

**Town of Perryville
Town Meeting Minutes
June 2, 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.

APPROVAL OF TOWN MEETING AGENDA

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the June 2, 2015 Town Meeting Agenda. **All in Favor: Motion Carried.**

Mayor Eberhardt stated that there may be some modifications to the consent agenda.

Consent Agenda Items: Mayor Eberhardt asked for a motion regarding the consent agenda items, which include the April 2, 2015 Budget Work Session Minutes, April 21, Work Session Minutes, and the April 21, 2015 Closed Work Session Minutes, The May 5, 2015 Town Meeting Minutes, May 5, 2015 Closed Session Meeting Minutes, the Chesapeake Feline Association 5K Run & 1.5 Walk 9/26/15, and Corazon Sanchez, MD, LLC 5K Run 8/1/15 which are all requiring no further discussion and are considered for unanimous consent.

Commissioner Linkey arrived at 7:03p.m.

Mayor Eberhardt recommends that the Corazon Sanchez, MD LLC 5K Run on 8/1/15 approval is pending receipt of their insurance certificate.

Commissioner Fox asked for modification to the consent agenda as well for the April 21, 2015 Closed Session minutes, they have him in attendance but he had to leave early before that meeting began.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the consent agenda items with the modifications as requested above. **All in Favor: Motion Carried.**

Mayor's Report -

Mayor Eberhardt asked for a moment of silence for a lifelong resident of Perryville and former employee of the Town of Perryville, Dominic Notarcola.

Mayor Eberhardt thanked the students at the Perryville Middle School who had a service day on May 7 and did some work around town including planting flowers, painting at the base of the ADA ramp, some of the playground equipment and some of the fire hydrants downtown. Mayor Eberhardt congratulated Commissioner Linkey and Commissioner Fox on their re-election. Mayor Eberhardt, Denise Breder and Mary Ann Skilling met with State Highway Administration regarding a feasibility study they are conducting to put a sidewalk from Clayton Street, on Route 222 to the High School. He also thanked Commissioner Ryan for conducting an informational training session on hazardous material the 28th and 29th of last month for town government employees that may be involved in dealing with oil spills that may occur on the railways. Mayor Eberhardt introduced our newest Police Office, Lauren Daugherty, who will begin the Police Academy in two weeks.

Commissioners' Reports -

Commissioner Linkey's Report -

Commissioner Linkey reported that she is using one of the new tablets that were received that the board members will be using for town meetings instead of the binders and working to get it operating efficiently before distributing to the other board members to use. She has attended the usual meeting this past month. Commissioner Linkey reported that DPW continues to work on various roads and town vehicles. She also stopped by to watch the Cody D. Richardson 5k run/walk which her husband and son participated in. She wanted to encourage everyone to stop by the library this Saturday where they are kicking off their summer reading program.

Commissioner Ryan's Report -

Commissioner Ryan reported that he attended the regular meeting last month along with the Planning and Zoning meeting where they discussed the Town Hall multiple complex layout. Planning and Zoning would like to make the recommendation to the Mayor and Commissioners to consider flipping the location of the playground and the Town Hall so that the Town Hall was in between the playground and the Police Station. They also discussed some Zoning Ordinance changes. He thanked the Mayor and Police Chief for allowing him to do the haz-mat training on the 28th and 29th.

Commissioner Fox's Report -

Commissioner Fox reported that the Water and Wastewater Plant reports will be posted on-line. Commissioner Fox attended the American Legion Post 135 Memorial

Service. George Smith is our new Water and Wastewater Plant Superintendent and has already made recommendations on things that he feels need to be addressed right away. Commissioner Fox installed a display at the Perryville Library that corresponds with Perryville's 60th Anniversary of Little League Baseball.

Ms. Breder reported that the Triathlon will be on July 11, 2015. The Bassmaster Elite Event will be on August 13, 2015 through August 16, 2015. She reported that Perryville will not be a location for the Chautauqua event this year.

Town Administrator Report - Denise Breder

Ms. Breder stated that Cathy McCardell has been working with the cable franchise focus group and they have a tentative Public Hearing scheduled, as part of the legal process that is to be followed, for July 21st at 6 p.m. There are two Charter Amendments that they will also be discussing at the July Work Session; we currently do not have any job opportunities advertised. She will be asking our new Water/Wastewater Superintendent, George Smith to attend the next Town Meeting to introduce himself, he is currently attending a Superintendent class scheduled prior to taking the job for the town.

Commissioner Linkey inquired about the status of obtaining the Elm Street project easement signatures, to which Ms. Breder replied that we have about 24, out of the 34 and 4 or 5 have received legal letters.

Mayor Eberhardt inquired about the status of Facebook, which Ms. Breder replied that it is still not working.

Commissioner Linkey inquired about the sunken boat.

Ms. Breder stated that DNR responded to Mayor Eberhardt's letter stating that they would expect by August that the boat at Lower Ferry Pier and the boat that is out by Garrett Island will both be gone.

Treasurer's Report - Rachel Deaner

Ms. Deaner reported that the LGIT renewal is due on June 26, 2015. The FY15 Audit is coming up and they will be here for a day in July, then for the week of August 31 until September 4. The slot revenue has been holding steady.

Police Report - Chief Wernz

Chief Wernz thanked Commissioner Ryan for the haz-mat training class that he conducted. The CAD system is up and running. The mobile data computers are to go live June 23rd, the RMS system will be on-line late September or October. They are still working on the manuals which should be complete in another week or so. The body

cameras have arrived and we hope to implement them within the next two or three weeks or so. Chief Wernz stated that Lauren will be going to the Baltimore County Police Academy instead of the MDTA Academy because of the Governor's budget cuts causing them to cut their academy.

Outreach Report -

Danielle, from the Outreach Department, reported that they had an overall monthly attendance of 210, with 3 new referrals. They also had 7 or 8 members that participated in the Cody Richardson Run last weekend.

Dionisil Garcia, a member of the Outreach Department, reported on the events of the program during the month of May and upcoming events. He reported that they will soon begin their summer swim program at Conowingo pool. One staff member will be taking a van full twice a week while the other two staff members will be handling daily operations. In addition to the weekly family dinners, Outreach will soon be offering daily snacks. The community garden is in full swing. The Outreach Program participated in Adopt-A-Highway and park cleanup.

Planning and Zoning Report - Mary Ann Skilling

Ms. Skilling reported that she has been working with IKEA to determine who really owns IKEA Way from our road to the entrance of IKEA; she wants them to fix it. Ms. Skilling stated that there will be a meeting on June 17th at 5:30 p.m. at the Perryville Cecil County Library location regarding the Bassmaster Elite.

Mayor Eberhardt inquired about the progress of the new Sports bar that has taken over the former Pasquale's building.

Ms. Skilling replied that he is making some repairs and updating the interior of the building. He is planning to open late June or early July, it will be named Perryville Sports Bar and Grill, he has applied for a sign permit. We are also hoping to work with him on some Sustainable Community Grant Application opportunities. She also wanted to announce that right now there are grant opportunities available through tax credits with the Sustainable Communities through the State of Maryland for non - profits to apply. It must come through the town first to review the application and agree for the tax credits to come through that program.

From the Floor

Tony Gerst, who resides at 328 Broad Street, inquired why the town would spend 11 million dollars or more on a new Town Hall when there is a building right up the street on sale for 2 million, the Clock Tower building.

Commissioner Linkey asked where he got the figure for the new Town Hall, to which he replied the newspaper.

Mayor Eberhardt stated we have a design for the Police Station, so they have an estimate on that cost but have no concept plan on what the new Town Hall will look like, there is no basis for the 11 million dollar figure that is being referenced.

Mr. Gerst referenced the cost of digging a ditch dealing with the run-off that will occur with building the new facilities on the existing site.

Mayor Eberhardt replied that this will need to be dealt with anyway, regardless of building new facilities. Mayor Eberhardt commented that the board is doing their due diligence; prior to Mr. Gerst coming to the Town Meeting last month and making comments this board had toured the Clock building and before considering the Police Station had looked at the old Honda dealership and another place. The decision will be based on Economics, you will be taking a piece of property off of the tax rolls if we purchase another building when you have a piece of property right here. He stressed that the 11 million dollar figure should not even be put out there because there is no preliminary or concept plan for a new Town Hall yet.

Commissioner Ryan noted that there has been a lot of consideration put into what would need to be done if they were to purchase the clock building since it has been made into different things at various times. He also commented that it would probably only be a Town Hall not a Police building, he is one of the ones that is very adamant about not having the Police Station in the same building as Town Hall for town employee safety. We do not have a cost for the Town Hall because there is no plan for it yet and as referenced by the Mayor it would be taking another property off tax rolls. He wants to make sure that the decision that will be made is the right one for the citizens of this town.

Commissioner Ryan and Mayor Eberhardt encouraged Mr. Gerst to keep coming with his questions or any input that he may have, as they need to hear from the residents of the town.

Mr. Gerst also feels that are too many employees that work for the town.

Ms. Breder summarized the various departments and services involved with running the town. She explained that there are a lot of requirements that are put on municipalities from the State of Maryland and the Federal Government that we are required to do. With some of the services we were originally working with consultants which cost a lot of money, so we eventually chose to hire qualified people ultimately saving the town money. We have managed to keep our tax rate at a low rate for many years now and the town does take staffing and everything else into consideration when working through the budget process.

Mr. Gerst inquired how many Police Officers the town has.

Chief Wernz replied that Lauren will make 12, which is what is authorized; two of the officers come out of local impact funds.

Discussion ensued regarding the need to promote businesses in town and what is being done to do that.

Ms. Skilling stated that there is a report called the Sage Report that is available on the Cecil County website which gives information on the population and impact from the tolls and why things are not happening like they could be.

Old Business -

Ordinance 2015-10-

Consideration of an Ordinance to repeal the Forest Conservation Code.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve Ordinance 2015-10. **All in Favor: Motion Carried.**

Agreement Assigning Obligations Under the Forest Conservation Act –

Agreement between the Town of Perryville and Cecil County to assign Perryville's obligation under the Forest Conservation Act to Cecil County.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the agreement between the Town of Perryville and Cecil County to assign Perryville's obligation under the Forest Conservation Act to Cecil County. **All in Favor: Motion Carried.**

New Business

Planning and Zoning Commission Appointment – consideration of James McBreen to fill a vacancy on the P&Z Commission created by a board member's resignation.

Board of Appeals – consideration of Janine Antoshak as an alternate on the Board of Appeals.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to appoint James McBreen to the Planning Commission Board and Janine Antoshak as the alternate for the Board of Appeals. **All in Favor: Motion Carried.**

Ordinance 2015-09 Purchasing Policy

Mayor Eberhardt introduced Ordinance 2015-09, which Ms. Deaner summarized, to consider revising the Capitalization Threshold as recommended during the FY 13

Audit Report to the Mayor and Commissioners. This would be done by amending Chapter 66-Purchasing Policy of the Town Code. The threshold would be increased to \$5,000 for the purchase of a single item and \$10,000 for the purchase of like items purchased as a group.

Ordinance 2015-12 Budget Amendment

Mayor Eberhardt introduced Ordinance 2015-12, which Ms. Deaner summarized, is a Budget Amendment to move FY16 Capital Outlay less than \$5,000 to Minor Equipment due to change in the Capital Threshold as per the purchasing ordinance 2015-09.

Ordinance 2015-13 Budget Amendment

Mayor Eberhardt introduced Ordinance 2015-13, which Ms. Deaner summarized, is a Budget Amendment to move FY 15 funds to cover Health Insurance cost thru June 30, 2015.

Ms. Deaner commented that she is hoping to get this voted on sometime in June since we may not have the necessary quorum here for the next Town Meeting.

Ms. Breder discussed the possibility of scheduling and advertising a special meeting sometime this month to vote on that, if they come up with a date.

Commissioner Linkey discussed the possibility it being an Emergency Ordinance.

Mr. Sussman stated that you could do it as an Emergency Ordinance and waive the requirements to allow it to be considered and acted upon in the same night, which would require a vote by all of you here tonight. He went through the order and what motions would need to be made.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan that the prohibition in the Charter that restricts the enactment of an ordinance at the meeting which it is introduced to be waived to allow the board to consider and act upon Ordinance 2015-13 tonight. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Fox that Ordinance 2015-13 be amended to reflect that it is an Emergency Ordinance. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to enact Ordinance 2015-13 as amended as an Emergency Ordinance. **All in Favor: Motion Carried.**

Health Insurance – Cathy McCardell

Ms. McCardell commented that when going through the budget for this year she and Rachel increased the health care cost 15% to be on the safe side to account for any increase that may come through as they had done last year. Unfortunately this year the quotes that she has received have increases starting at 24% to 63%. Upon doing some research the lowest increase at 24% was with Evergreen which is a new Health Insurance Plan that has only been out for about 12 to 14 months. She had also asked for employees to go on the Evergreen website to see if their doctors were on part of that plan and a lot of them were not. The second highest increase was at 32% which was Blue Choice Advantage with a deductible of \$2,000 and \$4,000 and we would need to find \$47,920.48 in the budget to provide the Health Insurance and the deductible for the employees. In discussing the deductible most of the time most of the employees have not met the deductible that has been obligated for them. The average deductible that an employee has used is \$44,574.50, and normally we would include in the budget the full amount of the deductible which would be \$110,000. For eight years we have a plan with a deductible that the Mayor and Commissioners have paid and the employees have never come close to using that deductible during that time. Since we have never met the liability of the full amount of the deductible, instead of placing \$110,000 of the deductible in the budget, we would place \$60,000 of the deductible in the budget, noting that the liability would still be there to cover the \$110,000 if needed. The Coventry Plan that we currently have is no longer offered and the one that they did offer was 100% covered but we would need to find \$185,000 in the budget. Ms. McCardell is recommending Blue Choice Advantage CareFirst and putting \$60,000 in the budget for the deductible instead of \$110,000, which would offset the \$47,000 budget shortfall that was due to the increase in the cost of the plan.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to accept Care First Blue Choice Advantage Health Insurance and with putting \$60,000 in for the deductible. **All in Favor: Motion Carried.**

Longevity Pay - Cathy McCardell

Ms. McCardell stated that during our audit it was recommended for the town to come up with a written policy regarding longevity bonuses. She has come up with a compensation policy beginning with 15 years though 35 years for full-time and part-time employees with a one-time dollar amount bonus. In comparison most employees in the private sector receive longevity pay based on a percentage of their base salary starting at year one. With the town's strict budget she came up with a specific dollar amount instead of a percentage.

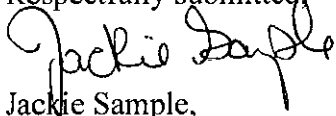
Discussion ensued regarding tying it into the step increases every year in the pay scale, most feeling that the compensation policy being presented is low. One option would be to go with it the way that it is presented now, with the agreement that it will be revisited once the pay scale is revisited.

Ms. Deaner commented that this policy is based on what has been done in the past.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the longevity pay with the following two amendments, that this policy may be modified or terminated at any time at the discretion of the Board of Commissioners and the second amendment would be unless sooner terminated this policy would expire on June 30, 2016. **All in Favor: Motion Carried.**

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to adjourn the June 2, 2015 Town Meeting for a Closed Session to consult with counsel to obtain legal advice on a legal matter at 8:36 p.m. **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: Perryville Town Hall Date: 6/2/15 Time: 8:30 p.m.
Motion By: Ryan Seconded By: Linkey

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;

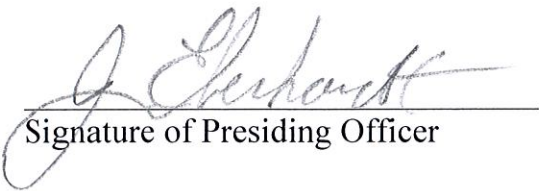
(12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(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:

Legal advice on amending the Town Charter
and on the effects of cancelling a contract
if they decide to do that.


Signature of Presiding Officer

**Statement Regarding May 5, 2015 Closed Meeting for Inclusion in Minutes of
June 2, 2015 Town Meeting**

On May 5, 2015, the Commissioners of Perryville conducted a closed meeting at 8:15 p.m. in accordance with General Provisions Article, Sec. 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter. Mayor Eberhardt, Commissioners Fox and Linkey 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, and the Town Clerk, Jackie Sample attended the entire closed session. During the meeting, the Commissioners received legal advice related to the issuance of fines and violations of the code. The Board members present voted to rescind the invoices for removal of snow from sidewalks and to refund amounts already paid for said snow removal. The Board members also voted to defer to the Town Attorney on whether or not the citations for said snow removal should be abated. The meeting was adjourned at 8:45 p.m.

**Statement Regarding April 21, 2015 Closed Meeting for Inclusion in Minutes of
June 2, 2015 Town Meeting**

On April 21, 2015, the Commissioners of Perryville conducted a closed meeting at 8:36 p.m. in accordance with General Provisions Article, Sec. 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, Michelle Yackanech attended the entire closed session. During the meeting, the Board members discussed the possibility of buying some properties in town. They agreed to go and look at one of the properties. The meeting was adjourned at 9:06 p.m.