

**Town of Perryville
Town Meeting Minutes
December 1, 2015**

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

Absent: Commissioner Barbara Brown

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.

Mayor Eberhardt announced that there were no remote participation requests.

APPROVAL OF TOWN MEETING AGENDA

Commissioner Linkey asked if the Fire Company request could be added to the consent agenda items for approval, to which the board concurred.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve the December 1, 2015 Town Meeting Agenda with the Fire Company request to use the town mule added to the consent agenda. **All in Favor: Motion Carried.**

Consent Agenda Items: Mayor Eberhardt asked for a motion regarding the consent agenda items, which include the October 20, 2015 Work Session Minutes, The October 20, 2015 Closed Work Session Minutes, the November 3, 2015 Town Meeting Minutes and November 3, 2015 Closed Session Minute, the Good Shepherd Head of the Bay 5K event, the Statewide Homicide Memorial Ceremony, and the Perryville Fire Company request to use the Town mule for some of their Christmas activities 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. **All in Favor: Motion Carried.**

Mayor's Report –

Mayor Eberhardt reported that he and Ms. Breder met with the County Administrator to discuss the responsibility of the sidewalks along Route 222 from Patterson's Funeral Home to the High School and it was determined that we will not be doing maintenance on the county part of that sidewalk. On December 12 we will be having our annual Tree Lighting Ceremony at Rodgers Tavern starting at 4 p.m., there

will be crafts and games for kids and Santa will arrive by Fire Truck around 4:30 p.m. The Perryville Middle School and High School Choirs will both be there to perform Christmas Carols.

Mayor Eberhardt conducted a retirement ceremony for Chief Wernz who will be officially retiring January 4 but effectively in a couple more weeks. He commended him for his management skills and techniques and the various programs that he brought to the department.

Chief Wernz thanked the board members and the staff along with his family and his officers and the town employees for their support during his term.

Mayor Eberhardt announced that they have selected a new Chief of Police, Al Miller, and he performed a Swearing in Ceremony for him although he will not officially be in that position until January after Chief Wernz is officially gone.

Al Miller thanked the Police Chief for his confidence in him and the Mayor and Commissioners and Ms. Breder for their faith in him and he will perform 100% for the town.

Mayor Eberhardt announced that he will be performing another ceremony tonight which will be a promotion for one of our officers who had been chosen to fill the position of Lieutenant which will be vacated by Lieutenant Miller. Keith Budnick, who is currently an officer with the Perryville Police Department was sworn in as Police Lieutenant.

Commissioners' Reports -

Commissioner Linkey's Report -

Commissioner Linkey reported that she attended the regularly scheduled meetings last month. She highlighted some of the DPW report. They performed some repair work on some duct work at Town Hall. A hydrant was repaired at Chesapeake Overlook; two employees attended a water loss evaluation training class in Aberdeen on November 12. They are preparing for installation of the Christmas decorations and the fire extinguishers have been inspected and are ready.

Mayor Eberhardt asked when the Christmas lights were going up, Commissioner Linkey was not sure but she indicated that they did look over all of them to make sure they were working.

Commissioner Fox's Report -

Commissioner Fox reported that he attended the regularly scheduled meetings as well, along with the Susquehanna River Rail Project Public Meeting at the Perryville

High School. He also handed out thank you cards to two of our employees who served in the Military for Veterans Day and attended the Veteran's Day Ceremony at the American Legion Post 135. He along with Ms. Breder met with the State crew to suggest a new location for the marker that got knocked down at Rodgers Tavern. Commissioner Fox noted that the MD Center for Environmental Training studied our water and wastewater plants and made some suggestions to be discussed at a future Work Session.

Commissioner Ryan's Report -

Commissioner Ryan reported that he attended the regularly scheduled meetings last month and that there was no Planning and Zoning meeting for the month. He also attended the Railroad Bridge meeting that was at the Perryville High School. A week after that event he attended the Susquehanna Rail Committee meeting where they discussed the meeting at the Perryville High School. This Meeting brought up some questions that we needed some answers from the contacts at the railroad before we could post another advisory.

Mayor Eberhardt brought up concern regarding a piece of fencing that was removed across from Rodgers Tavern when they did some boring for the railroad bridge; he hopes they plan to put the fence back in since this project is years down the road.

Ms. Breder replied that they did say that they were going to put that fence back in, although they did not say when.

Auditor's Report - Wanda Lynn with Rager, Lehman & Houck, P.C.

Ms. Lynn summarized the audit based on their report submitted to the Mayor and Commissioners. She stated that there were no significant audit findings, and estimates that the town uses in their financial statements were all audited and we were comfortable with those statements. A material adjustment was made by management while we were there regarding the disposal of a belt filter press from the sewer fund. There were no disagreements with management during this time. The full audit findings will be found on the town's website at www.perryvillemd.org.

Town Administrator Report -

Ms. Breder announced that there were two Public Works Crew member vacancy positions available and they are currently being advertised in-house until December 2nd, if they are not filled in-house then they will be advertised outside the organization. The next Greenway Meeting is scheduled for December 16, 2015 at 10:00 a.m. here at Town Hall. There is a company that is interested in doing stream restoration at the Reservoir Road location. The draft Environmental Impact Statement for the Susquehanna River Bridge Reconstruction Project is available online at www.necfuture.com. The House decorating contest is scheduled for judging Friday, December the 18th starting at 6:30 p.m. you must call Town Hall at 410-642-6066 or email at townhall@perryvillemd.org

no later than the day before to be put on the list. The entire staff report will be on line for those that may want to review it. Ms. Breder reported on some of the things done by the parks department last month. The floating dock has been removed and stored in the parking lot for a length of time. Some maintenance has been done on the mowers and some concrete pads have been poured to put trash cans on at the community park. We have a volunteer committee that are going to start working on cataloging of artifacts at Rodgers Tavern, and the committee has gotten some training from a curator and will also need some training on the software to be used.

Mayor Eberhardt inquired if we plan on doing a ceremonial Grand Opening for the new playground equipment, to which Ms. Breder replied that we planned on doing something in the Spring.

Treasurer's Report - Rachel Deaner

Ms. Deaner reported on the restricted funds per Resolution 2014-05, the fund balances are doing pretty well, the only one that is still not doing too well is the Water fund, however, the Water Fund did increase by \$33,000 from the prior year.

Mayor Eberhardt announced that he was going to sign on behalf of the board a letter of support, as is Cecil County, regarding the tax structure for Hollywood Casino in Perryville so that they get taxed equally. As it stands Hollywood Casino Perryville will be paying a higher State tax rate than any other casino in Maryland.

Police Report – Chief Wernz

Chief Wernz reported that the new CAD/RMS system is up and running. He thanked Detective Nitz for providing the active shooter training to staff in October, they eventually want to expand it to the local businesses in town. Our new candidate Daugherty will be graduating from the Baltimore County Police Academy on December 16, 2015. On December 12 we will be participating in “Shop with a Cop”, with the MD State police along with other police agencies in the County.

Outreach Report -

Danielle, from the Outreach Program, reported that the overall attendance for last month was 152 along with 2 new members. They did a science experiment with the kids and also went on an educational field trip to Hershey Park. They are doing a food drive for Christmas as well as Toys - for -Tots. They received a larger amount of a donation of hams from Food Lion than expected so they have some left over to distribute for Christmas too.

Planning and Zoning Report - Mary Ann Skilling

Ms. Skilling stated that she received a permit today to install the Band Shell at Lower Ferry Park. The town has also received information from the Department of Housing and Community Development that they are initiating a program, the MD Affiliate Program, and the Town of Perryville will be the main subject for that program and they will be working with us to help design Main Street for the Town of Perryville. She is still working to search archives for the corporate boundary surveys for the town to assist McCrone who is working to update the Town's corporate boundaries. She attended a Lower Susquehanna Greenway Meeting today and as a result of that meeting we were given \$1,500 for some signage for the trail.

Mayor Eberhardt asked where we were at with the monument sign at the casino.

Ms. Skilling noted that it had been approved by Planning and Zoning with the stipulation that they check with State Highway because on the plan it looked like it was State Highway right-of-way. Ms. Skilling commented that the Chesapeake Overlook sign as it is now is in the MDTA right-of-way not the State Highway and they were originally given approval to do that. When they presented the new sign that they were proposing the MDTA and MDOT said no. In talking to representatives from the Casino and Stewart Associates, they are looking to move it out of the right-of-way back to where they can do what they want.

Mayor Eberhardt also inquired about Dollar General and their request to change from 3 lots to 2 lots.

Ms. Skilling stated that the engineers for the developer asked if there would be a problem with them changing from 3 to 2 lots. When looking at the zoning the special exception was given for a unified development and the standards would still be the same and if that happens the motel could go away leaving the potential for two commercial sites, with lot 1 being larger if they choose to change from 3 to 2 lots. Dollar General is still moving forward whether it remains 3 lots or 2 lots, it is currently in the stormwater management stage of approval through the County which does take some time. Frenchman Land Company is also in their stormwater management stage of their project. She has been looking into some recoupment agreements for the Woodlands project and once she gets a general development plan then she will proceed with the process.

From the Floor

Beverly Neff, who resides right outside of Perryville, has a piece of property across the street from the Police Station that she has been trying to sell for quite some time. She has sent a letter to the Mayor and Commissioners making a proposal for the town to purchase the property and was wondering what the status is.

Mayor Eberhardt commented that this is the first meeting they have had since receiving that letter so they have not had the opportunity to discuss it yet. The Mayor did state that there have been many vacant commercial properties that have come before them wanting the town to purchase them. The town has been working to develop commercial properties in town as opposed to taking the properties off of the tax roll by putting them into the government's hands. Mayor Eberhardt noted that this would have to be something discussed at a closed session and we will give a response to her letter.

Ms. Skilling stated that Amanda Hickman, the new Economic Development Coordinator is trying to work with developers on commercial properties and she may be reaching out to Mrs. Neff.

Old Business

Ordinance 2015-19 Snow and Ice Removal Ordinance Revised

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to amend Ordinance 2015-19 Snow and Ice Removal Revised by inserting on page 2 of the proposed revised Ordinance in the fifth line of Subsection A, immediately following "falling" insert "except that owners and persons in possession of land or premises that lie along a designated state or town snow emergency route shall remove snow from sidewalks within thirty (30) hours after it has ceased falling." **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to approve Ordinance 2015-19 Snow and Ice Removal Revised to include amendment number 1 as noted. **All in Favor: Motion Carried.**

Mr. Gerst asked for clarification regarding the clearing of the sidewalks and what about the disabled and the Senior Citizens.

Mayor Eberhardt responded that you would call Town Hall for an exemption for the fine but would still be charged for the clearing.

New Business

501 C Grants

Mayor Eberhardt stated that we have recommendations by staff for grant funding to be awarded to the Perryville Little League, the Perryville Community Fire Company, Restore Church for their Easter egg hunt, the Chesapeake Feline Association, and the American Legion.

Motion was made by Commissioner Ryan and seconded by Fox to approve the recommendations by staff for the 501C Grant program. Discussion Ensued.

Commissioner Linkey stated that we had discussed previously that the Chesapeake Feline funding was to be used for Perryville citizens.

Ms. Deaner responded that she spoke to the person in charge and she said that would not be a problem and she would track how it was being used for the Town of Perryville and we will reiterate that in the letter that we send out to them.

Commissioner Ryan asked if he could be provided with the list of the items that the grant funding for the Fire Company that was allotted was to cover to which Ms. Deaner agreed to provide.

The motion was carried with all in favor.

Heating Oil, Propane and Maintenance Bids

Bids were received from two vendors, Alger Oil and Ferrell Fuel Company. Alger Oil was the low bid.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to accept Alger Oil to be our heating oil, propane and maintenance provider. **All in Favor: Motion Carried.**

Document Scanning System

Mayor Eberhardt commented that various options were discussed at the Work Session and a recommendation was made by our Finance Manager and Commissioner Linkey.

Ms. Deaner noted that our Attorney has brought up concerns regarding the cloud version of document storage and who the responsible party for the document storage would actually be.

Mr. Sussman commented that the providers are not the actual owners of the cloud storage system so you would have no direct relationship or know the identity of the actual cloud storage provider so it would be difficult for any recourse against the providers if something went wrong since the storage system is not actually theirs. You do not know what kind of security, privacy or backup they provide. He has had other clients that have not chosen companies because they were resellers and cannot give any assurance as to the security and privacy that the cloud supplier is going to maintain.

After discussion the board tabled the voting on the recommended company until more information was gathered regarding the cloud storage system and the responsibility of the parties involved for the storage.

Engineering Update

Ralph Ryan, the Town Engineer, gave an update after meeting with the architects and the civil site design engineers for the Police Station. They stated that they could have preliminary stormwater management approval from the County by February 1, 2016 and final approval by March 1st for all 3 phases of the project. March 1st we can post request for bids for both the civil site and the police station. On April 12, 2016 the bids for construction of the police station would be due. Between April 19, 2016 and May 17, 2016 the bids can be discussed and recommended at a Work Session, and on May 3, 2016 or June 7, 2016 Town Meeting it could be voted on. On May 10, 2016 or June 14, 2016 issue a notice to proceed. On June 1, 2016 or July 11, 2016 start construction and project completion on April 1, 2017 or May 18, 2017. The railroad section would have to be worked on first to work on the outfall and work their way in toward the police station.

Ms. Skilling reminded staff that the stormwater management and sediment erosion plans sets the sequence of events for the entire project.

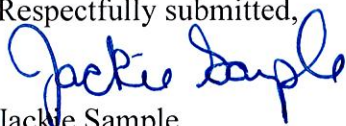
Mr. Ryan gave an update regarding the Elm Street project. The project was put out for re-bid on November 17 and we are having a pre-bid conference next week to discuss the project details. The bids are due January 6, 2016, the bids can be discussed and recommended at the January 19, 2016 Work Session and the contract awarded on February 2, 2016. On February 9, 2016 the notice to proceed can be issued and on February 29, 2016 the construction may begin. The project completion would be October 29, 2016 to December 29, 2016.

Ordinance 2015-17 Truck Travel Limitations

Mayor Eberhardt announced the introduction of Ordinance 2015-17 and Ms. Breder read the opening paragraph which defined its purpose limiting truck traffic on Aiken Avenue Extended and Otsego Street. Ms. Breder noted that there were a few changes made from the Work Session to allow for construction activities, in 77-9B subsection 4 and 5, and in the designation of truck routes section 77-10F Marion Tapp Parkway, up to the entrance to the VA property and we added G, Maryland Route 327.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to adjourn the Town Meeting at 8:53 p.m. and go into a closed session to consider the acquisition of real property for a public purpose and matter directly related thereto and to consult with counsel to obtain legal advice on a legal matter. **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: Town Hall Date: 12/1/15 Time: 8:53 P^m
Motion By: Ryan Seconded By: Fox

VOTE TO CLOSE SESSION:

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

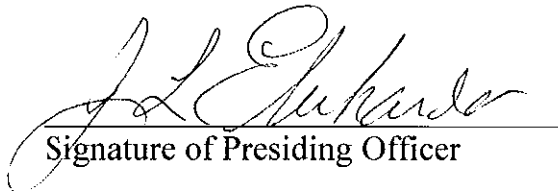
(12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(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:

3 - To discuss and consider the purchase of 2 properties in town
7 - To get legal advice on the purchase of properties and related issues


Signature of Presiding Officer

**Statement Regarding October 20, 2015 Closed Meeting for Inclusion in Minutes of
December 1, 2015 Town Meeting**

On October 20, 2015, the Commissioners of Perryville conducted a closed meeting at 7:50 p.m. in accordance with General Provisions Article, § 3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioners Fox and Ryan both voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Administrator, Denise Breder, the Planning Director, Mary Ann Skilling and Clerk, Tara Dvorak attended the entire closed session. During the meeting, the Board members discussed the possible purchase of a piece of property and they directed staff to have a preliminary meeting with the property owner about the property in question. The meeting was adjourned at 8:14 p.m.

**Statement Regarding November 3, 2015 Closed Meeting for Inclusion in Minutes of
December 1, 2015 Town Meeting**

On November 3, 2015, the Commissioners of Perryville conducted a closed meeting at 8:15 p.m. in accordance with General Provisions Article, § 3-305(b)(1)(3)(7) 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, to consider the acquisition of real property for a public purpose and matters directly related thereto, and to consult with counsel to obtain legal advice on a legal matter. Commissioners Brown (via remote participation), Fox, Linkey and Ryan all voted in favor of conducting the closed meeting by a roll-call vote. In addition to the Commissioners, the Town Attorney, Frederick Sussman, Esq., and the Town Administrator, Denise Breder, attended the entire closed session. The Planning Director, Mary Ann Skilling and the Town Clerk, Jackie Sample attended the initial portion of the meeting and left at 8:45 pm. During the meeting, the Board members received staff recommendation and legal advice related to a proposed property purchase. The Board agreed, with conditions, to pursue the purchase of a piece of property in town. The Board discussed a personnel issue with the Town Administrator regarding the appointment to fill a vacancy of a key position within the town organization. Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to end the closed session. A roll-call vote was taken, all were in favor, and the closed meeting was adjourned at 9:10 p.m.