

**Town of Perryville
Town Meeting Minutes
February 2, 2016**

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

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the February 2, 2016 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 December 15, 2015 Work Session Minutes, The December 15, 2015 Closed Work Session Minutes, the January 5, 2016 Town Meeting Minutes and January 5, 2016 Closed Session Minutes, the Girls on the Run of Harford and Cecil Counties, and the Perryville Little League Request which are all requiring no further discussion and are considered for unanimous consent.

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

Mayor's Report -

Mayor Eberhardt reported that we had a record breaking snow storm 10 days ago and we held a meeting prior to the event with department heads in preparation of the storm, as well as worked with the Fire Company. The DPW staff work tirelessly to clear out the snow that accumulated and went back days after the event to continue clearing pathways and there were no break down or injuries reported. Mayor Eberhardt stated that several years ago the MD Transportation Authority proposed going to all electronic tolling on the Hatem Bridge. One of our former Delegates led the charge to oppose that proposition. A study was done by the MD Transportation Authority in response to the opposition and they have just issued their study of the electronic tolling. There is still a lot for them to do, and the study summarized some options that the MD Transportation

Authority are proposing. One is pre-registering your vehicle but don't pay and the machine would take a picture of your vehicle and run the tag number to get your address and they will send you a bill. There would also be an option of pre-registered and pre-paid vehicles similar to what we do with the EZ Pass. MD Transportation Authority stated that they would not implement anything until their new generation EZ Pass is available, which will not happen before 2019. Mayor Eberhardt indicated that we would make this report available at Town Hall if anyone was interested in reviewing it. The Mayor also commended our new Chief of Police for his new policy that he implemented regarding use of force.

Commissioners' Reports -

Commissioner Linkey's Report -

Commissioner Linkey reported that she attended the meetings as scheduled. The DPW report will be available in the minutes. Commissioner Linkey commended the DPW staff as well for the snow clearing despite some resident opposition to them doing their job.

Commissioner Fox's Report -

Commissioner Fox reported that he attended the Fire Company Awards Banquet on the 9th of January. Commissioner Fox and Amanda Hickman attended an "I Love Cecil Kickoff" with the Cecil County Chamber of Commerce which is an effort for Municipalities and other Civic organizations involved in unifying to get the whole County recognized for what it has to offer. He has stickers for the board members for their vehicles which say I ♥ Cecil. He thanked the personnel who worked so hard in the snowstorm. Commissioner Fox reported that Zebra Mussels are on the rise again in this area which can eventually create problems for the Water Plant and staff have been staying on top of it. The water and wastewater reports will be on the town's website for those that may want to review them.

Mayor Eberhardt stated that he had sent out a message to Delmarva Power Company on behalf of the community thanking them for trimming a lot of the trees that could have caused power outages during the storm but did not.

Commissioner Ryan's Report –

Commissioner Ryan reported that he also attended the regular monthly meetings, along with the Fire Company banquet. The Planning and Zoning meeting was cancelled due to the snowstorm. Commissioner Ryan reported stats for the Perryville Fire Company for the month of January of 2016, there were 54 calls, with 5 being on Interstate 95, average response time of 4.5 minutes, average personal per call 12.3, with 5.7 per each individual scene. We averaged about 11 members each at the Station during the snowstorm from Friday starting at 4 p.m. until Sunday night at 8 pm. He also wanted

to thank the Town employees for the work they did during the storm and in keeping the road clear for them to get out of the station. We had no break downs or injuries during the event. We have already been advised to start getting our reimbursement paperwork together for our expenses during the snow event. He also thanked the residents; some of them were out cleaning fire hydrants which was great to know.

Mayor Eberhardt announced that Commissioner Ryan is now the Chief of the Perryville Fire Company.

Town Administrator Report -

Ms. Breder also thanked the Public Works Department along with the Police Department and Water and Wastewater Plant staff for their assistance during the snowstorm. A letter went out to Atlantic Broadband in regard to the Cable Franchise Agreement, which included trying to get them to open up an office here. We had a regional Greenway Committee Meeting here where we got information from Exelon regarding the re-licensing of the Conowingo Dam, one of the big impacts that we have from the dam is the debris that comes down when they open their spill gates. Exelon had asked in the re-licensing of Holtwood Dam for them to start removing the debris so that it does not even get down to Conowingo then to us. They are continuing to remove 600 tons of log and debris a year from the Conowingo Dam and plenty still makes it to us.

Mayor Eberhardt noted that there has been no update regarding the MARC Maintenance and Layover Facility.

Commissioner Linkey wanted to let everyone know that Riversweep will be taking place on April 23rd this year.

Mayor Eberhardt stated that he would like to get some feedback regarding the volunteer committee efforts.

Treasurer's Report

Ms. Deaner stated that her report will be on-line and she gave the dates and times for the upcoming Budget Work Sessions. They start at 6:30 p.m., the first one is Tuesday March 22nd, the second one is Thursday March 24, the third one is Thursday April 7th, the fourth one is Thursday April 14 and the Budget Hearing is Tuesday April 26.

Police Report – Chief Miller

Chief Miller wanted to thank the MD Transportation Authority for their assistance during the storm and throughout the year. Chief Miller along with Ms. Breder met with the police staff on January 13. Chief Miller met with Mr. Richardson to discuss the Cody Richardson 5K event. He commended the officers for their attendance during the storm and had no accidents to report. He did bring up an issue that took place at Beacon Point

on the 24th regarding residents forming a human chain across the roadway and becoming verbally aggressive toward the town workers who were trying to plow the snow, the staff contacted police officers who responded and the crowd had dispersed. The next day the officer took it upon himself to follow our DPW workers and it was without incident. He has a two page write up from one of the DPW managers about some of the other issues that occurred in some other areas during the storm, mostly with vehicles parking in the roadway preventing DPW from doing their plowing. He wants the residents to be aware that it is a chargeable offense; that they could be charged with disorderly conduct for stopping those employees from doing their job.

Commissioner Linkey stated that she had gotten that report about the incident from DPW as well as our snow contractor; she believes we plan on having meetings with the HOA to discuss some of the incidents that came up.

Ms. Breder replied that we are in the process of scheduling this meeting.

Chief Miller stated that they are still looking into e-tickets for our officers to use. They currently have three personnel in first line supervisor school. The use of force policy was updated. He recently attended a meeting with the Drug Task Force along with the Mayor. NARCAN is used in the event of an overdose of an opiate and it can save lives. The Perryville Police Department officers currently carry the kits.

Mayor Eberhardt stated that there was notification that there are Federal Grant opportunities available for NARCAN to be used in High Schools. Currently they are in the High Schools now, but are just in the hands of the resource officer not the school nurse.

Chief Miller noted that one of his concerns was the liability and he was told that if the NARCAN was administered and the recipient was found to not be under the influence there would be no side effects.

Commissioner Ryan confirmed that if there are no opiates in their system the NARCAN has no effect on their body.

Mayor Eberhardt stated that another item that came up at that meeting was that the Cecil County's Sheriff Department wanted to put up signs, similar to the one that is next to the Hatem Administrative building which has drunk driving info. They are looking at a program to specifically identify driving under the influence of drugs.

Chief Miller noted that the Police Department is also updating the equipment that is in their police vehicles.

Outreach Report -

The overall attendance for the month of January for the Outreach Program was 100, with 1 new referral and one new member. The Outreach members participated in science experiments, cooking experiments, and Jeopardy, along with other educational activities. Carson Debonis has resigned from her position due to a scheduling conflict. The Outreach Program participated in OP clean up as well as other usual monthly activities.

Mayor Eberhardt reported that he recently received a call from the Boys and Girls Club who were primarily concerned with the Charlestown Boys and Girls Club. They currently have 25 members and 20 of them are Perryville students that are temporarily going to Charlestown Elementary School because of the renovation to Perryville Elementary School, so they wanted to know what is available for them here.

The Planning and Zoning report will be available on - line.

From the Floor

Ray Giuliano, who resides at 761 Concord Point Drive, stated that he was not part of the human chain that was interrupting snow removal services. He brought up concerns he had with the way that the snow was collected from Thomas Point Way and his road and was piled in a specific area along the sidewalk and in his yard and up against his fence. He is concerned of the potential flooding to that side of his house that could occur along with possible fence damage, plus you can see holes that occur in the sidewalk once it starts melting because of the salt mixture mixed in with the large pile of snow. They also had to dig out vehicles that were parked along the road only to be plowed back in again. He has not gotten any resolution to the issue which is why he is discussing it tonight, to see if anything can be done about it, he feels there had to be other areas that it could have been dumped.

Mayor Eberhardt asked what the alternative would be for up there, to which Mr. Giuliano replied that he was not sure it was a lot of snow, maybe in the common area or the pond down the road. He also reminded him that Ms. Breder stated earlier that we do plan to have a meeting with the HOA, which would be an open meeting.

Commissioner Ryan suggested possibly setting up meetings with some of the other developments or areas when we schedule to meet with the Beacon Point HOA to possibly come up with some pre-planning idea if this was to happen again to identify some open spots that we can reasonably move snow to.

Mayor Eberhardt also was told by the DPW staff that a lot of people in Beacon Point, especially in the lower part of the community, parked their vehicles along the road instead of their driveways so that they could snow blow their driveways easier, which also makes plowing more difficult.

Mr. Giuliano presented pictures showing how the snow was piled in the area that he had been describing.

The staff will discuss the possibility of other options of snow removal storage areas after meeting with the various HOA's and others involved.

Anthony Gerst, who resides at 328 Broad Street, inquired what the remote participation request meant at the beginning of the agenda.

Mayor Eberhardt responded that it gives a board member the option of requesting to call in to participate in a meeting remotely if they are unable to attend.

Mr. Gerst referenced the Charter Amendment that was on the agenda tonight for consideration which would prevent write-in-votes at the Town Elections, he feels that it should be left alone.

Old Business

Charter Amendment Resolution 2016-01

Commissioner Linkey commented that the write-in-voting has been something that has been discussed on and off for quite some time and she believes that Port Deposit is looking into some of these issues as well.

Charter Amendment Resolution 2016-01 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.

Discussion ensued regarding other options discussed at previous meetings for filing for office as a write-in-candidate at the last minute as done in the General Elections to be shown on the ballot.

Mayor Eberhardt noted that what is before us tonight is to vote to approve the Charter Amendment or not and if approved then move to introduce an Ordinance to implement that Charter.

Commissioner Fox commented that he still believes as previously stated in other meetings that he believes that it is our fundamental right to cast a write-in-vote if we choose to. Commissioner Fox read a couple of paragraphs from information that Mr. Meck had provided at a previous meeting in regards to write-in-voting and his statements on the reasoning for keeping that provision in the Charter.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to approve Charter Amendment Resolution 2016-01. Discussion Ensued. Commissioner Linkey stated her reasoning for her vote was to be able to see all of the options available

if someone was to decide to be a write-in and file at the last minute which would otherwise not be known and limits the choices that a voter would have. Motion Carried forward. **2 in favor, 2 nay**, (Commissioner Fox and Mayor Eberhardt). **Motion dies for lack of majority vote.**

New Business

Wastewater Staffing Request

Ms. Breder commented that this request for additional staffing was discussed at the Work Session. Currently there is a Superintendent of both the Water and Wastewater Plant, three employees at the Water Plant, three employees at the Wastewater Plant and we hired a temporary person for Wastewater only because we were short-handed there. The Superintendent is asking to make the temporary employee a full time permanent employee and have him cross train with the other operators to be able to work across both plants. A staffing study was done by the Maryland Center for Environmental Training which was free to the town and it more than supported what he requested. They actually called for more staff than what he is requesting.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to make the temporary wastewater position permanent. **All in Favor: Motion Carried.**

Budget Amendment Ordinance 2016-01 – Introduction

Ms. Deaner summarize Budget Amendment Ordinance 2016-01; it is recognizing funds in reserve for electricity at the park to purchase solar panels to be used at the park in the amount of \$130,000 and also recognizing funds received from LSHG for trail markers in the amount of \$1,500.

Ordinance 2016-02 was removed from the agenda as a result of not passing the Charter Amendment.

Elm Street Project Bids

Ralph Ryan, the Town Engineer, summarized the three bids that came in. All of the bids were qualified bidders and Meadows Construction Incorporated was the low bidder. The other two bids were Dix Hollow Construction, Inc. and Sam's Construction LLC. Staff is recommending the low bidder who is Meadows Construction.

Ms. Breder asked for a contingency request of 15% in the event of a change order so that we do not have to keep coming back before the board.

Mayor Eberhardt inquired where we were on the budget for that, Ms. Deaner commented that we have the majority of it but we may have to pull some out of the reserve.

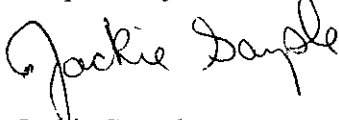
Ms. Breder responded that her understanding is that this will go across two budget years.

Mayor Eberhardt feels that 10% contingency should be sufficient.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to accept Meadows Construction bid for the Elm Street project with a 10% contingency added. **All in Favor: Motion Carried.**

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to adjourn the Town Meeting at 8:12 p.m. and after a five minute break to go into a closed session 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. **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
Town Clerk

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

Location: Town Hall Date: 2/2/16 Time: 8:12 PM
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 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):

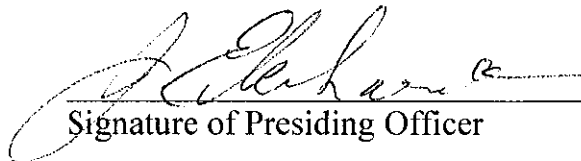
- ☐ (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific 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:

For 3 & 7 Continued discussion of purchase of property. No decisions made.

For 4 Discussion of changes to a local business and the related potential impacts on the community. (NOTE: This topic was a last-minute addition).


Signature of Presiding Officer

**Statement Regarding December 15, 2015 Closed Meeting for Inclusion in Minutes of
February 2, 2016 Town Meeting**

On December 15, 2015, the Mayor and Commissioners of Perryville conducted a closed meeting at 7:21 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. 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, Planning Director, Mary Ann Skilling and Office Clerk, Tara Dvorak attended the entire closed session. During the meeting, the Board members discussed the possible purchase of a piece of property in town with no final determination being made regarding the purchase. The meeting was adjourned at 7:55 p.m.

**Statement Regarding January 5, 2016 Closed Meeting for Inclusion in Minutes of
February 2, 2016 Town Meeting**

On January 5, 2016, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:07 p.m. in accordance with General Provisions Article, § 3-305(b)(3) & (7) 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. Mayor Eberhardt, Commissioners Fox, Linkey and Ryan all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Attorney, Frederick C. Sussman, Esq., the Town Administrator, Denise Breder, the Town Planning Director, Mary Ann Skilling, and the Town Clerk, Jackie Sample attended the entire closed session. During the meeting, there was continued discussion by the Board regarding the purchase of real property in Perryville. The Board took no actions during the meeting. The meeting was adjourned at 8:16 p.m.