

**Town of Perryville  
Town Meeting Minutes  
June 4, 2013**

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

**The Town of Perryville Town Meeting was called to order at 6:54 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](http://www.perryvillemd.org).

Commissioner Linkey was not present at the very beginning of the meeting, therefore they were going to have to revert back to the Work Session minutes for approval to have a full quorum of those that were in attendance at that meeting.

**APPROVAL OF MINUTES**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Brown to approve the May 7, 2013 Town Meeting Minutes. **3 in favor, 1 abstain** (Commissioner Fox). **Motion Carried.**

**APPROVAL OF TOWN MEETING AGENDA**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the June 4, 2013 Town Meeting Agenda. **Four in Favor: Motion Carried.**

**Mayor's Report-**

Mayor Eberhardt reported on various events that went on throughout the month and welcomed the newly elected board member Alan Fox. Mayor Eberhardt presented a plaque to Michael Fortner in recognition of his volunteer service on the Planning and Zoning Board from 2004-2013. Commissioner Linkey returned to the meeting at this point.

Mayor Eberhardt announced the department assignments for the upcoming year for the Commissioners. Commissioner Ryan will be over the Planning and Zoning Department, Commissioner Fox will be over the Water and Sewer Department, Commissioner Brown will be over Parks and Recreation, Commissioner Linkey over Public Works, and the Mayor is over Public Safety. Mayor Eberhardt performed a Swearing - in Ceremony for two new Police Officers, Officer Amos Pettit and Officer Joseph Appleby.

The Mayor reverted back to the Work Session Minutes for approval.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the April 16, 2013 Work Session Minutes. **3 in favor, 2 abstain** (Commissioner Fox and Brown). **Motion Carried.**

### **Commissioners' Reports -**

#### **Commissioner Fox's Report –**

Commissioner Fox thanked everyone for their support and for welcoming him back.

#### **Commissioner Ryan's Report-**

Commissioner Ryan reported on the various meetings that he attended throughout the month and gave reports on the Water and Wastewater Plants.

#### **Commissioner Linkey's Report-**

Commissioner Linkey reported on the various meetings that she attended throughout the month along with the DPW report. She announced that the old DPW building will be torn down soon and that the RFP for the Clayton Street and Sumpter Drive paving went out.

#### **Commissioner Brown's Report-**

Commissioner Brown reported on the various meetings and events that she attended throughout the month of May along with the parks report. She also stated that she just received word that the Triathlon was going to go on this year and that a meeting is scheduled for June 13 at 6 p.m. at Town Hall to discuss it.

#### **Town Administrator's Report – Denise Breder**

Ms. Breder reported on highlighted sections of her report on the various meetings that she attended throughout the month and various things that have taken place throughout the month.

Mayor Eberhardt asked if we have been given a time frame for the Elementary School upgrades yet, to which Ms. Breder responded that the concept design is due by June 11 and the construction is to start by July 2014.

Mayor Eberhardt inquired about our authority to issue a discharge permit for wastewater users.

Ms. Breder replied that we can issue a town discharge permit but it would not be an NPDES permit, which comes from the MD Department of Environment. A permit does not necessarily require pretreatment. Our code does list several types of users that would be required to have permits so it is something that we should look into.

**Treasurer's Report – Rachel Deaner**

Ms. Deaner gave the bank balances and the Treasurer's report for the month of May.

**Police Report – Chief Wernz**

Chief Wernz deferred to his report as submitted to the board. He thanked Kim Crew for coordinating the Town display at the Spring Fling. He commended Officer Choate for his assistance in helping a gentleman with a family that had recently become homeless find full time employment and now has an apartment in town. The chief was unaware of this until the man stopped by and told him about it a couple of weeks ago and wanted to thank Officer Choate.

Mayor Eberhardt stated that he should receive significant recognition for that for his personal file from our board.

**Outreach Report – Jesse Lilly**

Mr. Lilly stated that he plans to have a member from the Outreach Program after a brief introduction give the Outreach report each month and he will be here to answer any questions that the board may have. Audrey Lilly, an Outreach member, reported on upcoming events that the Outreach Program members will be participating in.

Commissioner Brown informed Mr. Lilly that the Town has a popcorn machine somewhere that they could use for their various events that they hold if they wanted to.

Mr. Lilly stated that they have a date set up with the Outward Bound Program in August and plan on working with them on other programs throughout the year.

Ms. Breder wanted to thank Ms. Skilling for her continued work for at least two years with FEMA on getting some of the issues resolved with the mapping.

**Planning and Zoning Report**

Ms. Skilling reported on meetings and work accomplished by the Planning and Zoning Department including Code Enforcement for the month of May and the various projects going on throughout town.

### **From the Floor**

Judy Queen, 623 Charles Street, wanted to discuss an issue that she has had with her water looking muddy on many occasions since she has lived here the past year and has called us about it. She commented that some of her neighbors have experienced problems as well and that it is not only occurring when the hydrants are being flushed. Her recent complaint was on May 16 and has still not heard anything back after they took a sample on the 23<sup>rd</sup> of May.

Ms. Breder apologized for someone not getting back to her and stated that we have received a few sporadic intermittent complaints recently which have been followed up on individually and we are working on them overall.

Commissioner Linkey stated that the more information that we get from people with this water problem the better chance we have of diagnosing it.

### **Old Business –**

**Ordinance 2013-2 Floodplain Management** –request for approval of the Ordinance concerning the new Floodplain Management regulations. Mr. Sussman advised the board that first they should be taking action on the Floodplain Management regulations that were presented at the Public Hearing held before the meeting.

**Motion** was made by Commissioner Fox and seconded by Commissioner Linkey to approve Ordinance 2013-2 as presented at the previous public meeting.

Mr. Sussman stated that now they would need to act on two amendments, the first amendment is on line 112 on page 3, where you have the words ‘incorporated areas’ in lower case, the ‘i’ and the ‘a’ would be changed to upper case lettering. The second amendment would be adding ‘dated July 8, 2013’ after the word ‘areas’. Discussion Ensued.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ryan to amend the Ordinance to include on line 112, to capitalize ‘incorporated’ and capitalize ‘areas’ and to add the phrase ‘dated July 8, 2013’ after the word ‘areas’. Discussion Ensued.

The Mayor questioned the legality of adopting the Ordinance on June 4, referencing July 8 maps.

Mr. Sussman responded that July 8 would be the date that the maps would be effective which is what we were directed to do by MDE. More discussion ensued so Mr. Sussman suggested deferring action on this until Ms. Skilling pulls up the email for his review in regards to them requesting that the July 8, 2013 date be added to the Ordinance.

**New Business –  
Charter Service Proposal for Lower Ferry Pier –**

Commissioner Brown requested that the Charter Service for Lower Ferry Pier be moved up on the agenda since someone is here to make a presentation to which the board allowed.

Mr. Stroh, representing Coastal Anthology, a new Charter Service that he has started, presented various services that he currently provides such as photography treks, therapy cruises, and nature excursions and is open for suggestions to what services we would want for our pier. His boat is a 26 foot Proline that will hold a small group of 4 to 5 people and he is licensed and insured.

Mayor Eberhardt noted that what we are looking for is entering into an agreement with a separate entity allowing the use of our pier for their services not necessarily the entity providing services for the Town.

Commissioner Fox suggested showing up when various events are held in Town, such as the Spring Fling and other things that take place throughout the year.

Commissioner Brown mentioned that he does have a website in which he can be paid directly and suggested the possibility of linking him with the Town Website

It was suggested that he be given a copy of a prior agreement that we had with another entity to review and see if he would be agreeable to the terms and make the necessary changes that would apply to his business.

Mr. Sussman stated that if the board is inclined to accept this concept they may want to adopt a motion to approve the use subject to entering into an acceptable agreement with the Town as determined by the Town Administrator and the Town Attorney using the prior agreement as the framework.

**Motion** was made by Commissioner Brown and seconded by Commissioner Fox that if Mr. Stroh, the Town Administrator and the Town Attorney can come to an agreement for the use of the pier that we permit him to use our pier as he has presented. Discussion Ensued.

Commissioner Linkey stated that she has no problem with the motion but it was mentioned earlier about advertising it on our webpage and she would be leary of that, at some point when we do upgrade the website having a community page on there, if we start advertising a business we will start having to advertise every business and we should really think about that before we start doing that and have some kind of plan in place.

Mayor Eberhardt encouraged the board to forward any suggestions that they may have in regards to this issue to provide them to the Town Administrator and Counsel for them to have for review while finalizing the agreement.

The original motion was carried through, **All in Favor: Motion Carried.**

### **Ordinance 2013-2**

Mr. Sussman was now in receipt of the email from Kevin Wagner with MDE which recommended the language “dated July 8, 2013” be added to the Ordinance and which was included in the amendment to the Floodplain Ordinance. His email stated that FEMA usually looked for a specific date in the local Ordinance and found that it was not included in our Ordinance. Mr. Sussman recommended adopting the amendments and the Ordinance as amended after reviewing the email.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ryan to amend the Ordinance to include on line 112, to capitalize ‘incorporated’ and capitalize ‘areas’ and to add the phrase ‘dated July 8, 2013’ after the word ‘areas’. **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve Ordinance 2013-2 as amended. **All in Favor: Motion Carried.**

**Board of Appeals Vacancy** - consideration of one of two residents interested in filling the vacancy on the Board of Appeals.

It was recommended to reappoint Mr. Matthews to the Board of Appeals and advertise for the opening that just came up for the vacated Planning and Zoning position.

**Motion** was made by Commissioner Brown and seconded by Commissioner Ryan to appoint Robert Matthews to serve on the Board of Appeals for another term. **All In Favor: Motion Carried.**

**Downtown Revitalization Grant for Arrowhead Properties** – reconsideration of tabled grant request for Arrowhead Properties in which it had been requested for them to install better lighting for the outer parking lot, possibly from the building itself.

Ms. Skilling commented that they had repaired the light that was on the side of the building as requested.

In regards to the light that was installed per our request, discussion further ensued because although they had done what was requested the parking lot was still very dark except for the side of the building where the light was installed.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the Revitalization Grant Request for Arrowhead Properties. **Four in Favor: 1 Abstain** (Commissioner Fox): **Motion Carried.**

**Event Request** – Cokesbury United Methodist Church – request to have a 3 day vacation bible school at the Bateman Pavilion at the park on the dates of July 24- July 26 with food and some amplification and music.

**Motion** was made by Commissioner Brown and seconded by Commissioner Linkey to approve the Event form for them to use the pavilion on the 24<sup>th</sup> through the 26th but that they be very conscientious about the noise level. **All In Favor: Motion Carried.**

**Resolution 2013-19** – for Chapter 86 Fees of the Town Code, proposed amendment to the zoning fees.

Ms. Skilling made note of some changes that were made since the Work Session including the title to the Section named 'Building Permit' to be named 'Zoning Fees', to be more consistent with our Zoning Certificate that we issue. The other item was to add the 'disconnection of utilities' after the demolition line item.

Discussion ensued in regards to the penalty fees which have been taken out of this section. Ms. Skilling commented that if it is a Zoning violation it is covered in Chapter 78 of the Zoning Ordinance which covers Municipal Infractions. The whole section of the Zoning Ordinance will have to be changed to cover Municipal Infraction fees for each kind of zoning permit in violation.

Ms. Breder had to leave the meeting at this point.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Brown to approve Resolution 2013-19 as presented by Ms. Skilling. **All In Favor: Motion Carried.**

**Ordinance 2013-3** – Introduction of a proposed amendment to Chapter 50 of the Town Code, Garbage Rubbish, and Refuse which will repeal and reenact the Chapter with amendments. Ms. Skilling read the introductory paragraph to the Ordinance. There was one change since the Work Session in Section 50-3 line 123, which has the time of 7:00 a.m. that the heavy trash must be out by.

Commissioner Brown referenced line 83 which states that waste materials should be placed in watertight, durable containers provided with covers. She stated that nobody up her way puts them in containers with lids because living on 222 when large trucks go by the cans end up getting dragged down the road with them. Those residents put their trash in bags which are closed and put out on the ground. Her suggestion would be to state that waste materials should be placed in watertight, durable containers, and leave it at that, so this would cover plastic bags.

Ms. Deaner commented that she can check with our new carrier to see what they have to say.

Mr. Sussman stated that this is just the introduction tonight, that if necessary it can be discussed at the next Work Session and possibly amended if necessary for action at the next Town Meeting. Mr. Sussman commented that the language that is being referred to is language that is in the existing code right now and is subject to a Municipal Infraction if violated, it has always been in there.

**Employee Health Insurance Options** – consideration of health insurance options for FY'14.

**Motion** was made by Commissioner Brown and seconded by Commissioner Linkey to choose Proposed Rate #3 for the Town's Health Insurance. Discussion Ensued.

Commissioner Linkey suggested adding that the plan is United Health Care.

**Motion** was made to amend the motion by Commissioner Linkey and seconded by Commissioner Ryan to approve Health Insurance Plan # 3 using United Health Care. **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to accept the motion to accept the Health Insurance Plan as amended. **All in Favor: Motion Carried.**

**Poly Aluminum Chloride Chemical Bid for FY' 14** – follow up to a bid submittal from last month.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to approve the bid for Poly Aluminum Chloride from USALCO. **All In Favor: Motion Carried.**

**Resolution 2013-15 Budget Amendment** – FY'13 budget amendments were presented to the board totaling \$73,065.

**Motion** was made by Commissioner Fox and seconded by Commissioner Ryan to approve Budget Amendment Resolution 2013-15. **Four In Favor: 1 abstain** (Commissioner Linkey): **Motion Carried.**

**Corporate Banking Resolution 2013-16** – changing the bank account signers to remove the former board member and add the new board member for PNC Bank.

Mr. Sussman noted that the wrong year was referenced on both Corporate Banking Resolutions.



**Motion** was made by Commissioner Linkey and seconded by Commissioner Brown to approve Corporate Banking Resolution 2013-16. **All In Favor: Motion Carried.**

**Corporate Banking Resolution 2013-17** – changing the bank account signers to remove the former board member and add the new board member for NBRB Bank.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Brown to approve Corporate Banking Resolution 2013-17. **All In Favor: Motion Carried.**

**Resolution 2013-18 Budget Amendment** – FY'13 budget amendment was presented to the board totaling \$5,000.

**Motion** was made by Commissioner Brown and seconded by Commissioner Linkey to approve Budget Amendment Resolution 2013-18. **All In Favor: Motion Carried.**

### **Community Legacy Grant**

Mr. Sussman stated that there were some items that were on the Community Legacy Grant that he had tried unsuccessfully to get them to change which he wanted to bring to the Board's attention. The first one is in paragraph 15 which deals with Environmental Certification of lead paint. We are receiving money from this Community Legacy in order to re-grant this money to projects in the community for improvement to existing buildings. We do not know at this point whether any of the buildings that will be receiving these funds have lead paint issues, yet we are certifying in paragraph 15 that there are no hazardous materials located on the property. Mr. Sussman commented that one way to address this issue would be to require certification from the sub-grantee that there is no hazardous materials/lead paint on the property which would be the best that we could do with that. The other item is on paragraph 16 which does not allow you to sub-grant to any religious organizations. The other item is on paragraph 29 where the State is requiring the Town as a grantee to agree to a confessed judgment to the court if the Town breaches any of the terms of the agreement which would allow the DHCD to file a lawsuit in court with this agreement with confession of judgment and get a judgment against the Town without the opportunity for defense.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to approve the Community Legacy Grant. Discussion Ensued

Commissioner Ryan expressed concern about the 3<sup>rd</sup> item that the Attorney brought to our attention feeling that we could pay the price for one small mistake that may have been overlooked.

**Motion** was brought forward. **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to adjourn the June 4, 2013 Town Meeting at 9:37 p.m. **All in Favor: Motion Carried.**

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June 4, 2013

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Respectfully submitted,

Jackie Sample,  
Town Clerk