

**Town of Perryville
Town Meeting Minutes
March 1, 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 was a request from Commissioner Brown for remote participation at the Closed Session.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to approve the remote participation request. **All in Favor: Motion Carried.**

APPROVAL OF TOWN MEETING AGENDA

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the March 1, 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 January 19, 2016 Work Session Minutes, The January 19, 2016 Closed Work Session Minutes, the February 2, 2016 Town Meeting Minutes and February 2, 2016 Closed Session Minutes, event requests for the First Baptist Church of Perryville to have a sunrise service at the Perryville Park, the Perryville Middle School Jr. National Honor Society to have a 5k event, and a request from Restore Church for a banner to be hung across Aiken Avenue.

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

Mayor's Report -

Mayor Eberhardt presented promotions for two of the Town of Perryville Police Officers, Robert Nitz was promoted to Corporal and Joseph Appleby was promoted to Sergeant.

Mayor Eberhardt reported that on the 4th and 5th of February he attended the Maryland Mayor's Conference in Annapolis in which the Governor, the Speaker of the House and the President of the Senate were in attendance. One of the subjects discussed was the proposal to close Harford Memorial Hospital which would require legislation. Mayor Eberhardt, along with Commissioner Linkey and Commissioner Fox met with the CEO for Upper Chesapeake and Union Hospital last week where they informed us that they would be holding a Public Information Session in western Cecil County. The meeting is scheduled for April 5, 2016 at the Perryville Fire Company Minker Hall at 6 p.m. to discuss the proposed hospital closing and the proposed opening of a new one.

On the 26th of February Mayor Eberhardt met with the Cecil County Boys and Girls Club where they discussed working on some programs in conjunction with our Outreach Program.

This past Saturday the Mayor attended a Strategic Planning Meeting with some of the Town staff and board members to discuss the goals for the coming years in Perryville and plans to make them happen.

Commissioners' Reports -

Commissioner Linkey's Report -

Commissioner Linkey reported that she attended the regularly scheduled meetings along with the Strategic Planning meeting, which she thinks was a very productive meeting.

Commissioner Linkey reported that DPW will be working on pot holes that are popping up and the sidewalk and paving projects will resume, the entire report will be on line. We still have two vacancies in the Public Works Department and interviews were conducted for the Park position and another Public Works position and both of those positions were filled.

Commissioner Fox's Report -

Commissioner Fox stated that he attended the hospital meeting and the Strategic Planning meeting along with the regularly scheduled meetings. Commissioner Fox also reported that the regular maintenance was being performed at the Water and Wastewater Plants along with the cross training of staff at both plants. The full reports will be on the website.

Commissioner Ryan's Report -

Commissioner Ryan reported that he attended the regularly scheduled meetings along with the Strategic Planning Meeting and a Planning and Zoning Meeting. At the Planning and Zoning meeting a request was made by a resident to have a portion of a

neighboring property deeded over to her, which they recommended approval on, they are going to hold off on electing a new chair person and co-chair person until next month when they have more in attendance.

Fire Department Report

Commissioner Ryan, who is also the Chief of the Perryville Fire Company reported on the stats for the month of February, they had 48 fire related responses, and as of today they have 103 for the year. They had set a goal to have the number of people per call to go up and the response time to go down, and at this time they have met those goals. Another goal was to average 6 people per call and the other was to have an average response time of less than 5 minutes per call and they are at 4.02. He thanked the town for the grant that they received a few months ago, with that grant money some additional supplies were purchased for the ambulance service which was recently re-inspected. The department maintains their State Certification as an advanced life support system for both of their units so they were able to replace some items that were beginning to wear out. They also purchased a pair of rescue 42 jacks, used for cars that are turned on their side to help stabilize them so that they won't roll around while we are trying to assist the patient that may be trapped in the vehicle.

Mayor Eberhardt stated that he stopped by to visit the volunteers that are cataloging the articles at Rodgers Tavern and noted that they are doing a great job. He also mentioned that he drove over to the park on Sunday which was a gorgeous day and that the park was very crowded considering that there were no events going on, specifically the new playground equipment, there was a waiting line for all equipment.

VA Update -

Marc Dallaire, the Project Contract Supervisor for the VA Medical Center at Perry Point, stated that the biggest thing they have going on now is the new Community Living Center. It is about 90% designed right now and they are waiting to find out if they are getting funding for construction, part of the scope is to replace the bridge down at the park. The actual design drawings of the original bridge have been misplaced, so there is no way to determine the actual capacity of that bridge, which is why it is in the VA's best interest to replace the bridge for the town and upgrade the capacity so that the construction vehicles can use the bridge to come into our facility to build the new Community Living Center.

Mayor Eberhardt brought up the statement made about waiting on funding, he stated that Senator Mikulski announced that it was funded and when looking at the appropriations bill it was in there as well.

Mr. Dallaire responded that his understanding is that we are waiting for final approval of the appropriation of funding.

Mr. Dallaire explained that there were three concepts presented for possible bridge replacement, a precast spread box beam alternative, a rolled steel beam alternative or a precast arch alternative. The VA recommendation is to go with the precast spread box beam alternative.

Ms. Breder spoke to our Town Engineer, who was ok with the recommendation for the precast spread box beam alternative or the rolled steel beam alternative but not the precast arch alternative. She also noted that her report showed that the VA had recommended the precast arch alternative which was incorrect.

Mr. Dallaire mentioned that they are ultimately looking for the town's endorsement of the bridge type that they would like to see them proceed with. Mr. Dallaire stated that once they got that endorsement they would proceed with the design process which would probably be done by the end of the summer, once the construction funding is approved.

Mayor Eberhardt inquired if we have everything that we need to review and comment on right now.

Ms. Breder replied that right now we only have the style of the bridge; Mr. Dallaire indicated that the town would be included in that process, right now he just wants to make sure that we are ok with the style.

The Mayor stated that we would get something back to Mr. Dallaire in writing based on our engineer's recommendations.

Mr. Dallaire noted that the park road will be closed during this period so traffic will have to be re-routed regardless of which bridge you choose.

Town Administrator Report -

Ms. Breder reported that a term letter had been mailed out to Atlantic Broadband on January 29, 2016 with proposed terms for the franchise agreement with them and we are waiting on their response.

We have a contract for signature for the Elm Street project and we expect construction to begin on March 14. The parking lot lease approved at a prior meeting for the staging area was executed and the band shell is sitting on that parking lot.

There are currently four job vacancies for the town. Two Public Works positions being advertised, one is a Crewman I position and the other one is a Crewman II position. Also there are vacancies for a Certified Lateral Police Officer and Outreach Activities Coordinator.

There are some items that have come up in regards to the Municipal Complex. The Town Engineer has started working on the design of Otsego Street, which she has asked him to pause on at this time. This is so that we can get Elm Street under construction, and, while we work to push forward the Municipal complex so that we can have that bid out by April 1, 2016. There are some potential things that could occur with the Police Department building itself. We are working to get preliminary and final approval from the County which was submitted as full civil site plans. If for some reason it is not approved and there is a comment, this could result in a change order being executed and wanted the board to be aware of that. The Verizon equipment will have to be relocated from where it is because it will be blocking the new entrance. Verizon has given us a quote which will be incorporated into the whole project in the amount of approximately \$118,000. We are looking into getting another contractor to do that work and have Verizon oversee it.

A new employee was hired for the park, her name is Morgan Eisner and she will be starting on March 7. Public Works hired Robert McCaslin, who will be starting on March 7 as well.

GTA, an environmental engineering firm, is interested in partially restoring a channel of Mill Creek at the Reservoir/Dam as part of another project that they are working on. Ms. Breder along with the Town Engineer and the Corp of Engineers will be meeting with GTA this Friday to discuss the channel improvements and expects that there will be an agreement in the future in regards to that project. It will not be a cost to the Town but there will be some perpetual maintenance involved with it.

Treasurer's Report

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

Police Report – Chief Miller

Chief Miller stated that the full Police report will be available on-line. Chief Miller mentioned that a sentence was not completed on his report which should have stated that Officer Nitz and Officer Appleby attended first line supervisor training. The Chief has been in regular contact with the contractors for the police building project. Some of our officers attended the viewing for the two Harford County Sheriff Deputies killed in the line of duty. Restore Church had a Police Officer Appreciation ceremony at the Perryville High School on February 28, 2016. He also wanted to announce that the Secretary for the Police Department, Kimberly Crew, was given the Employee of the Quarter Award for her hard work. He has spoken to 1st Sergeant Perez, from the MD

Transportation Authority who put him in contact with their Academy staff and they have offered us numerous training opportunities at no cost to us which we are going to utilize.

Mayor Eberhardt informed Sergeant Perez, who was in attendance, that we would like to get some public information regarding the Secretary's decision for bicycles to be used on the Hatem bridge.

Sergeant Perez replied that he will get in touch with the people that are handling this; they are still working on formulating a plan, but will see what additional information he can find out and pass it along to Chief Miller or send it directly to the Mayor.

Outreach Report -

Robert Fisher, a member of the Outreach Program, reported on the activities for the month of February regarding the Outreach members. He reported that the overall monthly attendance was 119 and the number of new referrals and new members was 0. The Outreach members did some more in-house activities. They did a Life Skills lesson on equality as well as a unity wreath activity in honor of Black History Month. They also did some Valentines crafts and activities including gifts for members to take home to their mothers. They also did a unit on self-esteem including a Life Skills class and activity/craft. The Outreach Program is still in the process of hiring an Admin. Assistant/Activities Coordinator.

The Mayor wanted to remind those in attendance that Riversweep will be coming up again this year and can always use the extra participation.

Planning and Zoning Report – Mary Ann Skilling

Ms. Skilling announced that her full report will be available on line. She is getting ready to receive a preliminary report on the Corporate Boundary Survey that we have been working on.

She met with Cecil County regarding the Cedar Corner development project and it appears that the County is willing to work with the developer to phase-in the required road improvements; however, they were not supportive of taking over a section of the road.

She announced that the town has formed a Community Activities Committee and currently have four people that have signed up and can use more members for anyone interested in being involved. There are various activities that they are working on for the parks as well as the Farmer's Market which will be opening in May. We have some High School students that we are working with to do various plantings around town and the community park and potentially other places in town. The Perryville High School has some grant funding and wanted to do the plantings in Perryville.

Mayor Eberhardt inquired if some of these plantings would count toward our Elm Street plantings.

Ms. Skilling replied that they are looking into how that would work out and if the County would allow that. Amanda has been working with Aaron on the new entrance sign.

Amanda has been working on several grant opportunities including the Maryland bikeways program and the Maryland Heritage Area Authority, and researching the Sustainable Communities application for FY 2017 and the Community Development Block Grant.

The Mayor asked where we were at with the Dollar General, if it was still moving forward, since there seems to still be an issue with Dollar General wanting to move to Lot 1 instead of Lot 2 and the owner not wanting that.

Ms. Skilling replied that it is not a dead project, they are still looking at Lot 2, it's just a matter of the owner allowing Dollar General to move into Lot 1 because that would mean that the owner would have to demolish the part of the motel that sits on Lot 1. Ms. Skilling commented that as required by the Planning Commission, two of the things that the owner had to do was to tear down part of the project that sits on Lot 2 which Dollar General wanted to build. The other thing was that he had to provide a bond for the piece that is on Lot 1 because in two years it has to be torn down, so she thinks that may be the problem. She commented that Dollar General seems to still be interested, they have already put a lot of money into the project for research and all.

Ms. Breder forgot to mention that she is executing the Micro scale tree planting documentation on behalf of the Town with Cecil County for the 48 trees that are to be planted in accordance with Cecil County for the Elm Street project.

From the Floor

Anthony Gerst, 328 Broad Street, commented that the sign at the end of Aiken Avenue needs to be updated to include the new businesses and other attractions that we have in Town to attract tourists that ride past there. He also thought that the solar lights at the park were to be voted on tonight but does not see it on the agenda.

Ms. Breder replied that it was voted on at the Work Session, which was the special meeting that was advertised, held right before the Work Session where they voted on a budget amendment that included the Solar lights for the maintenance building.

New Business

Election Board Re-Appointments

Mayor Eberhardt stated that we have four current members of the Election Board who are interested in serving again and asked to be considered to serve on the 2016 Perryville Election Board.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to re-appoint Mark Fayer Sr., Terri Grove, Wayne Kommalan to the Election Board and Sheron Alexander as an alternate to the Election Board. **All in Favor: Motion Carried**

Portable Toilet Bids

Ms. Deaner stated that we received 3 bids for the Portable Toilet leases and maintenance; they were A-1 Sanitation, Ewing's Septic & Portable Restrooms, and B.E. Miller & Sons. Ewing's was the low bid and we have worked with them in the past so staff is recommending that we vote to accept Ewing's Septic Service's bid.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to accept Ewing's Septic Service as the portable toilet provider. **All in Favor: Motion Carried.**

CD Maturation

Ms. Deaner was requesting that we renew a CD that we have with Howard Bank for another two years, it has a monthly interest rate of .50%, just slightly down from two years ago which was at .53%, but still better than what others around are offering.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to give Rachel permission to rollover the CD that we have with Howard Bank for another two years at .50%. **All in Favor: Motion Carried.**

Ordinance 2016-03 Budget Amendment

Mayor Eberhardt asked Ms. Deaner to summarize the introduction of Ordinance 2016-03.

Ms. Deaner stated that the purpose is to amend the adopted budget for the fiscal year beginning July 1, 2015, and ending June 30, 2016, to appropriate for certain purposes certain funds, recognition of donations and generally related to amendment of the Town's FY 2016 budget and that it was summarized at the Work Session and there were no changes.

Ordinance 2016-04 - Financial Disclosure for Write-In-Votes

Mayor Eberhardt stated that this is an introduction of an Ordinance to amend the Town Code to establish a procedure for write-in-votes to file a financial disclosure.

Ms. Breder read the opening paragraph of Ordinance 2016-04 and deferred to Fred Sussman, the Town Attorney, for a brief summary.

Mr. Sussman stated that the purpose of this Ordinance is to require an individual who is elected as Mayor or Commissioner by a write-in-vote to file a Financial Disclosure Statement within two days after Certification of the Election identical to the form that candidates have to file who would be running for Election to appear on the ballot. If they do not file within the two days the Ethics Board would have to notify them and they would have an additional two days to file, if they still do not file the Financial Disclosure Statement in proper form then they would be deemed to have declined the Election and not sworn in.

Ordinance 2016-05 Emergency Budget Amendment - the board was going to go into a closed session first to decide what they are going to do with the budget amendment then open the meeting back up to vote on the Budget Amendment.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to go into a closed session at 8:07 p.m. to discuss the acquisition of real property for a public purpose and matters directly related thereto and to consult with counsel to obtain legal advice on a legal matter. **All in Favor: Motion Carried.**

The Town Meeting reconvened at 8:37 p.m.

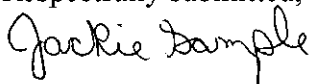
Mayor Eberhardt announced that the acquisition of real property was discussed at the closed session and they decided to move forward with the acquisition so Emergency Budget Amendment 2016-05 is before us to amend fiscal year 2016 Budget to appropriate a portion of the funding to acquire the property.

Motion was made Commissioner Ryan and seconded by Commissioner Fox to waive the prohibition in Section C4-1 of the Town Charter against passing an ordinance at the meeting at which it is introduced so that the Board may vote on Ordinance 2016-05 tonight as an Emergency Ordinance. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve Emergency Ordinance 2016-05. **All in Favor: Motion Carried.**

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to adjourn the Town Meeting at 8:40 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: 3/1/16 Time: 8:07 p.m.
 Motion By: Ryan Seconded By: Fox

VOTE TO CLOSE SESSION:

	AYE	NAY	ABSTAIN	ABSENT
Mayor Eberhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Brown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commissioner Fox	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Linkey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

General Provisions Article §3-305(b):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;

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

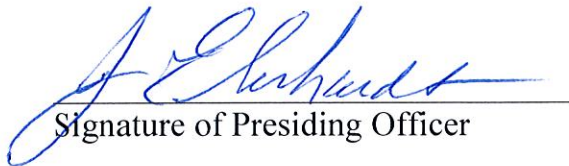
(13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;

(14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASON FOR CLOSING AND THE TOPICS TO BE DISCUSSED:

3. Discuss purchase of real property located adjacent to Lower Ferry Park.

7. Legal advise to review and comment on terms and conditions of purchase agreement.


Signature of Presiding Officer

**Statement Regarding February 2, 2016 Closed Meeting for Inclusion in Minutes of
March 1, 2016 Town Meeting**

On February 2, 2016, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:20 p.m. in accordance with General Provisions Article, § 3-305(b)(3)(4) & (7) to consider the acquisition of real property for a public purpose and matters directly related thereto, to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State (added last minute to agenda), and to consult with counsel to obtain legal advice on a legal matter. Mayor Eberhardt, Commissioners Fox, Linkey and Ryan all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Attorney, Frederick C. Sussman, Esq., the Town Administrator, Denise Breder, and the Town Clerk, Jackie Sample attended the entire closed session. During the meeting, there was continued discussion by the Board regarding the purchase of real property in Perryville. Additionally, the Board members discussed the possible impact to the community from proposed changes in a local business. The Board took no actions during the meeting. The meeting was adjourned at 8:32 p.m.

**Statement Regarding January 19, 2016 Closed Meeting for Inclusion in Minutes of
March 1, 2016 Town Meeting**

On January 19, 2016, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:26 p.m. in accordance with General Provisions Article, § 3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto. Mayor Eberhardt, Commissioners Fox, Linkey and Ryan all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Administrator, Denise Breder, the Town Planning Director, Mary Ann Skilling, and the Office Clerk, Tara Dvorak attended the entire closed session. During the meeting, there was continued discussion by the Board regarding the purchase of real property in Perryville. The Board took no actions during the meeting. The meeting was adjourned at 8:53 p.m.