 14 of the Town Code

Ms. Skilling explained that this was an introduction of an Ordinance to repeal Chapter 14 of the Town Code relating to the Planning Commission to eliminate overlapping provisions that already exists in the Town Zoning Ordinance.

Ms. Breder stated that the version that is in their binders is the draft version and also does not have the Ordinance number assigned, the correct version for vote will be at the next Town Meeting.

Snow Removal Contract

Ms. Deaner presented a request to extend the contract for snow removal with our current contractor, we have received no other bids the past few times that it has been put out to bid and he has agreed to a three year contract at the current rate as this past year's snow contract.

The general consensus among the board was that snow season generally falls below the advertising threshold requirements and that agreeing to three years at the same cost is a pretty good deal.

Motion was made by Commissioner Ryan and seconded by Commissioner Brown to approve the snow removal contract for the years 2014-2015, 2015-2016, 2016-2017 with McGuirk Construction. **All in Favor: Motion Carried.**

Refuse Bid Results

Ms. Deaner stated that we received three bids, one from BFI Services of PA., overall cost being \$253,110, another from Waste industries, \$254,826, and the third from Bates Trucking Company at, \$335,992.80.

Greg Adolph, representing the current trash company Waste Industries and a representative from BFI were present to answer any questions that the board may have.

Mayor Eberhardt inquired if the services were still the same, to which Ms. Deaner stated that there were still 1,430 units and the dumpsters were still the same sizes.

Commissioner Ryan inquired if any requests have been made for changing days of service, to which Ms. Deaner stated that there have been none, the regular trash service will still be on Monday and the recyclables on Thursdays.

There were some items that were discussed regarding the current service provider relayed from citizens; such as the fact that a lot of times there is only one person per truck that is both driving and pulling the trash. Also the lids for the dumpsters have been left up after the trash has been removed.

Commissioner Linkey wanted to make whoever gets the contract aware that there is a resident on Route 40 going out of town that tends to get missed a lot.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to accept the bid from BFI for the trash service contract for the Town of Perryville. **All in Favor: Motion Carried.**

Chemical Bids

Bids were submitted for the various chemicals for the Water and Wastewater Plants.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to accept the low bids for chemical supplies as indicated by staff. **All in Favor: Motion Carried.**

Resolution 2014-12 Budget Amendment

Ms. Deaner summarized budget amendment numbers 14-55 through 14-59.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve Budget Amendment Resolution 2014-12. **All in Favor: Motion Carried.**

Resolution 2014-13 Personal Property Tax Rate

The fiscal year 2015 Budget will be prepared with the Personal Property Tax Rate of \$0.94 per \$1000 incorporated in it.

Motion was made by Commissioner Fox and seconded by Commissioner Brown to approve Resolution 2014-13. **All in Favor: Motion Carried.**

Resolution 2014-14 Real Property Tax Rate

The fiscal year 2014 will be prepared with the real property tax rate of \$.3130 per \$100 and a 2% discount upon payment in full by July 31st, and on the first semi-annual installment payment in the month of July.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve Resolution 2014-14. **All in Favor: Motion Carried.**

Resolution 2014-15 Homestead Property Rate

The fiscal year 2015 Budget will be prepared with the Homestead Property Rate of \$110 incorporated in it.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve Resolution 2014-15. **All in Favor: Motion Carried.**

Resolution 2014-17 Multi Year Local Impact Budget

Ms. Deaner stated that this establishes the multi-year Local Impact Budget that would still need to be re-presented to the Local Development Counsel for their approval if our board approves it.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve Resolution 2014-17. **All in Favor: Motion Carried.**

Resolution 2014-16 FY 15 Budget

Motion was made Commissioner Linkey and seconded by Commissioner Brown to approve Resolution 2014-16. **All in Favor: Motion Carried.**

Ordinance 2014-05 FY 15 Budget, Tax Rate and Fiscal Plan- Introduction

Ms. Deaner summarized the FY 15 Budget Ordinance, she stated that Exhibit one is a high level summary of the budget and Exhibit two is more of a projected allocation, which still allows certain categories to still be done by Resolutions versus Ordinance. An Ordinance would be for new revenue not in the original budget.

Discussion ensued regarding what line items would require an Ordinance and which ones could still be changed by Resolutions.

Concerns were discussed regarding the cost of now having to advertise if making any changes to the FY 15 Budget by Ordinance, it would have to be done every time that Grant funding was received that may not have been anticipated or other unexpected things that may occur.

Mr. Sussman, the Town Attorney, stated that you do have flexibility in how you adopt Ordinances and what you do and do not need to advertise, you could eliminate the local advertising altogether by modifying the Charter, it can vary based on how your Charter is written and it is not a State requirement to advertise.

Mayor Eberhardt inquired if we were ok to adopt the budget by Ordinance prior to making a Charter change, to which Mr. Sussman, stated that we were.

Mr. Sussman stated that first you would need to adopt the budget by Ordinance, a Charter Amendment Resolution has been prepared to change from Resolution to Ordinance in terms of the process of adopting the budget. Once effective this Budget Ordinance would repeal Resolution 2014-13 through 2014-16. If you wanted to look at the process for adopting Ordinances, then a Charter Amendment could be proposed for that as well. There may be some Ordinances that the board feels should still be advertised, such as regulatory Ordinances so that the public is aware of new regulations. This may be something that you may want to discuss at a Work Session before putting together a Charter Amendment to make changes to the process of advertising Ordinances.

Ms. Breder explained that the reason that we used Resolutions and an Ordinance was because the State requested certification on certain things such as our Real Estate Tax Rate by May and if adopting by Ordinance it would not be effective until July. We needed to come up with a process to certify to the State what our tax rate is going to be without giving just a projected budget that has a tax rate included in it. It was determined that since we are going through the process of changing our Charter and our procedures next year we will probably do the whole budget process earlier. In the interim we needed to have something to rely on to certify to the State that this is what our Real Estate Tax Rate is in time for their May deadline.

Computer Maintenance Support Services

Ms. Deaner presented two computer maintenance and support contracts with our current provider On Site Computers, one for the Police Department who will now have their own server for the amount of \$400 a month and the other for the Administrative offices in the amount of \$1,500 a month. This was priced out with another vendor and On Site was still cheaper.

Mayor Eberhardt questioned the contracts term of payments being 15 days, he stated that standard terms are normally 30 days and would like to see them changed to reflect a 30 day payment term versus 15 day term.

Mr. Sussman wanted to advise that the contract for the Police Department should be changed to reflect the Town of Perryville as the legal entity entering into the contract since the Police Department is not the legal entity.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to renew the On-Site Computer contract for maintenance and support services with the changes as indicated.

Commissioner Linkey amended her original motion.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve On Site Computer contracts for two servers and computer maintenance and support services. **All in Favor: Motion Carried.**

Event Form Request- Outward Bound Baltimore

Commissioner Brown summarized a request from an Organization that we worked with last year who utilize the park for overnight kayak expeditions and encourage service projects; they also included some members of our Outreach Program at no cost and are looking to do that again.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to approve the dates as requested by Outward Bound and waive the fees. **All in Favor: Motion Carried.**

Perryville Chamber of Commerce Request

Mayor Eberhardt stated that the Perryville Chamber of Commerce was looking for continued support from the Town for their annual Spring Fling. They are requesting that we hang their banner for them advertising the event, have DPW available for trash removal and the Police Department for some police presence during the event.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to approve the Perryville Chamber's request for assistance with their Spring Fling. **Four in Favor: 1 Abstain (Commissioner Fox): Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to adjourn the Town Meeting at 8:13 p.m. with a five minute recess to a closed session to discuss a personal matter that affects one or more specific individuals and to consult with counsel to obtain legal advice on a legal matter. **All in Favor: Motion Carried.**

Respectfully submitted,

Jackie Sample,
Town Clerk

TOWN OF PERRYVILLE
FORM OF STATEMENT FOR CLOSING A MEETING
(FROM OPEN MEETINGS MANUAL - APPENDIX C C-1)

Location: Town Hall Date: 5/6/14 Time: 8:13 p.m.

Motion By: Comm. Linkey Seconded By: Commissioner Brown

VOTE TO CLOSE SESSION:

	AYE	NAY	ABSTAIN	ABSENT
Mayor Eberhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Brown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Linkey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Fox	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) ☐ To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

☒ (ii) Any other personnel matter that affects one or more specific individuals.

(2) ☐ To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.

(3) ☐ To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4) ☐ To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

(5) ☐ To consider the investment of public funds.

(6) ☐ To consider the marketing of public services.

(7) ☒ To consult with counsel to obtain legal advice on a legal matter.

(8) ☐ To consult with staff, consultants, or other individuals about pending or potential litigation.

(9) ☐ To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

(10) ☐ To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:

(i) the deployment of fire and police services and staff; and

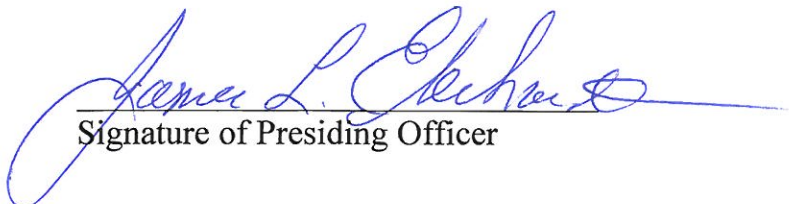
- (ii) the development and implementation of emergency plans.
- (11) ☐ To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) ☐ To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) ☐ To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) ☐ Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

Clarification from legal counsel about what, how much & when
the Board is allowed to know about personnel matters, both
generally and a recent specific matter. Also, discussion
about the possibility of the town entering into a contract
for services,

REASON FOR CLOSING:

1(ii) & 7 above


Signature of Presiding Officer

**Statement Regarding March 18, 2014 Closed Meeting for Inclusion in Minutes of
May 6, 2014 Town Meeting**

On March 18, 2014, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:50 p.m. in accordance with State Government Article, Sec. 10-508(a)(4), to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Mayor Eberhardt and Commissioners Brown, Linkey, and Fox all voted in favor of conducting the closed meeting. Commissioner Ryan was absent. In addition to the Mayor and Commissioners, the Town Attorney, Frederick Sussman, Planning Director Mary Ann Skilling, Clerk Michelle Walters and Frank Hodgetts of Home Partnership, Inc. attended the entire closed meeting. The topic of discussion was consideration of the town applying for a CDBG Grant to assist with the re-development of some properties in town. The Mayor and Commissioners took no action during the closed meeting. The meeting was adjourned at 9:45 p.m.