

**Town of Perryville  
Town Meeting Minutes  
August 1, 2017**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Michelle Linkey, Pete Reich, Robert Ashby Jr., Ray Ryan III and Town Administrator: Denise Breder

**The Town of Perryville meeting was called to order at 7:03 p.m. by Mayor Eberhardt.**

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**

Mayor Eberhardt asked for a motion to approve the Town Meeting Agenda.

**Motion** was made by Commissioner Reich and seconded by Commissioner Ashby to approve the Town Meeting Agenda.       **All in Favor: Motion Carried.**

**Consent Agenda Items:** Mayor Eberhardt asked for a motion regarding the consent agenda items, which include the June 20, 2017 Work Session Minutes, the June 20, 2017 Special Meeting Minutes, and the June 20, 2017 Closed Session Minutes, the July 6, 2017 Town Meeting Minutes, the July 6, 2017 Closed Session Minutes.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ryan to approve the Consent Agenda items.       **All in Favor: Motion Carried.**

**Mayor's Report**

Mayor Eberhardt thanked those who participated and volunteered for the Triathlon. On the 14<sup>th</sup> of July he and Commissioner Reich attended a meeting at the County regarding a Work Group that they want to put together for Water and Sewer issues, which is on the agenda later. On the 18<sup>th</sup> he went to Annapolis to testify before the Department of Natural Resources and the Fisheries Commission, and the Fisheries Commission unanimously recommended to the Department of Natural Resources that Ice House Park be designated a License Free Fishing Zone, so we have a good chance at getting that designation. Some of the board members attended an MML quarterly meeting on the 20<sup>th</sup> of July. On the 21<sup>st</sup> we hosted a meeting with Senator Cardin at Rodgers Tavern. On the 30<sup>th</sup> he attended the Change of Command Ceremony at the American Legion. He also stated that tonight is National Night Out at the Perryville Fire Company.

## **Commissioners' Reports -**

### **Commissioner Ashby's Report -**

Commissioner Ashby had nothing to report.

### **Commissioner Linkey's**

Commissioner Linkey stated that the DPW Report will be posted on the web site. She attended the MML meetings and the pre-meetings with DNR. She announced that we have two openings in DPW, which are Crewman I positions. One is being advertised now, one requires backhoe experience.

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

Commissioner Ryan reported that they appointed a new Chair-person, George Jack, and Co-Chair, Henry Barrett. He also attended the Change of Command Ceremony at the American Legion.

### **Commissioner Reich's Report –**

Commissioner Reich reported that the full report will be on the town's website. On the 23<sup>rd</sup> and the 24<sup>th</sup> of the month we got over six and a half inches of rain in about a four-hour period causing both SBR tanks to overflow onto the ground at our Wastewater Treatment Plant. MDE inspected it and the County Health Department was informed. They processed in excess of 3 million gallons in 3 days, which normally would be around 1.8 million. Both SBR tanks overflowed, it takes over 600,000 gallons above the normal amount of water for the tanks to overflow, they estimated approximately 200,000 gallons on the ground. This could cause us to get a fine. New membranes were ordered for the filter train #4 for the Water Treatment Plant. Water is in compliance with MDE regulations for the month of June. So far, the Wastewater is in compliance with discharge permit for April, May, June and July. He attended the MML meeting in North East, along with the meeting at Rodgers Tavern and the installation ceremony at the American Legion. He also attended the County meeting with the Mayor about forming a Water and Sewer work group.

### **VA Update - Mark Dallaire**

Mr. Dallaire reported that the C.L.C. is still being reviewed by their team of experts to come up with a list of their expectations. The E.U.L. project is well underway, they are going to start slip lining our sewers in a couple of weeks for the village. The Potable Water Filter Plant is underway, the concrete slab has been placed and the walls are being cast. He attended the Susquehanna River Rail Bridge project meeting. Ms. Breder and Ralph Ryan were also in attendance, some of the discussion included funding and the impact to both the town and the VA entrance.

**Town Administrator Report - Denise Breder**

Ms. Breder wanted to add some information that AMTRAK presented at the Susquehanna River Rail Bridge project meeting. They stated that in order to maintain two-way traffic into the Broad Street entrance at Perry Point it may require temporary use of Town property to keep 2 lanes open. The Police Station project is 91% complete, and paving and curbing will begin in a few weeks. The Fire Company has been here several times to discuss the Station 16 water tie in and we need to set up another meeting with them to discuss another potential option. There were two new stop signs installed at Beacon Point at Piney Point Drive and Lighthouse Road in response to resident concerns of speeding along that stretch of roadway. The throwable life ring that was installed at Lower Ferry Pier was stolen already and we did have to replace that.

Commissioner Linkey had recently seen some postings regarding lock boxes for the life rings but has been unable to find any additional information on them and would like to be informed of any information that someone may have.

Discussion ensued regarding some other options, including a call box. There are several other towns that are experiencing the same problem and they just keep replacing them. The town is putting together a group including the Police and First Responders, Public Works people and the Department of Natural Resources people to look into all aspects of the pier and work on any concerns that they may have. This fiscal year we have budgeted for additional cameras to be placed around town and one was going to be on that pier, which will hopefully be a deterrent for someone stealing them to begin with.

**Treasurer's Report - Debra Laubach**

Ms. Laubach stated that we received our 10<sup>th</sup> and final reimbursement payment on July 13 for the Police Station from the bond issue. She submitted the Quarterly Local Impact Report to the County. She reconciled expenditures to budgeted amounts. At the end of FY17 there was \$1,228,446 in the FY17 local impact funds that was not used. Of that amount \$1,044,703 was allocated to the Town Center complex, (Police Station, Town Hall, and the Little League field. All of the other funds unused in FY17 will be rolled over to FY18 local impact budget, via Budget Amendment Ordinance 2017-13. The collection from the Boat Ramp honor box from April thru June was \$1,439.00, in July \$760 has been collected up until the 23<sup>rd</sup> of July. The Outreach van was put on Municibid and was sold for \$775 and it will be picked up on Thursday. We met with the auditors on July 13, they performed their preliminary fact-finding procedures and selected the initial samples they wanted to test. Currently we are preparing the final adjusting journal entries for FY17. They are scheduled to be on site August 28th-September 1<sup>st</sup>. May slot revenue has been received from Cecil County and the State of Maryland in the amount of \$120,672.21, life to date from September 2010 until May 2017 slot revenue received was \$9,570,906.65.

Commissioner Linkey inquired if we had any idea on whether we have sold more or less daily passes since last year at this time since we now have the honor box.

Ms. Yackanech replied that it is hard to tell since we sell more annual out-of-state, we definitely have more daily passes. Last year overall sales were about \$11,000 and this year we are at about \$13,000.

#### **Police Report - Police Chief Al Miller**

Chief Miller reported that tonight is National Night Out and it is being held at the Firehouse until 8 p.m. Chief Miller reported on some issues that have been reported about the year 2013-2017 Police interceptor vehicles, it seems to only affect Police vehicles not civilian vehicles. It is believed that when radios, and sirens and other things are installed in these vehicles by various vendors, they are drilling holes into the vehicles which is allowing carbon monoxide to come inside the vehicles. This week we installed carbon monoxide detectors in 3 of our SUV's, and nobody has reported any nausea or anything else. One of the other Police Departments are going to get an extension installed on their exhaust pipes which send the fumes back further to the back of the vehicle. Ford is continuing to address the issues. He said as Denise mentioned we are getting close to completion of the Police Station and have continued to meet with the contractor. We are going to have a meeting with the different entities regarding Lower Ferry Pier to come up with some solutions to bring to the table for the board. Chief Miller attended the Mayor's meeting in Cecil County on behalf of the Mayor who was at an MML conference. We also worked traffic for fallen firefighter Brian Williams. There was one incident involving a bike accident during the Triathlon.

Commissioner Ryan made a suggestion of adding that anyone that is installing additional items to a Police vehicle have a clause in the contract that requires them to seal around anything that has been installed.

#### **Outreach Program - Jesse Lilly**

Jesse Lilly, The Outreach Program Director, reported that the overall attendance for the month was 227 and the number of new referrals was 1. Some of the members attended their first Iron Birds game, it was also military appreciation night so some of the members were able to chat with some service members on what it means to serve our country. We have continued to remain active at the Outreach. We have our weekly trips to the pool and have scheduled activities each week to keep our members moving and learning throughout the summer. We are continuing our healthy kids initiative by letting a few of our members participate in Pura Vida's youth boot camp summer camp, which will help build leadership and team building skills. We have continued to partner with Restore Church to help organize some of their clothes for the community, as well as, some of the other community service projects that we have. We were able to take some members, who completed community service projects, to Hershey Park this month.

Mayor Eberhardt announced that Jesse will be leaving to pursue a different career. He thanked him for all that he has done for the program and for the kids of this community and for being a great spokesperson for the program.

Jesse thanked the board members for believing in and being supportive of the program.

Mr. Reich asked if any of the staff had been in contact with the person that has offered a free boat ride for the members for a day.

Mr. Lilly replied that he had and that he has passed it along to Danielle, the Caseworker, to follow up with and schedule a date since he is resigning.

Commissioner Linkey commented that she may have someone that is willing to do some sponsorship for the upcoming 5K for the Outreach Program if they still need things.

Jesse said that they can call Danielle at the Outreach number and give her the information.

#### **Planning and Zoning Report - Dianna Battaglia**

Ms. Battaglia reported that she just received the preliminary map for the Corporate Boundary Survey and McCrone will be at the next Work Session to present it to the town. She has the map in her office if anybody wanted to stop by and take a look at it prior to the meeting, it is 90% complete at this point. There are also some things that need discussed, such as officially including the park in the town boundaries.

#### **From the Floor**

There were no comments from the floor.

#### **Old Business -**

#### **Ordinance 2017-12 - Lower Ferry Pier Boat Slip Rentals**

Mayor Eberhardt had thought that we had a Perryville resident restriction placed on this Ordinance, he does not see that at all or even a State restriction.

Ms. Breder does not think they we can have a resident restriction on that pier since the pier was not fully funded by the town's money, possibly a Maryland restriction. She thinks that Amy had inquired about that when we first started talking about this 6 or 8 months ago and that we were informed that we could not by a DNR representative. They had stated that it was basically the same rules and regulations that you had at the boat ramp that would apply here as well.

Commissioner Ryan inquired if we could possibly open it up on February 1<sup>st</sup> thru March 1<sup>st</sup> for Perryville residents only, then open it up to anyone else after March 1<sup>st</sup>, or if not in State and out of State, or maybe limit it to 4 in State and 4 out of State.

Ms. Breder suggested maybe getting those questions to the Department of Natural Resources to get clarification before voting.

Commissioner Ryan would like to table this so that we can get some of the questions answered.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Reich to table Ordinance 2017-12 pending further information and clarification from DNR on some possible changes. **All in Favor: Motion Carried.**

### **New Business**

**Lower Ferry Festival** - Request to have beer and wine sold by a vendor at a Festival at Lower Ferry Park sponsored by the town.

Mayor Eberhardt announced that at the last Work Session there were some questions on what vendors were scheduled and how they were set up and it appears that this has been addressed by Billy. Mayor Eberhardt inquired if the board had any additional issues regarding the event itself, since there were none for the event itself he inquired if there were any about the beer garden.

Commissioner Linkey's perception of a beer garden is the beer is in one central location and does not go anywhere outside of that location. This is what were initially presented with and now it has been changed to allow people to walk around with the beer to the various vendors and entertainment for the children, which she feels is not appropriate.

Mayor Eberhardt's understanding was the same as Commissioner Linkey's, that it was going to be a designated fenced in area for the beer garden.

Billy replied that the beer tent was going to be next to the eat in tent but not fenced in.

Commissioner Ashby commented that there was a concert held at the park with approximately 1,000 people that served beer and there were no major issues and it was not a family event.

Commissioner Linkey also commented that it has been advertised for over a month as a beer garden and that is not what this is.

Commissioner Ashby commented that this is only the second event and we are learning as we go along.

**Motion** was made by Commissioner Reich and seconded by Commissioner Linkey to not approve the beer at this event. Discussion ensued.

Commissioner Ryan responded that at the most recent event we had raised concerns regarding the request for alcohol and the vendor responded with a viable solution and here we are again a month and a half away from an event and having issues.

Commissioner Linkey and the Mayor both responded that this was presented as a beer garden not a beer stand.

Commissioner Ashby suggested posting signs indicating no alcohol past this point so that nobody crosses over into the children's area with alcohol.

Discussion ensued regarding Commissioner Ashby's suggestion and the location of signs if they were to choose to allow alcohol and Mr. Sussman advised the board on how to proceed if they plan to amend the original motion, from denying to an approval subject to certain conditions.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to make an amendment to the motion to change the motion from denying alcohol at the event to allow the alcohol at the event as long as the alcohol stays at the southeast corner of the park or inside the driveway. Discussion Ensued.

Mayor Eberhardt wanted to make it clear that the board is not presented with requests for permission for future events after they have already been advertised.

The motion to make an amendment to the original motion was carried forward. **Three in Favor, 1 nay** (Mayor Eberhardt), **1 abstain** (Commissioner Reich). **Motion Carried.**

The original motion as amended was approved. **Three in Favor, 1 nay** (Mayor Eberhardt), **1 abstain** (Commissioner Reich). **Motion Carried.**

Commissioner Linkey would like to have a debriefing or pre-briefing on lessons learned and things that went well or did not go well and any improvements that could be made for future events.

Ms. Breder commented that we are planning to have a meeting to discuss events in general.

**Budget Amendment Ordinance 2017-13** – Mayor Eberhardt read the opening paragraph of Ordinance 2017-13 for introduction.

**Royal Farms Request** - Consideration of a Public Works Agreement for Royal Farms.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to approve the Public Works Agreement for Royal Farms store #267. **All in Favor: Motion Carried.**

**Planning and Zoning Board Appointment -**

**Motion** was made by Commissioner Reich and seconded by Commissioner Ryan to approve the appointment of Robert Taylor to the Planning and Zoning Board. **All in Favor: Motion Carried.**

**Resolution 2017-09 -Business Development Grant** - Consideration of a Business Development Grant Program Resolution and Application.

**Motion** was made by Commissioner Ashby and seconded by Commissioner Linkey to approve Resolution 2017-09 Business Development Grant. **All in Favor: Motion Carried.**

**Memorandum of Understanding** - Consideration of a Memorandum of Understanding between Cecil County MD, Town of Elkton, North East, Charlestown, Perryville, Port Deposit, Rising Sun, Chesapeake City, and Cecilton to establish a work group for cooperative planning efforts to address the water and wastewater needs for the eight Municipalities.

**Motion** was made by Commissioner Reich and seconded by Commissioner Linkey to approve the MOU to establish a work group for cooperative planning efforts to address the water and wastewater needs with Cecil County and the eight Municipalities. **All in Favor: Motion Carried.**

**Naming of the Municipal Complex Road**

There was discussion at the last Work Session to have two different names, to keep Gerry Perry Way and come up with a name for the new road coming into the Municipal Complex.

Discussion ensued regarding some names, original suggestions were Hero's Way or Hero's Circle.

Ms. McCardell commented that we were looking for a road name coming into the complex representing the town.

Aaron Ashford, commented that he had suggested to Ralph the name of Town Center Drive, then have Hero's Circle in the middle somewhere.



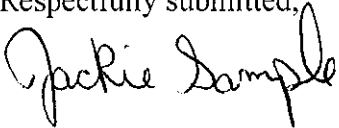
**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to have the road that currently runs beside the current Town Hall remain Gerry Perry Way and the new Town Hall when it gets built address be #1 Gerry Perry Way and the new road coming into the complex off of Otsego Street to be Town Center Drive with Hero's Circle in the center of it.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Reich to do everything except for the address of the new Town Hall be 1 Town Center Drive, and the Police Department be 2 Town Center Drive. The numbers 1 and 2 were removed since Commissioner Ryan cautioned that we will probably not be the ones to give that designation. **All in Favor: Motion Carried.**

**All were in Favor of the motion as passed.**

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ashby to adjourn the August 1, 2017 regular Town Meeting at 8:40 p.m. and the Mayor and Commissioners go into a Closed Session after a five-minute break. **All in Favor: Motion Carried.**

Respectfully submitted,

A handwritten signature in black ink that reads "Jackie Sample". The signature is written in a cursive, flowing style.

Jackie Sample  
Perryville Town Clerk

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

Location: Town Hall Date: 8/1/17 Time: 8 40pm  
Motion By: Lin Key Seconded By: Ashby

**VOTE TO CLOSE SESSION:**

	AYE	NAY	ABSTAIN	ABSENT
Mayor Eberhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ashby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Reich	<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**

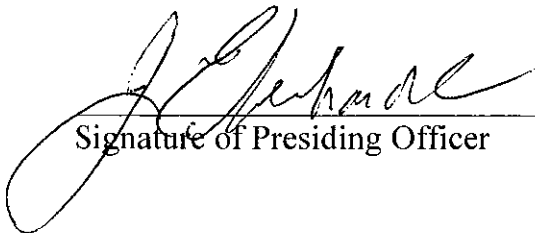
General Provisions Article §3-305(b):

- ☐ (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 discuss possible acquisition of property for public purposes, including sign placement to meet State stormwater requirements to consult with counsel on the right of another agency to take town land.

  
Signature of Presiding Officer

**Statement Regarding June 20, 2017 Closed Meeting for Inclusion in Minutes August 1, 2017 Town  
Meeting Minutes**

On June 20, 2017, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:23pm in accordance with General Provisions Articles, § 3-305(b)(14) before a contract is awarded of bids are open, 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. All four Commissioners were in attendance as well as the Mayor. In addition to Mayor and Commissioners, Cathy McCardell, Assistant Town Administrator, and Tara Dvorak, Office Clerk attended the closed session. During the meeting, there was discussion on the Welcome to Perryville sign placement and T-Mobile lease agreement. No motions were made on these issues, at this meeting. The meeting was adjourned at 8:54pm.

**Statement Regarding July 6, 2017 Closed Meeting for Inclusion in Minutes of  
August 1, 2017 Town Meeting**

On July 6, 2017, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:30 p.m. in accordance with General Provisions Article, § 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter and (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 a public body to participate in the competitive bidding or proposal process. Mayor Eberhardt, Commissioners Fox, Linkey, Ryan and Ashby and Reich all voted in favor of conducting the closed meeting. In addition to the Mayor and Commissioners, the Town Administrator, Denise Breder, Town Attorney, Fred Sussman, and Town Clerk, Jackie Sample attended the entire closed session. During the meeting, the Board consulted with legal counsel with respect to lease negotiations with T-Mobile and the board voted unanimously to approve an amendment to an existing lease. The board concurred to pursue the lease extension with SBA without hiring a consultant.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Reich to adjourn the Closed Session at 9:00 p.m. **All in Favor: Motion Carried.**