

**Town of Perryville  
Town Meeting Minutes  
July 6, 2017**

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

Absent: Commissioner Linkey

**The Town of Perryville meeting was called to order at 7:01 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 Ryan 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 May 16, 2017 Work Session Minutes, the May 16, 2017 Special Meeting Minutes, and the June 6, 2017 Town Meeting Minutes.

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

**Mayor's Report**

Mayor Eberhardt reported that he attended the Boy Scout Award Ceremony on June 8. The same day he attended a presentation by the Perryville Middle School Environmental Club who are doing stream studies in the area. On the 15<sup>th</sup> he attended the volunteer dinner along with the other Commissioners. He also attended the MD Municipal League Convention along with the other Commissioners. Mayor Eberhardt along with the Police Chief attended a Ceremony at the American Legion to dedicate the Route 222 bridge over I-95 on behalf of a marine who had fallen in Iraq. The Triathlon will be held on Saturday from 8-12. On Monday, a representative from the Department of Natural Resources will be coming to visit the site at Ice House Park where we have put in a request for it to be a License - Free Fishing Zone. We are in competition with some other Municipalities for this designation which we have been after for many years now.

**Commissioners' Reports -**

**Commissioner Ashby's Report –**

Commissioner Ashby reported that he along with Billy, our Economic Development person, attended a meeting with Subway representatives. He attended the concert at the Lower Ferry Park which went very well. He had met with Mr. Herpick, whose house is located next to the park several times, before, during, and after the concert and he seemed to be pleased with how everything went. He spoke with Mike McGuirk regarding the roadwork on Charles Street, Maryland Avenue and Rodgers Tavern. He wanted to acknowledge Shirley and Kelli in Finance for stepping up while we were looking for a new Finance Director.

**Commissioner Ryan's Report -**

Commissioner Ryan reported that he attended the various regularly scheduled meetings last month and he attended the MML Convention where he attended an Emergency Preparedness Class.

**Commissioner Reich's Report -**

Commissioner Reich reported that the Wastewater Plant was in full compliance with the NPDES Discharge Permit for the month of May and June. Jeff Morton and Jeremy Cregar attended the AWWA annual one week short wastewater course held in June. Jeremy Cregar took the MDE Class 5 and Class A wastewater operator exam.

The Annual Drinking Water Consumer Confidence Report was distributed with good news, and the Water Treatment Plant was in compliance for the month of June. Larry Frazier, Mike Hamilton, and Justin Fain are continuing with the Wastewater II Training Course.

Commissioner Reich also attended the MML Convention and met with the MD Secretary of the Environment for the State during that convention where stormwater management was discussed along with Perryville being placed on the MS4 Tier II listing. Possible Grant opportunities were discussed and we were told that they would probably not be going out until March of next year, they said they would email him some follow up information which he received by email a few days later.

Commissioner Reich attended the volunteer dinner that was held last month. He contacted a person who does boating trips for our Outreach members at no charge.

Ms. Breder commented that town staff has been trying to stay on top of the MS4 requirements for the stormwater management and the Town joined an organization which assists in advocating for the Municipalities and the Counties regarding the potential new requirements.

Mayor Eberhardt wanted to thank the VA for allowing people to watch the fireworks from the VA property.

**VA Update - Adam Letke**

Mr. Letke answered a question that Commissioner Linkey had at the last meeting on the time frame for the Water Treatment Plant completion, he stated that it would be 18 months. They are still working on the design review to reduce costs for the C.L.C. project and are scheduled to have a value management session next week. The EUL project is underway and some houses are starting to come down.

**Town Administrator Report - Denise Breder**

Ms. Breder commented that considering the recent tragedy at the pier where a young man lost his life some signage was added to our existing signage and the floating dock is open for boaters only and personal floating devices are required to be worn on the dock. Commissioner Reich had mentioned that we are going to be doing some Water Safety Training for our Outreach members. On June 16 she met with Ms. Laubach to go over the renewal of the property and liability insurance through LGIT. There was a meeting regarding the Susquehanna River Rail Bridge Project on June 23. One of the biggest news that came from the meeting is that the underpass from Front Street will be permanently closed, the underpass next to the train station will remain open. Truck traffic entering and leaving Amtrak will be re-routed to use the Perry Point main entrance to a new road that goes around the Amtrak electric substation and connects back into the existing Amtrak truck entrance. For 2 to 3 years during construction traffic will be one-lane going in and out of the Broad Street entrance of Perry Point. We are currently trying to work with them to see if we can use some town property to keep it 2 lanes, but it could be a bit of a traffic problem during construction.

Mayor Eberhardt mentioned that there has been discussion on putting a group together, such as the Fire Rescue, the Natural Resources Police and our Police regarding the operation of the pier and who would be in charge of putting this group together.

Ms. Breder commented that she discussed this with Chief Miller and he probably has the best contacts for putting this together and it will include town staff as well.

Commissioner Ashby would like to see something done to help the traffic with the traffic flow during the Amtrak project, he feels it will be detrimental to Box Car's business.

Mayor Eberhardt commented that Rustic Court is requesting additional outside lighting, his understanding is that they would pay for the installation of the lights.

Ms. Breder commented that they already have lighting in their community that was in their original design plan but representatives from the HOA feel it is not sufficient

and would like to add some additional lighting. A walk through was done to come up with any actions that they can do on their end to improve the lighting. Trees that were growing around some of the lighting can be trimmed. Our staff has been working with them to explore potential Solar Lights, because it could be an additional \$200 a month for the town for the cost of electricity for the amount of lights they were requesting.

Mayor Eberhardt commented that one of the older neighborhoods was requesting additional lighting, feeling that theirs were spread out to far apart. He commented that Delmarva may have a standard on that.

#### **Treasurer's Report - Debra Laubach**

Ms. Laubach reported that they have received the eighth and ninth reimbursement payments for the Police Department. A p.o. has been issued for the tenth installment and check has been cut for the tenth draw which we should receive reimbursement for in a couple of days. We have done a "soft close" for the fiscal year end 2017. We can still record purchase orders, expenditures, and receipts and financial statement adjustments for FY17 through the date of the Auditors report for that year. (Mid-October). In the meantime, we can process FY 2018 transactions. The auditors are coming in for their initial meeting on July 13. Confirmation letters have been sent out to our banks, attorneys, etc. and have been prepared and signed and returned to our auditors for mailing on June 30<sup>th</sup>. The auditors will be back in our offices the week of August 28<sup>th</sup> to obtain any additional information that they need to finalize the audit.

Mayor Eberhardt believes that it is the August week that the auditors usually request to meet with the Mayor, he would like to get that scheduled.

Ms. Laubach stated that we have received April's slot revenue from Cecil County and State of MD in the amount of \$122,648.62. We have since this report also received May's slot revenue in the amount of \$120,000. Life to date (Sept-10 to April 17) slot revenue received is \$9,450,234.44.

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

Chief Miller worked with Amanda to work with our printer to get some contact information printed out for the Police Department officers to put on the doors of area businesses at night that they check on after hours. The stats for the month have went up, attributed to the warm weather. Commissioner Ryan put on a 2-hour training session regarding the recent heroin epidemic and the additional substances being added to it. Chief Miller wanted to commend the officers for their job done during the recent concert. There were two DWI arrests made during the event, one coming from another event. He also wanted to commend the Department of Emergency Services for their command bus, they arrived early and set up next to Rodgers Tavern and provided assistance throughout the day. Some of our officers did get called out to assist with some fights that broke out at Lee's Landing that same day, it was pretty much dispersed by the time they got there.

our new 12-passenger van and cannot thank our Mayor and Commissioners enough for their generosity. We have continued to partner with Restore Church this month to help organize some of the clothes donations for the community, as well as, some of the community service projects that they have. We will be partnering with the Susquehanna Workforce this summer and they are providing jobs at Outreach for 3 of our members. They will start next month and we look forward to the extra help.

Commissioner Reich mentioned that he stopped by the Outreach building and was amazed by the mural that they did, he stated if you have not seen it you should stop by and look at it.

Mayor Eberhardt would like to see official letters of thanks go out to the various organizations and businesses who have supported the Outreach Program who have been mentioned in many of the past reports and others that may not have been mentioned.

### **Planning and Zoning Report**

Ms. Battaglia reported that projects are moving along slowly. Royal Farms is still working on getting their final approval. The owner/developer of the Magraw subdivision is working with Fairgreen for the Dedication Agreement for the road. The developer of the Cedar Corner project is not real optimistic right now for building homes, but is not walking away from the project. Most of the work for the Corporate Boundary Survey has been completed and they are working on finals and there should be a draft map to review shortly. Lower Ferry Park was completed and the only thing left to do is the final asphalt on the road and a few miscellaneous items. Doug Hill and partners have maintained ownership of the Woodlands property, he now lives in Florida, but is still interested in developing the site. There was no Planning and Zoning Meeting in June; two members are needed to replace Pete Reich and James McBreen. We do have someone interested in one of the spots and are waiting to get final paperwork from him to replace one of the members. A meeting is scheduled for July 24, 2017 with the Board of Appeals who are working on a Resolution on the Special Exception approval for the Highway Corridor for Unified Development at 5271 Pulaski Highway which is set to expire August 30<sup>th</sup>. If someone is to come along interested in developing, then we could proceed with what plans were for that property. If not by August 30<sup>th</sup> then the Special Exception for that property will be revoked effective November 24, 2017.

Mayor Eberhardt inquired about the demolition that was proposed for part of the property.

Ms. Battaglia replied that this was part of the Special Exception and will not happen if it expires.

Commissioner Ashby inquired that her report mentioned that Dollar General had expressed interest in Woodlands, he inquired why we are looking at the Woodlands property and not the property that it was originally slated for.

Chief Miller also attended the ceremony for the fallen marine with Mayor Eberhardt. The officers are preparing for the upcoming Triathlon. August 1<sup>st</sup> is National Night Out at the firehouse and we will be working with Billy and/or Amanda on that. Once we are in our permanent location we will be getting a special drop box from the Health Department where unused or expired prescription drugs can be deposited. He recently received special pouches from a pharmaceutical company that can be used to dispose of your unused medications, you rip off the top and put your medication in there and add water and seal it and it can be deposited in the trash can. It neutralizes the drugs that you put in there and is biodegradable, the company sent us 300 packages if anyone is interested in trying some they can stop by our office and get them.

Mayor Eberhardt asked Chief Miller to explain the difference between a robbery, a burglary, and a theft.

Chief Miller gave some examples of the differences. A theft is if someone leaves a wallet on the counter and someone takes your wallet. A burglary is if someone comes into your home or business and vandalizes or steals something from it. A robbery is when a weapon or threat of a weapon was presented during one of these acts. There are also different types of thefts, burglary's, and robberies which carry different penalties.

Commissioner Reich inquired if they have a date scheduled for a tour of the Police Department once it is completed.

Chief Miller was thinking around November, but they do not have a confirmed date yet, and they plan to invite the community on a Saturday and Sunday from 10-2.

### **Outreach Program -**

Danielle, reporting from the Outreach, stated that they had a big month being the first month of summer, the overall monthly attendance was 371 and there were 9 new members.

Deshawn, a member of the Outreach Program, reported on the happenings of the Program for the month of June. He reported that one of their members passed away in a swimming accident and they came together as a family to offer support for their friends and community. Some of the children were taken to the Middle School for grief support and escorted some members to a candlelight vigil in Dylan's honor. We were lucky enough to have Dylan place his hand print in our mural at Outreach. We are continuing our healthy kid's initiative by letting our members participate in Pure Vida's youth fitness class and next month hope to allow some of our members to participate in a week-long Boot Camp summer camp. We started the summer meals program in which the school system provides free lunches to us and we distribute them to our members. We got a little artistic and did a craft in which we made fidget spinners and we made our own corn hole set. We split our members into two age groups and had a water balloon fight in the park, and started our yearly trip to the pool. We have been getting great use out of

Ms. Battaglia responded that Dollar General walked away from the property at the Relax Inn. In conversations with Doug Hill, he had mentioned that Dollar General had approached him for taking a portion of his property and that Mr. Patel at the Relax Inn was aware of that, according to Mr. Hill. There has been nothing presented to her at this point this was just conversation. The MD Department of Commerce accepted the application to expand the Enterprise Zone to include the Perryville Outlets. Research and notification was mailed to rescind zoning approval on a business in the Neighborhood Business vicinity which closed on June 30<sup>th</sup>.

### **From the Floor**

Mr. Letke inquired what the route is for the upcoming Triathlon, if it interfaces with the VA at all.

Mayor Eberhardt said that it does it comes right out the main gate.

Ms. Breder commented that we do have a permit with the VA.

### **Old Business**

**CC LIP Rippers Request** – Greg Waters asked for consideration of a request for a non-profit group that promotes youth fishing to hold a fishing tournament at the Perryville Park for ages 4-12 at the Perryville Park on August 26. Their event relies on the generosity of businesses and they are asking for consideration of a donation to their cause. They are requesting donation of the following: Use of the Town park pavilions, coverage under the towns insurance the day of the event, advertisement of the event on the Town's website and billboard, Visa gift cards (or Walmart) in the amounts of, one at \$100 for biggest overall fish, three at \$75 for 1<sup>st</sup> prize, 3 at \$50 for 2<sup>nd</sup> place, and 3 at \$25 for 3<sup>rd</sup> place prizes for a total of \$550.

Mayor Eberhardt inquired about the insurance coverage that they are requesting from the town.

Ms. Breder commented that LGIT offers insurance policies for the town for various events that are sponsored for the town and it is not uncommon for us to be covered when partnering with other organizations for events. She believes that there will be waiver forms as part of this and the Town will be held harmless on that form and we can certainly provide the language to include on that form.

Ms. Breder inquired if they have pinned down what the other sponsors are providing.

Mr. Waters responded that so far, he has been offered 300 hamburgers from a local distributor, waters from Redners, and \$100 towards bait and tackle and is continuing to work on getting other donations.

**Motion** was made by Commissioner Reich and seconded by Commissioner Ashby to approve the requested donations for the CC LIP Rippers fishing tournament event. **All in Favor: Motion Carried.**

### **New Business**

#### **Ordinance 2017-12 Boat Slip Rentals**

Mayor Eberhardt introduced Ordinance 2017-12 regarding boat slip rentals.

Ms. Breder summarized the Ordinance which was for the purpose of authorizing the licensing of the use of boat slips at Lower Ferry Pier under certain terms and conditions; specifying a fee for the use of such boat slips; and generally related to boat slips at Lower Ferry Pier, by repealing and reenacting with amendments, Chapter 61 Parks and Playgrounds, Section 61-24.B. Code of the Town of Perryville.

**Façade Grant Application Recommendations** - Ms. Hickman summarized recommendations made by the Grant Application Committee for applicants applying for grant funding from the Community Legacy Grant for a total of \$50,000. Some of the amounts that were recommended have been adjusted based on comments at the Work Session. The first recommendation is for the American Legion in the amount of \$10,000 to replace their concrete window sills, the second is for Arrowhead Properties which was for \$3,900 to install new siding to areas of the building that are currently missing and repair steps to the rear of the building, Chesapeake Feline in the amount of \$10,000, BLT Investments in the amount of \$6,500 for sign replacement.

Mayor Eberhardt assumes that any sign replacement would need to come before Planning and Zoning.

Ms. Hickman commented that it would, they had come by and dropped off items for the revitalization yesterday and gave a better priority list, the sign is something that we really want to see done. His top priority is completing the work from the past from the revitalization project, the siding on the back of the building on the other side is still the old yellow and he prefers to see the rest of that work done, then the roof and the stone around the building and the sign being the last thing. Ms. Hickman told him she prefers to have a definitive item for them to work on instead of them working off of a list anymore.

Mayor Eberhardt believes that the sign is clearly a priority.

Commissioner Reich commented that since it is only one building they should only have one sign.

Commissioner Ryan concurs that the sign should be the priority.



Ms. Hickman stated that Riverside Center Clock Tower amount recommended is \$6,500 for repair to the exterior insulation and finish system, and she has spoken with the owners and they do plan to complete the outstanding other project which was the gutters and outside plantings and know that they will not get this until that is completed. The next one is 342 Front Street in the amount of \$3,620.00 for shingle replacement, 2 window replacements and chimney repair, the next one is for 536 Aiken Avenue in the amount of \$6,680 for front porch repair, 530 Aiken Avenue was for \$3,692.00 for the replacement of 3 exterior doors.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to approve the recommendations for the Façade Grants with the stipulations for the sign priority at Lindy's and the other for the EISS for Riverside Center. **All in Favor: Motion Carried.**

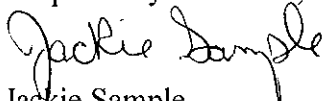
**Memorandum of Understanding for Animal Control Services** - Consideration of an agreement with Cecil County to provide animal control services to the Town of Perryville for the period of July 1, 2017-June 30, 2018, with an automatic one-year renewal after the first year.

Mr. Sussman noted that there was an error in the paragraph numbering after Item 11, the sub-paragraphs should be 11.1 on up instead of 10.1 on up.

**Motion** was made by Commissioner Reich and seconded by Commissioner Ryan to approve the Memorandum of Understanding for Animal Control Services from Cecil County for the Town of Perryville with the change as recommended. **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Ashby and seconded by Commissioner Ryan to adjourn the July 6, 2017 regular Town Meeting at 8:20 p.m. and the Mayor and Commissioners go into a Closed Session for the following reasons, 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; to consult with counsel to obtain legal advice on a legal matter; 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 after a five minute break. **All in Favor: Motion Carried.**

Respectfully submitted,



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: 7/6/17 Time: 8:20 p.m  
Motion By: Ashby Seconded By: Ryan

**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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:**

3.305(b)

7.) To consult with counsel to obtain legal advice on a legal matter regarding item (14) regarding T-Mobile lease negotiations & SBA contract extension request. Item (1). To discuss an employee's salary.

  
Signature of Presiding Officer