

**Town of Perryville
Town Meeting Minutes
August 4, 2015**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Michelle Linkey, Alan Fox, Ray Ryan, Asst: Town Administrator: Cathy McCardell

Absent: Commissioner: Barbara Brown, Town Administrator: Denise Breder

The Town of Perryville Town Meeting was called to order at 7:04 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 Fox and seconded by Commissioner Linkey to approve the August 4, 2015 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 July 7, 2015 Town Meeting Minutes and July 7, 2015 Closed Session Meeting Minutes which are all requiring no further discussion and are considered for unanimous consent.

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

Mayor's Report -

Mayor Eberhardt attended a kickoff meeting with the volunteers who are going to inventory the Rodgers Tavern artifacts and work on a plan on how to display them. The 13th annual Triathlon was held at Perryville Park on July 11th. He stated that Ms. Breder put out a Fact Friday on Facebook which explains that the funding of the Police and other costs for that event are paid for by the sponsor of the event which is Piranha Sports not the town. He thanked those who participated in the Cable Franchise Public Hearing that was held on the 21st with the Work Session following it. He had also attended a meeting with a representative from Congressmen Harris' office regarding some Federal issues that we have, especially with a permanent interconnection with our water systems between the Town of Perryville and Perry Point. Today he met with a local representative for Governor Hogan's office regarding a number of issues that we have on the State side, such as the continuation of sidewalks along Route 40 and Route 222.

Commissioner Linkey reminded everyone to go into the town's new Facebook page and re-like it again since we had to create a new one.

Commissioners' Reports -

Commissioner Linkey's Report –

Commissioner Linkey reported that she attended the regular scheduled meetings for the month and also attended the meeting with the representative from Congressman Harris' office and also attended the MML meeting. She has also been meeting with Rachel on getting new document scanning devices to eliminate a lot of the paperwork. Amy has been working on setting us up with a better email provider. Public Works is continuing to get certification and training. They are also looking into training with Miss Utility issues that they may have in the future. The new clock has been received and will be installed and Public Works is advertising for a crewman position. Solar Panels have been installed along the Canning House Run trail.

Ms. McCardell stated that there are also 2 Solar Panels out back of Town Hall.

Commissioner Ryan's Report -

Commissioner Ryan reported that he attended the regular Town Meeting; there was not a Planning and Zoning meeting last month. There will be a future meeting to discuss some items that were part of the June Planning and Zoning meeting.

Commissioner Fox's Report -

Commissioner Fox reported that he met with Mayor Eberhardt, Bob Amato, and Eric Morsicato to discuss the formation of an Economic Development Group. He also attended a kick-off meeting for volunteers who are going to catalog items at Rodgers Tavern. He is working with Ms. Breder on a new Perryville Historical self-guided walking tour brochure. He is going to schedule regular monthly meetings with the Wastewater/Water Plant Superintendent.

Town Administrator Report – Cathy McCardell for Denise Breder

Ms. McCardell reported that there is a Quick Link set up on the town's website for updates on the Elm Street project. The Public Works Department has a crewman position advertised on the Town's website; the closing date will be August 11. The next Perryville Greenway meeting will be August 26 at 10 a.m. in the Town Hall Conference Room. The sunken boat at Lower Ferry Pier has been removed. On August 20th at 10 a.m. they plan on discussing Unified Reporting during the Department Head meeting in an effort to provide a unified report versus one from each department, and they are open to suggestions from the board members. On Friday August 14th, Perryville will be holding an event in conjunction with the Farmers Market and The Bassmaster event that

is being held in Northeast from August 13th thru the 16th. The market starts at 3:00 p.m. and there will be a movie beginning at 8:15 p.m. with free activities prior to the movie as well as various food truck vendors. Havre De Grace will be setting off fireworks later in the evening so the hope is that the movie will be done in time for everyone to see the fireworks afterwards.

Treasurer's Report - Rachel Deaner

Ms. Deaner reported that the auditors were in on July 23 and will be back from August 31-September 4. We are looking to resume with the retention policy after the audit along with picking a document scanning system. The Local Impact revenue is holding steady, continuing to be over \$100,000.

Police Report – Police Lieutenant Al Miller

The body cam training is now complete and the officers are now wearing the body cams. The Triathlon went off without any issues and they are prepared for the Bassmasters Tournament. Lieutenant Miller met with the Perryville Casino Director last week who was requesting some DWI Awareness Training for their staff and the public, the Transportation Authority will work with us to set up a day to do that.

Outreach Report – Carson Debonis

Ms. Debonis reported that there were some adjustments to the attendance, the overall monthly attendance was 221, not 205 and there are 18 new members. The swim program is in full swing and staff has been taking the children to the pool twice a week. Staff has been teaching members how to live healthier lives and have started some fitness activities including some short distance running in groups. The free lunch program is going strong and we give out about 10 healthy and nutritional lunches every day. Thanks to Lisa Tome and those who donated to her we have 100 book bags and school supplies to give out to children in need. We expect to have a back to school supply night on Thursday August 13, around 4 or 5 p.m. The Outreach Program participated in Adopt-A-Highway and Park Clean Up, along with other monthly activities.

Commissioner Ryan asked if they could wear some sort of safety mechanism when they are cleaning up along the roads so that they are more visible, to which Ms. Debonis replied that they would look into that.

Mayor Eberhardt commented that the lunch program is funded through the State and he inquired how long the program was to continue.

Ms. Debonis believes it is until school starts.

Mayor Eberhardt inquired when the intern that the County provided is finished.

Ms. Debonis believes it is also close to when school starts; it was a six week program.

Planning and Zoning Report - Cathy McCardell for Ms. Skilling

Ms. McCardell reported that there was a Board of Appeals meeting held on July 27 to review the Special Exception use of the church/outreach center at 304 Aiken Avenue, hearing to be continued next month for more information from the property owner.

From the Floor

Pat Stetina, from the Perryville Railroad Museum, commented that they had a four foot gash in there ceiling at the Museum that is in the process of being repaired, but they are still open and waiting on it to be finished.

Commissioner Linkey asked if we heard when the new Sports Bar and Grill was going to be opening.

Ms. McCardell commented that we do not have a definite date; it was pushed back from its original opening date of July that they were hoping for, they want to be open before the Bassmasters event.

John Meck, who resides at 911 Frenchtown Road, brought up one of the topics discussed at the last Work Session regarding Charter Amendment 2015-02, the removal of write in candidates for their Elections due to conflict with State requirements. He commented that there may be people willing to serve but not to run for office and asked that this freedom of the voting process continue to be allowed provided it does not conflict with State Law. He believes that providing the Financial Disclosure form after the fact is a possibility. He would like to see as much liberty and freedom open in the process as possible even if it takes some extra leg work to do that provided that it doesn't conflict with State or Federal Law. Mr. Meck also inquired if we had any idea if Commissioner Brown plans to return since it has been nine months with no proxy or replacement and concern over decisions that are made without her input from citizens that have supported her.

Mayor Eberhardt replied that she does plan to return and that there is an item on the agenda tonight to address remote access to meetings.

New Business

Landlord/Tenant Board Alternate Applicant

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to appoint Cindi Parker as an alternate resident member of the Landlord/Tenant Board. **All in Favor: Motion Carried.**

Planning & Zoning Recommendation on Municipal Complex -

Mayor Eberhardt inquired if anyone had any further thoughts on the request to change the layout of the Municipal Complex as discussed at last month's Work Session.

Commissioner Ryan who was not in attendance at the last Work Session wanted to get a feel for the other board members thoughts on the matter.

Mayor Eberhardt felt that the general consensus from this board was that the recommendation by the Planning and Zoning board was not conforming as a business type setting separate from the playground/athletic field as they felt it was. We also felt that it was too late in the process to change things now.

Commissioner Fox concurred that he feels that it is too far along in the process to change things now.

There was no motion regarding the request to amend the layout of the Municipal Complex as requested by Planning and Zoning.

Ordinance 2015-15 Local Impact Funds Budget Amendment - Introduction

The purpose of the Ordinance 2015-15 is to amend the adopted budget for the fiscal year beginning July 1, 2015, and ending June 30, 2016 recognizing prior year Local Impact Funds that were restricted funds and need to be moved to the fiscal year 2016 budget.

Ordinance 2015-16 Budget Amendment - Introduction

The purpose of the Ordinance 2015-16 is to amend the adopted budget for the fiscal year beginning July 1, 2015, and ending June 30, 2016. The first budget amendment is to replace funds used to promote the Community Activities Fund for the Bassmaster Elite event. The second is to recognize the Cecil County Human Services Grant for the Summer Youth Employment Program. The third is to recognize the Cecil County Human Services and GOCCP grant to be used by the Outreach Program grant in FY16. The fourth is to move the bulk purchase of new weapons from Capital to Minor Equipment as per Purchase Order 2015-09. The fifth is to recognize unreserved funds and assign them to be used to replace the playground equipment at the Community Park.

The last one is to recognize unreserved funds and assign them to be used for the new Rodgers Tavern sign.

Resolution 2015-05 Custodian of Records Designation

Mr. Sussman, the Town Attorney, stated that this Resolution is to designate the Town Administrator as the Custodian of Records for general purposes except for records under the control and custody of the Police Department and to designate the Chief of Police as the Custodian of Records for all records under the custody and control of the Perryville Police Department.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to approve Resolution 2015-05 to designate the Town Administrator as the custodian of records for the town and the Police Chief as custodian of records for the Police Records. **All in Favor: Motion Carried.**

Resolution 2015-06 – Authorization for Remote Attendance and Participation of Meetings of the Mayor and Commissioners under certain conditions and circumstances

Mayor Eberhardt stated that this is a reconsideration of a Resolution presented previously that was not acted on due to some concerns at that time. There were concerns regarding Paragraph 3 on page 3 regarding the termination of the meeting remote participation if technical difficulties arise. He inquired how you would handle it if a board member was to call in who is out of the State on vacation and just wants to be a part of an agenda item that needs a super majority vote or a specific subject, or a closed session, how do you confirm they are by themselves. He asked how the participants terminate the phone call.

Mr. Sussman stated that the participant requesting the remote participation to the meeting would have the right to disengage from the remote participation of the meeting and if the body still has a quorum they can continue the meeting if by them leaving leaves the governing body without a quorum then the meeting would be terminated.

Commissioner Ryan inquired about conducting closed sessions through remote participation.

Mr. Sussman stated that they would have to excuse other people from the room if they were to participate in a closed session remotely or excuse themselves from the closed session.

Commissioner Linkey referred to the statement on page 2 regarding compliance with the Town Charter and Maryland Open Meetings Act that any meeting conducted in accordance with all requirements of the Town Charter and the Maryland Open Meetings

Act, that it should be covered by following those procedures. She also feels that the remote participation should be the exception and not the rule and used very judiciously.

Commissioner Fox questioned how you confirm that someone is not in the room with them if they call in by phone.

Commissioner Linkey commented that if they were skyped you could turn it around so that they could be seen or if by phone there would need to be some form of an honor code.

John Meck, suggested removing closed sessions from the remote participation since they are confidential and you cannot confirm who else may be there and the possibility of transferring information by some form of communication for the remote participation.

Discussion ensued regarding the closed session participation and was determined to keep it in there at this time and rely on the participant to be honorable in stating that nobody else is present during their remote participation.

Mayor Eberhardt asked for confirmation that we had the technical capabilities to be able to do this to which Commissioner Linkey stated that we do, you can do speaker phone or skype through a tablet or computer and you could do just audio if you chose not to do video.

Mr. Sussman noted to keep in mind that all in attendance of the meeting needs to be able to hear the remote participation of the public meeting as well, not just the board members and staff.

Commissioner Ryan asked if the up to 3 times in a twelve month period for remote participation includes Work Sessions.

Mr. Sussman replied that it would be 3 meetings of the governing body.

Jane Bellmyer inquired if the 3 time limitation was for the governing body or by person, to which the answer was by person.

Mayor Eberhardt stated that it does give the option to be approved on a case to case basis by the Mayor and Commissioners if they request to exceed the 3 time limitation in a twelve month period of remote participation.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve Resolution 2015-06. **All in Favor: Motion Carried.**

Charter Amendment Resolution 2015-01

Mr. Sussman stated that this Charter Amendment Resolution is to change the process for adopting an Ordinance regarding compensation; the Charter is currently set up to hold a Public Hearing and two advertisements of that Public Hearing. The adoption of this Charter Amendment would allow it to be adopted as a regular Ordinance without the Public Hearing and without the two advertisements of the Public Hearing.

Mayor Eberhardt stated that maybe this does need to be a different process because of the possibility of compensation at some point maybe being considered, although it would not affect the existing board but the next elected board, maybe it should require public input, most of the board concurred.

Commissioner Linkey commented that compensation may be something to consider at some point, it may encourage more people to serve, she stated that we are one of a very few in Cecil County that does not provide some form of compensation but does understand wanting more public input.

There was no motion regarding the request to approve Charter Amendment 2015-01.

Charter Amendment Resolution 2015-02

Mayor Eberhardt described the Charter Amendment presented is to amend the Charter of the Town of Perryville to prohibit write-in voting or the casting of votes for individuals whose names do not appear on the ballot or voting machine in Town Elections; and to prohibit the counting and certifying of any votes cast for any individual whose name does not appear on the ballot or voting machine; and generally relating to changes in the requirements and procedures for Town Elections.

Mayor Eberhardt commented that this was discussed at a Work Session and came about as a result of the Ethics Laws which somewhat conflict with the write-in-candidate. The Ethics Laws require you to file a financial statement prior to running.

There was discussion regarding what the State requirements are in regards to write-in-candidates. They are to file a Certificate of Candidacy no later than one week prior to the Election and presumably at the same time file a Financial Disclosure Statement and if they do not go through that process then any vote cast for them will not be counted. There were other scenarios of options that were discussed regarding filing a financial disclosure statement after the fact if a write-in-candidate was elected.

After the discussion it was determined that this needs more work to come up with some other alternatives.

Commissioner Fox reiterated his thoughts from the Work Session that this is the American right be able to write-in a candidate.

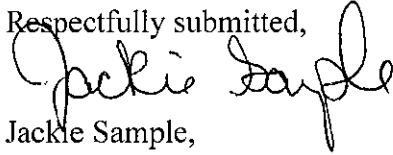
Charter Amendment 2015-03

Charter Amendment 2015-03 is to amend the Charter of the Town of Perryville to repeal inconsistent provisions relating to fines and penalties for certain misdemeanors and infractions. To remove section C12-3 Article XII, General Provisions, of the Town of Perryville Charter, the primary place is Section C4-5 which should remain.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve Charter Amendment 2015-03. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to adjourn the August 4, 2015 Town Meeting at 8:38 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jackie Sample". The signature is written in a cursive, flowing style.

Jackie Sample,
Town Clerk

**Statement Regarding July 21, 2015 Closed Meeting for Inclusion in Minutes of
September 1, 2015 Town Meeting**

On July 21, 2015, the Commissioners of Perryville conducted a closed meeting at 9:13 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 other officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals. Mayor Eberhardt, Commissioners Fox and Linkey all voted in favor of conducting the closed meeting. Commissioner Brown and Commissioner Ryan were absent. In addition to the Commissioners, the Town Administrator, Denise Breder, and Town Clerk, Jackie Sample attended the entire closed session. During the meeting, the Board members discussed a possible amendment to the Charter to deal with an ongoing situation. The Mayor and Commissioners took no action during the meeting. The meeting was adjourned at 9:28 p.m.