

**Town of Perryville  
Town Meeting Minutes  
April 7, 2015**

ATTENDANCE: Commissioners: Michelle Linkey, Alan Fox, Ray Ryan, Town Administrator: Denise Breder

Absent: Mayor: James Eberhardt, Commissioner: Barbara Brown

**The Town of Perryville Town Meeting was called to order at 7:00 p.m. by Commissioner Linkey.**

**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).

**APPROVAL OF TOWN MEETING AGENDA**

**Motion** was made by Commissioner Fox and seconded by Commissioner Ryan to approve the April 7, 2015 Town Meeting Agenda. **All in Favor: Motion Carried.**

**Consent Agenda Items:** Commissioner Linkey asked for a motion regarding the consent agenda items, which include the February 17, 2015 Special Meeting Minutes, February 17, 2015 Work Session Minutes and the February 17, 2015 Closed Work Session Meeting Minutes, the March 10, 2015 Town Meeting Minutes, The March 10, 2015 Closed Session Meeting Minutes which are all requiring no further discussion and are considered for unanimous consent.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the consent agenda items. **All in Favor: Motion Carried.**

**Mayor's Report -**

Commissioner Linkey read a Proclamation on behalf of Mayor Eberhardt which proclaims April 7<sup>th</sup>, 2015 as National Service Recognition Day.

**Commissioners' Reports -**

**Commissioner Fox's Report –**

Commissioner Fox reported that the staff from both the Water Plant and the Wastewater Plants have received their licenses and are beginning to cross train the employees. The town is finally at the point of voting on an agreement for emergency access to the Water Plant. Three candidates were interviewed for the Water/Wastewater Supervisor position and we believe that we have found a very good candidate.

Commissioner Fox attended the regular scheduled meetings along with the various budget meetings. He also attended a meeting with the MARC representatives who were discussing the new facility that they plan to build outside of town limits.

**Commissioner Ryan's Report –**

Commissioner Ryan reported that he had attended most of the regular scheduled meetings, but had missed one of the budget meetings, to attend a meeting of the Susquehanna River Bridge Railroad Committee open house for the bridge project they are working on.

**Commissioner Linkey's Report -**

Commissioner Linkey reported that she attended the regular scheduled meetings along with several budget meeting. Commissioner Linkey reported that DPW is continuing to repair potholes in the road and maintaining the town vehicles.

**Town Administrator Report - Denise Breder**

Ms. Breder announced that we have an opening in our Police Department. Previously we had been looking for a MPT certified candidate; we are now looking to send another person to the Police Academy, which is coming up in June. She also attended the MARC layover facility meeting. In regard to the dam at Reservoir Road, fisheries has requested that the town wait until winter before drilling the holes in the dam; so the money that was allocated to that is going to be used for some waterproofing at Town Hall. The Triathlon is scheduled for July 11<sup>th</sup> and the meeting for the volunteers is scheduled for May 26<sup>th</sup> at Town Hall, and the Little League parade is this coming weekend on Saturday at 10 a.m.

Commissioner Linkey announced that Riversweep is on the 18<sup>th</sup> of April.

**Treasurer's Report - Rachel Deaner**

Ms. Deaner stated that this Thursday will be another budget meeting, the final review and our surplus item auction and disposal program has been working well. The chemical bids will be ready for vote at the next Town Meeting. The Public Budget Meeting is on April 14<sup>th</sup> at 6:30 p.m. Ms. Deaner passed the February Financials around to the board members for review.

**Police Report - Lieutenant Miller**

Lieutenant Miller reported on behalf of Chief Wernz who was not in attendance. He reported that they are currently working on a policy for body cameras that the police will be getting. The new Police Officer hire is now allowed to patrol on his own.

Lieutenant Miller and two other officers responded to an armed suicidal individual and were able to talk to him and get him the help that he needed.

**Outreach Program – Jesse Lilly**

Mr. Lilly stated that the overall attendance for the Outreach Program for the month was 188 and that there were 3 new members. They will be conducting an outdoor fitness program during the spring and summer months. The Outreach Program will also be participating in the Riversweep event again this year. An Activities Coordinator was hired who will be starting the 20<sup>th</sup> of this month. Mr. Lilly announced that they received word today that they have been accepted by IKEA to refurnish and decorate the Outreach building some time in September. He also announced that they are currently working on a grant through the Governor's Office.

Commissioner Linkey inquired if they were going to be doing the Community Garden this year.

Mr. Lilly stated that he has not spoken with Alena, who was in charge of it last year; he would need her guidance if they were to do it again, and he will try and reach out to her and will try to make it happen one way or the other.

**Planning and Zoning Report - Mary Ann Skilling**

Ms. Skilling stated that the Bus Shelters at Principio Health Center were put in last week. She is working with the developers and the County to get additional site pads put in at Coudon Boulevard and Food Lion areas. She has also been in discussions with the owner of the Outlet Center to offer suggestions to assist them with some things to be done to help improve the center. The Farmer's Market will begin in May and next month the Bassmaster Event will be discussed at the Work Session.

**From the Floor**

Pat Stetina, representing the Perryville Railroad Museum, stated that they had a water pipe that busted in the ceiling of the men's restroom about a month and a half ago, which flooded it and went into the lobby under the tiles and the photo gallery underneath some tiles. It has since been repaired and the tiles replaced. Mr. Stetina stated that they are going to be holding a reunion of all of the people that had formerly ran the switch tower on May 3<sup>rd</sup> from 2-5 p.m., guests were asked to bring a covered dish and donation to the museum. He has contacted the Perryville Fire Company to request 6 tables and some chairs for that event.

**Old Business –**

**Ordinance 2015-05 Floodplain Management - Mary Ann Skilling**

Flood Plain maps have been revised by FEMA and associated town code changes need to be put into place which is reflected in this Ordinance for consideration. Ms. Skilling noted that there are no additional properties impacted by this Ordinance just the ones that were already in the floodplain zone.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to adopt Ordinance 2015-05 Floodplain Management. **All in Favor: Motion Carried.**

#### **Elm Street Repayment Agreement -**

Consideration of a legal agreement allowing the town to make certain repairs to properties on Elm Street during the Elm Street Road, Street, and Storm Drain project and have the property owners reimburse the town for the associated repair costs over the course of up to ten years. This agreement would only be used in a situation where an illicit connection exists that is uncovered during the construction process. It also addresses concerns that the board had regarding interest on payments and allows financing up to 10 years.

**Motion** was made by Commissioner Fox and seconded by Commissioner Ryan to adopt the agreement for the Elm Street project. **All in Favor: Motion Carried.**

#### **New Business**

#### **Ordinance 2015-06 Budget Amendment – Commissioner Linkey**

Commissioner Linkey introduced Budget Amendment Ordinance 2015-06 for the purpose of amending the adopted budget for the Town of Perryville for the fiscal year beginning July 1, 2014, and ending June 30, 2015, to appropriate for certain purposes certain funds from unused Police salary and Contingency to Police activities; and generally related to amendment of the Town's FY 2105 budget.

#### **FY16 Trash Removal Extension Request - Rachel Deaner**

BFI Waste Services was selected as the trash contractor in FY15; during part of that time they loaned 96 gallon totes to the residents of Beacon Point for a test run. A proposal has been made by BFI to extend their contract at the same rate beginning July 1, 2015 through June 30, 2016, and the town allow them to gauge the interest of the remaining residents in town by giving them the option of renting a 96 gallon tote at \$2.00 a month during that contract period.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the FY 2016 trash removal extension request. **All in Favor: Motion Carried.**

**Lower Ferry Park bids -**

Commissioner Linkey asked to go into a closed session to consult with counsel to obtain legal advice on a legal matter.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to go into a closed session at 7:32 p.m. to discuss the Lower Ferry Park bids. **All in Favor: Motion Carried.**

The Town Meeting resumed at 7:40 p.m. and a motion was requested regarding the three bids submitted for site development of Lower Ferry Park.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ryan to reject all of the bids due to several inconsistencies and to put Lower Ferry Park out for bid again. Discussion Ensued. **All in Favor: Motion Carried.**

**Norfolk Southern -**

Ms. Breder summarized an agreement for consideration between Norfolk Southern and the Town of Perryville for an emergency access road to be constructed for the Water Plant. Since the last Work Session LGIT has supplied us with a Certificate of Insurance to cover us for the project. Also we are to provide a lock that Norfolk Southern can interlock with their lock because of the uninhibited access clause for them in the agreement.

The term date reflected on the agreement in several places which was dated September of 2014 will need to be corrected to reflect a new date if the agreement is voted on tonight and should be reflected in the motion to approve with the contingency that the date changes be made.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the agreement between Norfolk Southern and the Town of Perryville for the emergency access road to the Water Plant and give staff permission to work with Norfolk Southern to come up with a new contract date. **All in Favor: Motion Carried.**

**Resolution 2015-03 -**

Consideration of a policy establishing regulations related to the use of tablet computers assigned to and used by board members.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve Resolution 2015-03 Tablet Policy. **All in Favor: Motion Carried.**

**Landlord Tenant Board Appointments -**

A resident of the town, Margaret Barrow, expressed interest in serving as a Landlord representative to the Landlord/Tenant board. Town staff is requesting consideration by the Mayor and Commissioners to appoint her to the Landlord/Tenant Board.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to appoint Margaret Barrow to the Landlord/Tenant Board. **All in favor: Motion Carried.**

They are still in need of a tenant representative for the board and alternate members for all positions.

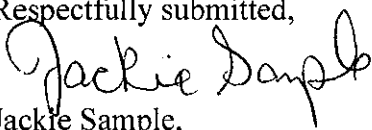
### **Board of Appeals Appointment**

Bill Malesh expressed interest in being re-appointed to the Board of Appeals and staff is recommending consideration of his request by the Mayor and Commissioners.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to appoint Bill Malesh to the Board of Appeals. **All in favor: Motion Carried.**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to adjourn the April 7, 2015 Town Meeting at 7:50 p.m. **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)

Location: Perryville Meeting  
Town Hall Room Date: 4/7/15 Time: 7:32pm  
Motion By: Ray Ryan Seconded By: Alan Fox

**VOTE TO CLOSE SESSION:**

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

**STATUTORY AUTHORITY TO CLOSE SESSION**

General Provisions Article §3-305(b):

- ☐ (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- ☐ (2) To protect the privacy or reputation of individuals concerning a matter 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 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 securities;
- ☒ (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 discussion would constitute a risk to the public or to 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, to discuss a matter directly related to a negotiating 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.

**FOR EACH CITATION CHECKED ABOVE, THE REASON FOR CLOSING AND THE TOPICS TO BE DISCUSSED:**

To get legal advice on the Lower Ferry  
Park bids.

  
Signature of Presiding Officer



**Statement Regarding February 17, 2015 Closed Meeting for Inclusion in Minutes of  
April 7, 2015 Town Meeting**

On February 17, 2015, the Commissioners of Perryville conducted a closed meeting at 8:35 p.m. in accordance with General Provisions Article, Sec. 3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals. Mayor Eberhardt, Commissioners Fox, Linkey and Ryan all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Administrator, Denise Breder, attended the entire closed session. During the meeting, the Mayor and Commissioners considered and approved with conditions a request for advanced sick leave. They also discussed a possible change to the charter to improve the ability to efficiently conduct town business. The meeting was adjourned at 8:50 p.m.