

**Town of Perryville  
Town Meeting Minutes  
March 10, 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](http://www.perryvillemd.org).

**APPROVAL OF TOWN MEETING AGENDA**

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to approve the March 10, 2015 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 January 20, 2015 Work Session Minutes and the January 20, 2015 Closed Work Session Meeting Minutes, the February 3, 2015 Town Meeting Minutes, The MD5 Challenger Division request for use of Bateman Pavilion, the Perryville Little League Parade request, and the Restore Church request to hang a banner, which are all requiring no further discussion and are considered for unanimous consent.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to approve the consent agenda items. **All in Favor: Motion Carried.**

**Mayor's Report –**

Mayor Eberhardt announced that they had met with representatives regarding the MARC Train maintenance facility and are waiting on confirmation on another meeting with them soon. The Mayor attended a Mayors Conference in Annapolis and talked to the Governor about the slots revenue that they had intended to take away from us and other locations. He presented a joint letter from the County Executive and himself to the Appropriations Committee that the revenue not be converted. He also stated that our Local Legislator sent a similar letter. He attended a ribbon cutting ceremony at the outlet center for a new store named Git Lit. He met with the Town of Northeast and the Town of Elkton in regards to the County wanting to change their master water plan and the effects that it will have on local municipalities. On the same day he met with the County Executive and Delegate Hornberger in regards to renewed interest by a company in the

housing for the homeless at Perry Point. He spoke to the children at the Good Shepherd School in Perryville in regard to the Mayors Essay contest.

### **Commissioners' Reports –**

#### **Commissioner Linkey's Report –**

Commissioner Linkey reported that she attended the regular scheduled meetings for the past month. She thanked the Public Works department once again for the job that they did in removing the snow during the various events. This created potholes in the road which Public Works is working on repairing; you may contact them if you notice one that needs to be repaired.

#### **Commissioner Ryan's Report**

Commissioner Ryan reported that there will be a public open forum regarding the Railroad Bridge on the 26<sup>th</sup> of this month at 5 p.m. at the Havre De Grace Community Center. The January Planning and Zoning meeting was cancelled and held on February 2<sup>nd</sup> where they approved a preliminary subdivision plan for Dollar General. On the 23<sup>rd</sup> they had their February Planning and Zoning meeting where the flood plain revisions were approved to be submitted to the Mayor and Commissioners for introduction tonight and approval next month. There is no Planning and Zoning business for the month of March so there will be no Planning and Zoning meeting.

Mayor Eberhardt reported that the Easter Egg hunt will be held at the Perryville High School on the 28<sup>th</sup> of this month and Riversweep is on the 18<sup>th</sup> of April. Mayor Eberhardt also announced that there will be several public budget meetings scheduled for the next couple of months that we will be conducting and are posted on the website and will be advertised in the Cecil Whig.

#### **Commissioner Fox's Report**

Commissioner Fox reported that in addition to the regularly scheduled meetings he attended the MARC Layover Facility meeting along with the ribbon cutting ceremony for the Git Lit store at the outlet center.

#### **Water Plant Report –**

Commissioner Fox reported that the Trihalomethane levels were high at the Water Plant, but not a violation. They recently visited the Conestoga Water Plant in Lancaster PA. The purpose of the visit was to see if we could start a lending of parts program in emergency situations. We learned that their filter system is larger and the parts are not interchangeable and that their plant is a year newer than ours and they have already had to replace some of their membranes.

### **Wastewater Plant Report -**

Commissioner Fox reported that due to extremely low outside temperature the number 2 sbr decanter experienced some issues. The Wastewater Plant staff and the Water Plant staff have all applied for licenses in each other's facilities to be trained at both facilities.

Mayor Eberhardt announced that a job opening for a Water/Wastewater Superintendent has been posted for the town.

### **Town Administrator Report - Denise Breder**

Ms. Breder announced that we also have a position open for an MPTC certified Police Officer for our Police Department as well as a part time person for the Outreach Program. The next Greenway committee meeting is scheduled for March 25<sup>th</sup> at 10 am here at Town Hall. The Stormwater Pollution Prevention Plan was completed and submitted to MDE along with the Notice of Intent, which has been accepted by MDE.

There was some discussion regarding the status of obtaining easements for the upcoming Elm Street project, which the Mayor indicated an update could be given at the next Work Session since there is already an item on the agenda regarding that project, provided any additional information is received.

There was also discussion regarding a more effective backup plan for staff to be able to relocate temporarily as the downstairs office had to do recently in the event of an emergency so that there is less interruption in the daily operations. Ms. Breder stated that a request for laptops for staff was discussed for the upcoming budget process since they were more mobile and can be hooked up very quickly if needed to be in emergency situations.

### **Treasurer's Report - Rachel Deaner**

Ms. Deaner stated that the budget meeting calendar is on the web site and will be advertised. The disposal of surplus items has been going fairly well. The document scanning system is budgeted for the FY 2015 budget and an RFP will be going out soon to get that in place for when the retention policy is ready to go. An extension of services was requested by our current trash contractor to be discussed at the March Work Session.

Commissioner Linkey is working on getting a tablet policy together for the Mayor and Commissioners and asked if they have any suggestions to offer ahead of time to let her know.

### **Police Report - Chief Wernz**

Chief Wernz reported that training for the new CAD/RMS service is progressing. Our new Police Officer is currently in field training until approximately April 1<sup>st</sup>. The 911 center was dedicated with the new CAD system and they will be coming around within the next few weeks to the various towns to put the CAD system in their computers. We have started our in-service training and are partnered with the Cecil County Sheriff's Office and the Aberdeen Police Department. Several of our personnel are attending Passenger Train Emergency Response training provided by Amtrak. Chief Wernz is working with Commissioner Ryan who is scheduling some dates for hazard response training for railroad derailments.

### **Outreach Program – Jesse Lilly**

Mr. Lilly reported that the Activity Coordinator Donnell Whittington's last day was on Friday, February 27<sup>th</sup> so that position is open and we are hoping to conduct interviews soon. We had an overall monthly attendance of 149 with one new referral and one new member. He introduced Danielle Hemling, who is our new caseworker, and just started on Monday. She has worked at non-profits for about 10 years and for the last 4 years for the Cecil County Government as a recreational coordinator for their parks and recreation program.

Ms. Breder announced that the Planning and Zoning report will be on line.

### **From the Floor**

No comments from the floor.

### **New Business**

#### **Crave Recovery Group**

The Crave Recovery Group has been meeting here for several months with initial approval from the board to use this room for 3 months, which is about to expire. They are scheduled to meet with the YMCA tomorrow to discuss an agreement with them to utilize their facility instead but had asked for an extension with us in the event that it does not happen before our agreement expires or does not happen at all.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ryan to extend the Crave addiction and recovery program's ability to use the Town Meeting room for three more months. **3 in favor, 1 abstain (Commissioner Fox): Motion Carried.**

### **Portable Toilet Bids**

The town put out a request for bids for leasing and maintenance of portable toilets on various town owned properties. Bids were received from four companies, Ewing, Inc., A-1 Sanitation Service Inc., Regal Restrooms, LLC, and MD Portable Restrooms, Inc.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to accept the bid by Regal Restrooms, LLC. for the leasing and maintenance of the portable restrooms for the period of April 1, 2015- October 31, 2015. **Three in Favor, 1 opposed** (Commissioner Linkey): **Motion Carried.**

### **Ordinance 2015-03 Budget Amendment**

Mayor Eberhardt introduced Budget Amendment Ordinance 2015-03 for the purpose of amending the adopted budget for the Town of Perryville for the fiscal year beginning July 1, 2014, and ending June 30, 2015, to recognize certain grant revenues received or to be received for certain Police and Parks activities, and to appropriate for certain purposes certain funds received for Police and Public Works activities to certain General Fund accounts; and generally related to amendment of the Town's FY 2015 budget.

### **Ordinance 2015-04 Budget Amendment**

Mayor Eberhardt introduced Budget Amendment Ordinance 2015-04 for the purpose of amending the adopted budget for the Town of Perryville for the fiscal year beginning July 1, 2014, and ending June 30, 2015, to appropriate for certain purposes certain funds from Mayor and Commissioners contingency fund to Rodgers Tavern activities; and generally related to amendment of the Town's FY 2015 budget.

### **Ordinance 2015-05 Flood Plain Management**

Mayor Eberhardt introduced Floodplain Management Ordinance 2015-05 for the purpose of revising certain regulations relating to development and construction within special flood hazard areas and other areas and zones in the Town of Perryville to comply with certain new requirements of the Federal Emergency Management Agency; and generally relating to the regulation of development and activities in the Town of Perryville to satisfy requirements of the Federal Emergency Management Agency and the National Flood Insurance Program.

### **Grant Re-allocation of Façade (State) money - Doreen Smith**

There was a Façade Grant turned down by a recipient, leaving a limited amount of money left to be granted to qualifying property owners within town limits for façade improvements. A Notice of Funding Availability was advertised and the town received

three applications, Arrowhead Properties, Owens Landing and Theresa Cantone Barton. The review committee is recommending the following two approvals: Arrowhead Properties, partial funding in the amount of \$2,646.00 for vinyl replacement and light upgrade in the covered walkway and full funding for Theresa Cantone Barton in the amount of \$1331.00 to replace brick/mortar and chimney crown and flashing.

Discussion ensued regarding the funding of Arrowhead properties, with the consensus that if their funding is approved that the majority of funding should go towards the improvements of the lighting.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ryan for the Façade Grant Re-allocation to approve full funding for Theresa Cantone Barton application to replace brick/mortar and chimney crown and flashing and approve Arrowhead Properties partial funding with 75% going toward the light fixtures and the remaining balance going toward the vinyl replacement. **All in Favor: Motion Carried.**

Mayor Eberhardt inquired when the next round of funding would be coming up again. Ms. Smith responded that we are waiting for the Sustainable Community Designation, which should be later this month, to come in then they will apply at the State level for the Façade Grant again. Then July 1<sup>st</sup> will be town revitalization money.

#### **Repayment Agreement for Elm Street Project**

Consideration of a legal agreement allowing the town to make certain repairs to properties on Elm Street during the Elm Street road, street, and storm drain project and have the property owners reimburse the town for the associated repair costs over the course of up to ten years. This agreement would only be used in a situation where an unknown illicit connection exists that is uncovered during the construction process.

Discussion ensued regarding the 10% interest accrued on installments not paid by the due date of the unpaid balance. Direction was given to modify the agreement to have a late fee of 10% of an installment that is overdue more than 30 days.

#### **Planning Commission Member Reappointment**

Larry Souder is a current member of the Planning and Zoning Board and is seeking reappointment for another term.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to reappoint Larry Souder to the Planning and Zoning Board. **All in Favor: Motion Carried.**

### **Election Board Member Reappointments**

Four residents who currently serve on the Election Board are requesting reappointments; they are Mark Fayer Sr., Terri Grove, Wayne Kommalan, and Sheron Alexander as an alternate.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Ryan to reappoint to the Election Board as it stands. **All in Favor: Motion Carried.**

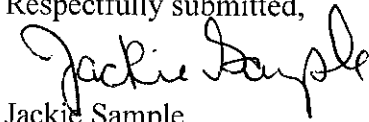
### **Donation Request**

Consideration for a donation to the Perryville High School Band in support of their trip to march on Main Street at Disneyworld. In talking to the Band Director earlier today she indicated that at this time due to the publicity they have received and last minute donations the trip is covered but there is always other events and places that they have to go to. The band is going to take the town flag to Disneyworld and carry it during their march down Main Street.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to approve a donation of \$1,000 to the Perryville High School Marching Band. **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Fox and seconded by Commissioner Ryan to adjourn the March 10, 2015 Town Meeting at 8:12 p.m. to a closed session to seek legal advice on water and sewer issue and police policy implementation.  
**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: 3/10/15 Time: 8:12 PM  
Motion By: Alan Fox Seconded By: RAY 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 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;



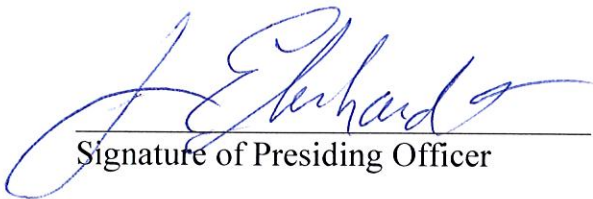
☐ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;

☐ (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:**

Legal advice on ~~pottery~~ water and sewer issues and police policy implementation.

  
Signature of Presiding Officer

**Statement Regarding January 20, 2015 Closed Meeting for Inclusion in Minutes of  
the March 10, 2015 Town Meeting**

On January 20, 2015, the Commissioners of Perryville conducted a closed meeting at 8:40 p.m. in accordance with General Provisions Article, Sec. 3-305(b)(1) & (14) to discuss – the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over who it has jurisdiction; to consult with staff, consultants, or other individuals about pending or potential litigation. And, before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would be adversely impact the ability of the public body to participate in the competitive bidding or proposal process. Mayor Eberhardt, Commissioners Fox, Linkey and Ryan all voted in favor of conducting the closed meeting. Commissioner Brown was absent. In addition to the Commissioners, the Town Administrator, Denise Breder and the Office Clerk, Michelle Yackanech attended the entire closed session. During the meeting the Board decided to advertise to hire a dual-licensed Superintendent for the water and wastewater plants and to have all operators at both plants become cross-trained. Other discussion during the meeting was in regard to the proposed MARC Maintenance and Layover Facility, which was a follow up discussion to the town's request to MTA to make some transit related improvements in conjunction with the proposed project. The meeting was adjourned at 9:27 p.m.