

**Town of Perryville
Town Meeting Minutes
January 5, 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 Linkey and seconded by Commissioner Fox to approve the January 5, 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 November 17, 2015 Work Session Minutes, The November 17, 2015 Closed Work Session Minutes, the December 1, 2015 Town Meeting Minutes and December 1, 2015 Closed Session Minutes, the Cody Richardson Memorial Scholarship Relentless 5K Run, and the Board of Appeals Appointment which are all requiring no further discussion and are considered for unanimous consent.

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

Mayor's Report -

Mayor Eberhardt thanked those that participated in the holiday activities, especially those who participated in the Tree Lighting Ceremony, which included the Perryville Middle and High School Choirs, Perryville Fire Company apparatus and Harold Riale, The New Victory Church, donation for refreshments from the Perryville Sports Bar, and some of the Town Hall staff. He also thanked those who participated in the house decorating contest this year, with the three winners being posted on our website, Walt Herpick on Roundhouse Drive was the first place winner. We said goodbye to Chief Wernz on the 16th of last month and welcomed Chief Miller. On the 17th Mayor Eberhardt and Commissioner Linkey attended the MML District 10 Quarterly Meeting where we received information that the State Highway Administration would be

paving the portion of Route 40 from Northeast to Perryville, but at this time they do not have money for the design of the sidewalk on 222 but are pursuing that. We met with the VA on the 21st.

Mayor Eberhardt performed the swearing in ceremony for the newest Police Officer, Lauren Daugherty, who completed her training at the Baltimore County Police Academy. Her father, Robert Nixon, who was at one time the Chief of Police at Chesapeake City, was present to pin her with her new badge.

Commissioners' Reports -

Commissioner Fox's Report –

Commissioner Fox reported that he along with the Town Administrator held a meeting with the staff at the Water and Wastewater Plant to discuss any operational issues that there may be and also met with the Superintendent of both plants. Commissioner Fox attended the employee Christmas Party on the 11th, the tree lighting on the 12th, and the VA meeting at Town Hall on the 21st. On the 28th of the month he and Cathy McCardell celebrity bartended at the Perryville Sports Bar and were given a percentage by working two hours, making \$75, which was donated to the Outreach Program.

Commissioner Ryan's Report –

Commissioner Ryan reported that we did not hold a Planning and Zoning meeting last month. Commissioner Ryan commented that the January Planning and Zoning Meeting will be backed up to the 4th Monday because of the holiday falling on the 3rd Monday. He also wanted to once again start reporting on the Fire Company stats. For December of 2015, he reported 33 calls, with 5 being on Interstate 95, average response time of 5.2 minutes, average personnel per call 12.9, with 5.7 per each individual scene. For the calendar year of 2015 the average response time was 5.1 minutes, with average personnel per call 11.5, the average firefighters on the scene was 6.0, the average time spent on the scene was 41.4 minutes, with average man hours of 3,161 for the year and use of approximately 7,950 gallons of water and estimated property loss of \$182,500 out of an estimated value of \$280,000.

Commissioner Linkey's Report -

Commissioner Linkey reported that she attended the meetings as scheduled in December as well as the MML quarterly meeting. Public Works continues to perform the daily operations and are now doing some on-line training. The department is currently still one person short and plan to advertise for that position in the spring.

Town Administrator Report -

The budget process for fiscal year 2017 is scheduled to begin in February and we hope to have the budget adopted at the May Town meeting. We have had a couple of meetings discussing the cable franchise agreement. A 'Term Sheet' is going out to Atlantic Broadband and one of the items on there is for Atlantic Broadband to have an office here at Town Hall, originally slated for two days a week from 8am-5pm, now it has been switched, to one day a week (tentatively Monday), from 8 am-5pm and the first Saturday of the month from 8 am-noon. Currently there is a parks department position open and it is being advertised in house, if nobody applies for it in house then it will be advertised outside. We received an update from the VA that on November 10 the U.S. Department of Housing and Urban Development announced the award of nearly \$12 million to 79 public housing agencies across the country to provide a permanent home to veterans experiencing homelessness. This award includes 75 project-based HUD-VASH vouchers for the MD Department of Housing & Community Development to support the housing in the Village Area at Perry Point. HELP USA is the nonprofit organization that will be developing and running the housing for formerly homeless Veterans at Perry Point and are still working on their financing for the project. The town will be participating in the monthly VSO meetings and are working to set up regularly scheduled meetings between Perry Point staff and Town Management. The rest of the report is on line if anyone would like to see it. Ms. Breder announced that Christmas Tree pickup will be on January 16.

Mayor Eberhardt also announced that as of January 1st there are also new rules regarding recyclable pick up and what the landfill will take; we have put this new information on the town's website.

Treasurer's Report –

Ms. Breder reported on portions of the Treasurer's report, the slot revenue for the month of October was received December 4th in the amount of \$101,247.52 and we are anticipating \$96,448.78 for November's slot revenue.

Police Report – Chief Miller

Chief Miller thanked the Mayor and Commissioners for the opportunity to serve the citizens of the Town of Perryville. ~~Chief Miller reported that he attended many~~ meetings in December including meetings with most of the Judges in Cecil County and most of the State's Attorneys and all of the Police Commanders along with 1st Sergeant Perez who is here tonight from the Hatem Bridge and expressed interest in working together with us. We have completed training on the CAD/RMS, and have finished our update with the MD State Police on our National Crime Records and we are in compliance. He also met with someone last month to discuss e-tickets. We have finally gotten a new sign for the Police Building. Five officers participated in the shop with a cop event at the Northeast Walmart. Chief Miller also met with the Mayor and town

personnel to discuss the VA truck route. He met with Manns Woodward to discuss the new police building. He also had a meeting with the Town Administrator to discuss his new responsibilities and also spoke with a representative from the Singer Group.

Outreach Report –

The overall monthly attendance for the month was 151 with 1 new member. This past month the Outreach participants did plenty of activities including a science experiment in chemistry to see different chemical and physical reactions. They did a trivia in history and had a drama night where plays and improv were performed along with making light bulb ornaments. They made sugar cookies for the staff at the Police Department. Plus some members went on a fun physical education field trip to Launch Trampoline Park to work on cardio and other fitness activities. The Outreach Program was in partnership with the Marine Corp and the Police Department in the Toys for Tots drive in the month of December; we had twenty four families sign up and had an overwhelming amount of support in donations. We also gave out hams to the families who were part of the Toys for Tots.

Planning and Zoning Report - Mary Ann Skilling

Ms. Skilling commented that her full report will be on line as well. Frenchman Land Company is finishing up their stormwater management and grading that has to be done by a certain time frame or they will have to start the process over again. We are still working with Dollar General who is looking to cut down to two lots instead of three and is still looking to move forward with the potential site. Amanda Hickman is looking to set up a committee for the Green Team along with attempting to get participation from people in town for some of our other committees. She is also working on getting more vendors for the Farmer's Market which will be getting ready to kick off again soon. She is also looking into some grant opportunities for signage for some of our existing trails in town.

Mayor Eberhardt inquired if he needs to sign a letter to SHA regarding the plat for Firestone Road (IKEA Way).

Ms. Skilling replied that she was thinking that is what we will have to do since we have no documentation that it has been turned over to anyone else and that SHA still owns it.

Mayor Eberhardt inquired if she anticipated any issues with having to move the band shell over 10 feet, due to the debris that they ran into after they started digging into the ground, when she plans to meet with Cecil County regarding the Lower Ferry park project.

Ms. Skilling responded that she does not anticipate any issues; they plan to do ground monitoring and are not planning on changing the impervious area. The bandshell

is being moved slightly toward Roundhouse Drive and she is meeting with Cecil County because there were some other changes.

From the Floor

Anthony Gerst, who resides at 328 Broad Street, inquired what is actually going on at the property next to the Fire Company.

Ms. Skilling responded that initially it is going to be a warehouse and then potentially an office building at a later time.

Mr. Gerst stated that the Dollar General project seems to have been talked about for several years with no progress.

Ms. Skilling commented that Dollar General had been looking for a site for some time and chose that site. There is stormwater management and subdivision things that have to be addressed for the development to happen.

Mr. Gerst also inquired about the Lower Ferry Park project and when the band stand came into the plan. Ms. Skilling responded it has always been a part of the plan.

Old Business

Ordinance 2015-17 Truck Travel Limitations

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve Ordinance 2015-17 Truck Travel Limitations. **All in Favor: Motion Carried.**

New Business

Minor Subdivision Request 615 Aiken Avenue

A request was made by Mr. Ard to subdivide his property located on Aiken Avenue so that Mrs. Terborg at 626 Honicker Street can purchase a part of his property to use for a garden and requests a waiver of the subdivision fee.

Ms. Breder commented that one of the recommendations made by staff was to only charge them any costs that the town would incur for the process.

Commissioner Linkey inquired if we had any idea what that charge would be, to which Ms. Skilling replied probably not more than \$250 dollars.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to waive the subdivision fee for the minor subdivision request for 615 Aiken Avenue but to

require any processing fee incurred by the town be collected. **All in Favor: Motion Carried.**

Lease Agreement

A lease agreement between Rendezvous Bros. Real Estate II LLC and the Town of Perryville was presented for consideration for the town to lease a piece of property on Front Street of unimproved .45 acres for a staging area and for the storage of equipment and materials if needed, in connection with the Town's Elm Street and Lower Ferry Park and Police Station construction projects.

Ms. Breder wanted to add that the payment amount would be \$1,000 a month and the payment terms would be that it would be paid monthly.

Mayor Eberhardt emphasized that this would only be executed if needed.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the agreement with the Town of Perryville and Rendezvous Brothers Real Estate to use their parking lot if needed for our construction projects staging area and allow the Town Administrator to execute the agreement if needed at \$1,000 per month rental. **All in Favor: Motion Carried.**

Amendment to Shops at Perryville Lease

Request was made to extend and amend the agreement between the Town of Perryville and the Shops at Perryville, LLC, retroactively from October 20, 2015 for the five year extension period provided in the agreement and ending October 19, 2020. Paragraph 5 of the agreement would be amended so that no rent will be due and payable by Lessee to the town during the five year extension term.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to approve the extension and amendment of the lease agreement with Shops at Perryville as set forth in the document. **All in Favor: Motion Carried.**

Public Works Agreement for Frenchman Land Company

A Public Works Agreement was presented for consideration with Frenchman Land Company and the Town of Perryville. Ms. Skilling recommended that the agreement be approved once seven conditions are met which are also part of the Public Works Agreement, which she provided in a separate document.

Discussion Ensued.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the Public Works Agreement with Frenchman Land Company giving the Mayor

permission to sign the agreement once the seven conditions listed by Mary Ann are met to the satisfaction of the Mayor and Mary Ann. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to adjourn the Town Meeting at 8:02 p.m. to 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,

A handwritten signature in dark 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: 1/5/16 Time: 8:02 p.m.
Motion By: Comm. Linkey Seconded By: Comm. 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;

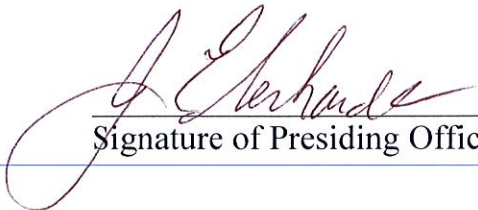
☐ (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;

☐ (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:

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 November 17, 2015 Closed Meeting for Inclusion in Minutes of
January 5, 2016 Town Meeting**

On November 17, 2015, the Commissioners of Perryville conducted a closed meeting at 8:30 p.m. in accordance with General Provisions Article, § 3-305(b)(1)(3) 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, and 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 attended the entire closed session. Mary Ann Skilling, Planning Director, and Tara Dvorak, Clerk, attended the first part of the meeting and left at 9:12 p.m. During the meeting, the Board members discussed three personnel issues, including a performance issue related to a project, a request from an employee to use (earned) leave prior to completing six months of service with the town, and a repayment plan for an employee that had taken an advance on (un-earned) leave. No action was taken on the first employee related issue, but the Board did approve the use of earned leave and a payment plan for the advanced leave. The Board also discussed the possible purchase of a piece of property in town with no decisions made on the purchase, but directed staff to continue with the adjacent park project by redesign if needed. The meeting was adjourned at 9:30 p.m.

**Statement Regarding December 1, 2015 Closed Meeting for Inclusion in Minutes of
January 5, 2016 Town Meeting**

On December 1, 2015, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:58 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 Administrator, Denise Breder, Planning Director, Mary Ann Skilling and Town Clerk, Jackie Sample attended the entire closed session. During the meeting, the Board consulted with legal counsel with respect to the purchase of and sale of real property by a municipality in Maryland. Additionally, the Board members discussed the possible purchase of a two pieces of real property in town. With respect to one of the properties the Board decided to reject the offer to purchase the property. With respect to a second property no final determination was made regarding the possible purchase. The meeting was adjourned at 9:13 p.m.
