

**Town of Perryville
Town Meeting Minutes
March 4, 2014**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, Michelle Linkey, Town Administrator: Denise Breder and Police Chief: Vince Wernz.

The Town of Perryville Town Meeting was called to order at 7:00 p.m. by Mayor Eberhardt.

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

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve the March 4, 2014 Town Meeting Agenda. **All in Favor: Motion Carried.**

APPROVAL OF MINUTES

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve the January 16, 2014 Work Session/Special Meeting Minutes. **All in Favor: Motion Carried.**

There was not enough quorum of board members that were in attendance for the February 4, 2014 Town Meeting to approve those minutes.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve the February 12, 2014 Town Meeting Minutes. **All in Favor: Motion Carried.**

Mayors Report-

Mayor Eberhardt reported that he attended the House Hearing regarding the Electronic Tolling on the Hatem Bridge while attending the Mayors Conference in Annapolis, there seemed to be a lot of support to not proceed with the electronic tolling without cash lanes at this time. He stated that the Senate Hearing on that bill will be on March 12, so it will depend on how that goes as well. He went to the Good Shepherd School and the Perryville Elementary School to talk to the fourth grade students about the "If I were Mayor" Contest. He also attended a presentation at the Middle School given by our DARE officer to the 6th grade class.

Commissioners' Reports -

Commissioner Brown's Report

Commissioner Brown reported that she met with Harvey Cage and Ralph Ryan to devise a plan for parking for the annual Triathlon at the Community Park. She met with a representative to address the goose invasion at the Community Park. She also met with Rachel Deaner and Harvey Cage to give input regarding the needs for the parks for the upcoming budget year.

Mayor Eberhardt questioned the location of the cameras that MDTA were going to put up at the boat ramp. He said that his recollection of our agreement with them, from several years ago, is that they were to be installed on an existing pole and that does not appear to be what is happening.

Commissioner Brown replied that she had noticed that it appears that they are building their own pole or tower without requesting permission from us first. She is concerned because they are going to bury the conduit which will run from our building; but where they have put the pad it parallels to our water line and she does not want that dug up.

Mayor Eberhardt stated that we need to revisit the agreement that we have with them rather quickly. He would suggest if they do not feel that our pole is high enough [then they should] replace our pole with what they want to use where the existing pole is already located.

Commissioner Linkey's Report-

Commissioner Linkey reported that she attended the Town Meeting this past month but was unable to attend that Work Session. She wanted to once again thank the Public Works Department for continuing to keep our roads clear of snow and ice, and safe for our residents. Commissioner Linkey announced that the National Institute of Museum and Library Services have selected Cecil County as one of their finalist to possibly receive their national medal, which will be on the Cecil County Public Library website and the Institute of Museum and Library Services will feature Cecil County on their website on March 11.

Ms. Breder reported on the Water and Wastewater Plants on behalf of Commissioner Fox who was not in attendance.

Town Administrator Report – Denise Breder

Ms. Breder gave highlights from her report; the full report will be on the Town website. They are currently working with a couple of cell tower communication companies to negotiate some new agreements for putting their equipment on one of the

towers where the town owns the property. LGIT, whom we have recently purchased insurance through, sent a consultant to appraise Town property, which may make a change up or down to the insurance coverage. She also attended a meeting with Cecil County DPW, along with other staff members, to discuss the stormwater management requirements for the new Municipal Complex project as well as the Elm Street and Otsego Street road project.

Treasurer's Report – Rachel Deaner

Ms. Deaner reported that the portable toilet bids were in to be voted on later in the meeting. She gave dates for the upcoming Budget Work Sessions, which will all begin at 6:30 p.m. The first being March 25 for the Public Budget Work Session, the second Work Session on April 3rd for the Water and Sewer Fund, and the third Work Session will be on April 8 for the General Fund, and April 10 will be the final Budget review. Tuesday April 15th, will be a possible Constant Yield Tax Hearing with the Work Session immediately after, and the Public Budget Hearing will be on April 22, with the adoption of the Budget on May 6 at 7 p.m.

Police Report - Chief Wernz

Chief Wernz reported that the Police Department received \$22,800 from the Department of Justice related to a canine scan for the MD State Police back in 2012. That is Perryville's portion of the proceeds. He reported that there have been a few reported cases of people putting bill payments in their mailboxes and putting the flag up for the postman, the mail is stolen and the check information is being removed and replaced with someone else's information, making a check out to themselves for whatever amount they want and cashing them. He said we have met with the USPS inspectors, who are taking the case which has gone across State lines. He urges residents to take their mail directly to the Post Office if possible while this is being resolved. Chief Wernz also reported that his DARE Officer, Mark Choate, is resigning effective March 17 and will be moving to South Carolina. The Cecil County Sheriff's Department will be taking over his DARE responsibilities for the balance of the semester.

Outreach Program

Two members of the Outreach Program, Raynelle Cain and Brian Baldwin, reported on behalf of the Outreach Program. They thanked the Mayor and other involved in coordinating with the Cecil County Health Department to provide numerous screenings across Cecil County of the documentary, The Anonymous People. They reported that the Outreach Staff will be having a cookout on March 21st from 4-7 for their members and families, and asked to let them know if you wish to join them. The Outreach members visited with the veterans at Perry Point for the holidays and would like to make another visit on March 31 from 1-3 p.m.

Mayor Eberhardt announced other dates that The Anonymous People documentary was going to be showed, which is March 10 at Elkton Town Hall, March 27 at Chesapeake City, April 10 at Port Deposit, April 24 at Cecilton, May 12 at the Perryville Library and May 28 at Rising Sun. Mayor Eberhardt noted that this is part of the effort from the Mayors Drug Task Force to bring more awareness to the substance abuse issues in the County and how it affects people. Mayor Eberhardt noted that they do ask that you register to attend on-line.

Planning and Zoning Report – Mary Ann Skilling

Ms. Skilling highlighted a couple of items from her report. She met with the developer from Richmond Hill properties to discuss single family energy efficient housing and to use the property and building construction as a demonstration project for green housing development. Planning and Zoning had a Public Hearing for the draft amendment to the Zoning Ordinance to the Highway Corridor Unified Development for recommendations to the Mayor and Commissioners which will be on the next Work Session. She has also been working with Rachel for the upcoming budget. Code Enforcement Office is continuing draft/research for habitual offender Ordinance and continuing to work on adopting the ICC Property Maintenance Code.

Mayor Eberhardt had asked for some information regarding the bus shelter schedule that he had requested last month.

Ms. Skilling replied that she continues to have is waiting for the County to sign off on an agreement that the State Highway is requesting to be signed since most of the locations are located on State Highway property, there is one contract which covers all of the municipalities for the County to sign.

There was discussion on the maintenance responsibility of the shelters, which appears with this agreement to be mostly with the County even if they are on SHA property.

Commissioner Brown brought up the fact that we are going to have to move the Community Garden in order to build the Police Station and Jessie Lilly had inquired whether they could move it to the Outreach property. She does not see a problem with doing that in discussing it with others involved, but it is just a matter of finding the right spot where the sunlight will help things grow. She would like to get permission to allow them to move it and if they do not have the resources to move the wooden frames and all, if we could utilize DPW to assist with that, the board was ok with that.

From the Floor

There were no comments from the floor.

New Business –

N Zone Sports Request-

A request was received from N Zone Sports to waive or reduce some fees charged for their use of the multi-purpose fields for requested dates.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to not waive the fees. Discussion ensued.

Commissioner Linkey noted that it appears that most of the fee waiver requests are during the weekdays when it is mostly practices.

Ms. Breder feels that the price charged is fair, there was a lot of research done when that price was set, the only thing that she suggested was if a rainout occurred that could not be rescheduled that you may want to consider giving him a rebate on the rainouts. If you did choose to do that you may want to amend your motion to include the provision to allow staff to rebate if there are rebates that cannot be rescheduled.

Commissioner Brown amended her motion as follows:

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to let the fees for the use of the fields remain the same and that we consider refunds for bad weather, damage, rain or other things that would cause the fields to not be able to be used. **All in Favor: Motion Carried.**

Account Transfer Authorization

A request was made by Cathy McCardell to add another employee, Amy Yackanech to the on-line banking permanently to allow the Town's banking to function more effectively in her absence.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to establish Amy Yackanech for account transfer authorization, ACH and banking. **All in Favor: Motion Carried.**

Façade and Revitalization Grants

A Façade Grant Request and Revitalization Grant request from Arrowhead Properties was presented for approval.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to approve the Façade and Revitalization Grants for Arrowhead Properties. **All in Favor: Motion Carried.**

Budget Amendment Resolution 2014-07

Ms. Deaner noted that this Budget Amendment was not presented at the Work Session, although some issues have occurred since then, mainly from snow removal overtime, causing her to do a Budget Amendment, with some of the request considered to be emergencies. Ms. Deaner summarized the individual budget amendment requests.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to approve Resolution 2014-07. Discussion Ensued.

Mayor Eberhardt stated that he is not going to vote on this amendment, primarily because of the geese police portion, he has not seen a proposal or contract and does not feel that a budget amendment is the way to enter into the contract.

Commissioner Brown noted that Ms. Breder had stated that the vendor had sent an email suggesting that we could just issue a purchase order for the work to be done.

Ms. Breder felt that there was nothing else in the proposal that was binding the Town other than payment of service.

Commissioner Linkey wanted to establish exactly what Mayor Eberhardt's concern was.

Mayor Eberhardt commented that his concern is that this is an action that you might have various opinions on as to whether to even do this or not and we have not really had that discussion because we did not have the cost or the effectiveness of having this done. The only discussion was to allow Commissioner Brown to pursue the geese police to come in and take care of the issue, without having a discussion on the pros and cons of the action itself.

Commissioner Brown replied that the pros and cons that were discussed was that this was a health hazard with children and other people that may catch something from all of the bird droppings on the ground posing a liability to the town. These are the only people in this area that do this and they are well known around the East Coast and it is the humane way of doing it because the geese are not harmed, they just herd them away from the area. There is no guarantee but the plan is to remove them from the open area of the Community Park and from Ice House Park, keeping in mind that the geese police cannot get on someone else's property if they are next door. Commissioner Brown noted that they would come every day during the 16 week period, sometimes two to three times a day depending on what they encounter each day.

Original Motion was brought forward regarding Budget Resolution 2014-07. **1 in Favor, 2 opposed**, (Mayor Eberhardt & Commissioner Linkey). **Motion Failed.**

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to table budget amendment 14-41 to have further discussion of it at the next Work Session to get more information on the process for the procedure of the geese police. Discussion ensued.

Mayor Eberhardt inquired if there is a way because of the urgency if we could structure the Work Session so that we could vote on this budget amendment at the Work Session.

Mr. Sussman, the Town Attorney, advised them to schedule a Special Meeting to coincide with the Work Session, have the Work Session, adjourn the Work Session, to go into a Special Meeting to take whatever legislative action that you are scheduled to take, then go from there. You would need to bring the entire Resolution back to be reconsidered since it originally was voted down.

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to bring Resolution 2014-07 back to the table to reconsider. **2 in Favor, 1 opposed** (Commissioner Brown).

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to approve Resolution 2014-07 with the exception of budget amendment 14-41 which will be tabled to be discussed and voted on at the next Work Session. **2 in Favor, 1 opposed** (Commissioner Brown).

Resolution 2014-07 did not pass because it did not receive the required votes of 2/3rds of the members of the Mayor and Commissioners.

Portable Toilet Bids - Rachel Deaner

Ms. Deaner presented toilet bids from five companies Ewing, Inc, A-1 Sanitation Service Inc., A Flush Away, Regal Restrooms, LLC. and MD Portable Restrooms. The low bid was A Flush Away.

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to accept A Flush Away as our Portable Toilet Service for the next fiscal year. **All in Favor: Motion Carried.**

Election Board Appointments

There were three letters of interest to serve on the Election Board, along with another person, Sheron Alexander, who expressed interest in serving through Commissioner Fox, although we have not received anything in writing.

Ms. Sample noted that she received an email from someone expressing inquiring about serving on the Election Board late this afternoon but did not receive anything else to be able to present tonight from them.

Motion was made Commissioner Linkey and seconded by Mayor Eberhardt to appoint Mark Fayer Sr., Terri Grove, and Wayne Kommalan to the Election Board and Sheron Alexander to be an alternate Election Board member. Discussion Ensued.

Commissioner Brown suggested tabling the appointments since we do not have any information on Ms. Alexander.

Commissioner Linkey amended the Motion.

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to appoint Mark Fayer Sr., Terri Grove, and Wayne Kommalan to the Election Board and wait to receive a resume from Sheron Alexander. Discussion Ensued.

Commissioner Brown suggested that if we were going to hold off on the alternate, not to just limit it to Ms. Alexander if we have other people interested as suggested.

Commissioner Linkey stated that she meant for the motion to reflect that we would not be voting on the alternate tonight.

Ms. Breder reminded them that the Election Board regular members must be voted on tonight.

Motion was made Commissioner Linkey and seconded by Mayor Eberhardt to appoint Mark Fayer Sr., Terri Grove, and Wayne Kommalan to the Election Board. **All in Favor: Motion Carried.**

Restore Church Request

Request to hang a banner for Restore Church for their Easter Egg Hunt at the Perryville High School on April 19.

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to approve the request to hang the banner for the Restore Church Easter Egg Hunt April 19 at the Perryville High School. **All in Favor: Motion Carried.**

Little League Request

A request was made by the Perryville Little League to hold their parade and to waive the fees.

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to approve the event form for the Perryville Little League to have their parade on April 12 and waive all fees. **All in Favor: Motion Carried.**

First Baptist Church Block Party Request

A request was made by the First Baptist Church of Perryville to hold their annual block party and waive the fees.

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to approve the First Baptist Church of Perryville to have their block party on May 17 and waive all fees. **All in Favor: Motion Carried.**

The Cody G. Richardson Memorial Scholarship Fund 5K Run and Walk

A request was made for a 5K Run to be held in town to benefit a Memorial Scholarship Fund established.

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to approve the event form for the Cody G. Richardson Memorial Scholarship Fund and Relentless Run 5K and Fun Walk and to waive the fees. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Mayor Eberhardt to adjourn the Town Meeting to a Closed Session to discuss a personal matter at 8:35 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,

Jackie Sample,
Town Clerk