

**Town of Perryville
Town Meeting Minutes
March 6, 2018**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Michelle Linkey, Pete Reich, Robert Ashby Jr., Ray Ryan III, Town Administrator: Denise Breder, Finance Director: Debra Laubach, Planning & Zoning Coordinator: Amanda Hickman, Town Clerk: Jackie Sample, Police Chief: Al Miller and Town Attorney: Fred Sussman

The Town of Perryville meeting was called to order at 7:00 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.

Pledge to the Flag.

APPROVAL OF TOWN MEETING AGENDA

Mayor Eberhardt asked for a motion to approve the Town Meeting Agenda as published.

Motion was made by Commissioner Reich and seconded by Commissioner Ryan 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 includes the January 16, 2018 Work Session Minutes, the January 16, 2018 Special Meeting Minutes, the January 16, 2018 Closed Session Minutes, the February 6, 2018 Town Meeting Minutes, the February 6, 2018 Closed Session Minutes, and the February 17, 2018 Strategic Planning Minutes.

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

Commissioners' Reports -

Mayor's Report -

Mayor Eberhardt reported that he along with Ms. Breder and Ralph Ryan met with the Beacon Point HOA on the 12th to discuss the sidewalk preliminary design by the State Highway Administration from Clayton Street to the High School. On the 14th we met with BG&E to get an understanding of the gas lines that run through town in Perryville in various areas. On the 16th he along with Chief Miller gave Cecil County Vice President Dan Schneckenburger a tour of the Police building. The board and the Department heads had a Strategic Planning Session on the 17th of February. On the 26th he met with the Good Shepherd School 4th graders to discuss the MML "If I were Mayor

Essay Contest” and the Perryville Elementary School on March 1st, which also happened to be “Read Across America Day”. We had some real issues because of Storm Riley including the train derailment and significant traffic issues caused by several bridges closing. The Mayor would like to present a draft letter that he has for the MD Department of Transportation and the Federal Railroad Administration Safety Office who is doing the investigation of the train derailment to get some answers to some safety issues and procedural questions that the town has in light of the recent derailment. He would like to come back to this during the voting part of the meeting.

Commissioner Ashby’s Report -

Commissioner Ashby wanted to thank the Chief and his officers on the handling of the storm as well as some of our local restaurants for staying open as late as they did to accommodate those stuck in traffic. Commissioner Ashby added to the Mayors report that it was proven that the wind is what blew the railcars off.

Commissioner Linkey’s Report -

Commissioner Linkey wanted to thank DPW for their work after the storm, there were over 31 trees that had fallen that had to be cut up and moved and the park is back open as of this afternoon. The boat dock will be closed until at least Friday when the barge is supposed to come in to remove the rail cars.

Commissioner Ryan’s Report -

Commissioner Ryan was able to attend all the planned meetings this month except for the Strategic Planning Meeting due to a work-related issue. He did attend the Planning and Zoning Meeting on the 26th where they welcomed, Mr. Nunez, their new member and Mr. Jack was elected as Chairman and Mr. Barrett was elected as Co-Chairman of the Planning and Zoning Board. There was general discussion on various things going on in town with the Corporate Boundary Survey being one of the topics that we have been working on and were able to look at the preliminary report on.

Commissioner Reich’s Report -

Commissioner Reich stated that the full report will be on the website. The Water and Wastewater Plants were on full compliance for the month of February. Jeremy Cregar passed the MDE class 5A Wastewater exam. The Superintendent has been training both Jeff and Jeremy on Superintendent/Management duties. The Superintendent provided a tour of the plant for the Lego Club kids from the Good Shepard School. Commissioner Reich attended the luncheon for the Water and Wastewater Plant employees in recognition of getting us through our recent Water Plant problems. He also attended the Strategic Planning meeting but was out of town during the storm.

Fire Department Report - Commissioner Ryan

Commissioner Ryan reported on behalf of the Fire Department regarding their calls for the month. They had 40 calls, 3 calls on I-95, an average response time of 5.3 minutes per call and 4.6 members on the scene for each call. One of his initiatives a couple of years ago during his term as Chief was to work on reducing firefighter cancer. One of the final things got accomplished last night, which was receiving a \$94,000 America's Firefighter Grant and we had to add \$16,000 to it. We are putting diesel exhaust systems in both of our Fire Stations that will hook up to the fire apparatus and the ambulances as they are in the station pulling out or backing in to capture all of the diesel exhaust fumes and back out to the environment through a scrubber first. This would alleviate the diesel soot that was accumulating on the furniture and on the gear which would in turn transfer to the firefighters while the engines were running. Commissioner Ryan thanked the town and everyone for their cooperation during the storm, we did have some traffic issues as did everyone else trying to get somewhere. The station did open for a few hours to allow people to use the restroom or get something to drink or relax if needed as requested by the Department of Emergency Services. We stayed there from about 11 o'clock until about 4 a.m. Commissioner Ryan contacted the CSX haz-mat guy who was on his way up along with the MD Department of the Environment. There were 6 cars that derailed, with 4 going into the Susquehanna, they were all empty at the time. Two of them had been pulled out and they are hoping to pull the other two out on Friday weather permitting.

Mayor Eberhardt allowed the Outreach Program to go next on the agenda.

Outreach Program - Danielle Hemling

A member of the Outreach Program reported on the activities of the month of February. The members wanted to thank Good Shepard for their donations of food and goodies. The members celebrated Random Acts of Kindness Days by surprising the officers with homemade cupcakes. In celebration of Valentine's Day, they had a party and made gifts and cookies for our loved ones at home. Work started this week on our additional parking project to make Outreach more functional for our guests. The members focused on community service by working to keep Outreach and our surrounding areas clean from trash and looking great. Cecil County Vice President Dan Schneckenburger took a tour of Outreach this month, its great to have support from our elected officials. Report cards came out recently and we are happy to see that some of the hard work our members have been putting into their studies is showing.

Ms. Hemling reported that the overall monthly attendance was 289 and the number of new members was 5, both figures updated from what was on her report. We also had some Army recruiters come to Outreach and meet with some of our older members who are in High School to discuss what they do and what their opportunities are coming out of High School.

Administrator's Report - Denise Breder

Ms. Breder also wanted to thank the staff and the police and the first responders during the storm. This Thursday we will have an after-action meeting to discuss how our emergency response with traffic was during the bridge closures and derailments. She along with Mayor Eberhardt and Aaron Ashford met with the CSX Risk Management Representative to make sure that the town's property damage is remediated and fixed so that the town gets full reimbursement for any property damage that occurred.

Mayor Eberhardt commented that it was obvious that there was not a plan for the closing of all the bridges. He is not quite sure what agencies would be involved in that emergency planning of both bridges being shut down, but it needs to be addressed.

Commissioner Ashby commented that once they opened the Hatem Bridge they would not allow empty trucks to go across the bridge and it was too late for them by the time they were finding out and they were having to pull off the road and find a place to park.

Ms. Breder commented that other agency involvement will certainly be discussed in their follow up meeting. BG&E has sent us some follow up information regarding our meeting with them. For any residential property that has a gas line on their street, they can connect for free but would still have to have their own appliances and make their own hookup, and the information is now on our website along with information on a SEED Business Program. The official roll out of the Strategic Planning Meeting is going to be Tuesday April 3rd at 6 p.m. right before the Town Meeting and it will be advertised.

Commissioner Reich inquired if we have a contingency plan to hold it somewhere else if we get a large turnout. Ms. Breder responded that we would talk about that this month before we get it advertised.

Ms. Breder announced that we have an Election coming up and the filing deadline is April 9th before 5:30 p.m. and the registration to vote is also April 9th to the Cecil County Election Board and forms are available at Town Hall. The Election is May 8, 2018 from 7 a.m.-7 p.m. upstairs at Town Hall. Ms. Breder attended that MD Department of Planning Listening Session at Cecil County on February 27 and made some comments to our State officials regarding the need for funding assistance for infrastructure projects, the need for improvements to the MD 222 interchange and bridge, and how the MS4 permit requirements could be an impediment to development. We have a meeting this Friday with the USDA and Fire Company representatives for the Station 16 water tie-in. We had a Green Team meeting on February 7 and we started working on the Green Team Action Plan. We also have a Green Team meeting scheduled for Wednesday April 11, 2018 at 5:30 p.m. in the Town Hall Meeting Room. The repairs have been done to the Police Department building and we are still in the process of ordering replacement items for the January 1st water leak due to the sprinkler head

malfunction. Once that is done the release will be signed and North Points insurance company will reimburse the town for cost incurred.

Mayor Eberhardt commented that North Point Builders won an award for the construction of the new Police Building. Mayor Eberhardt believes that the numbers reported for the out of state boat stickers sold was incorrect which stated 85, he believes that it more than likely should be 5 which was reported for in state sold. There were 412 late notices sent out for water and sewer bills. Our Town Engineer has listed various projects that need to be done for the new State requirements for our discharge elimination system at the cost of at least \$50,000 a year and the Mayor hopes that Ralph will have proposed projects and individual cost for the upcoming budget meetings.

Ms. Breder responded that he will not, that there is a whole process that you must go through before even getting to the point of planning remediation projects.

Mayor Eberhardt clarified that this means that the Town was not going to be expected to start any remediation projects in 2019 then.

Ms. Breder responded that we would not, we would have to file our NPDES permit and administrative requirements and survey work that must be done within the first couple of years before any projects can be started but we do not want to wait until the end of the permit period to start working on it.

Commissioner Reich inquired about the status of the Eagles Nest that is in one of the light poles at the Little League Field and if DNR has been notified.

Ms. Breder responded that Ralph is working on that, we were getting ready to put out to bid that Phase of the project when that was noticed and realized that needs to be addressed first.

Mayor Eberhardt announced that there will be visitation at Patterson Funeral Home from 6-8p.m. Friday March 9 for former Commissioner Alan Fox. Saturday March 10 at 1 p.m. is a Memorial Service at the Funeral Home for him.

Treasurer's Report - Debra Laubach

Ms. Laubach commented that we received and paid the final invoice for the Police Department. There were no collections for the boat ramp for the month of December or January, to date we have collected about \$4,600. The financial statements are brought up to date and she is starting to work on the budget and doing detailed analysis on various accounts. She is concentrating on the revenue and finding revenue that has not been recognized yet, so she will be doing a Budget Amendment for the Work Session and for introduction at a Special Meeting. We have received proposals back from four CPA firms for the Audit and they are all very well qualified and have been evaluated by her and Ms. Breder for presentation at the Work Session with their recommendations. She

has distributed the dates for the March and April budget meetings and will be notifying the Department Heads at their staff meeting when they will be expected to make their presentation. A couple of Grant Applications have been completed. She has met again with a record retention company that she has been talking to, seeing what they are proposing and observed a demonstration. She talked to our software company to see if we need any additional upgrades to our current system and has gotten the record requirements from the Chief as far as the Police Department and has been talking to the Maryland Archives to see what their requirements are before going forward with any proposals.

Commissioner Linkey inquired if we were looking at record retention for storage or for what we need to keep physically or physical and on line.

Ms. Laubach responded that it will be a combination of both. She is hoping that the MD Archives will say that once we have scanned it or preserved it in some way we can destroy the majority of the records that we have.

Commissioner Linkey stated that the board at the time that this was last discussed had voted that they did not want to use any type of cloud-based service.

Ms. Laubach commented that we have the option of storing here on our server.

Commissioner Linkey reiterated that the board did not want to store it on the cloud or on our server, but she has always felt that it should be on a cloud service rather than the server that way it is always up to date.

Ms. Breder commented that she had talked to Ms. Laubach about getting a plan into place so that we know what to keep and what we can do away with and talk about it at a Work Session then move forward.

Ms. Laubach commented that we did receive quite a bit of money from the Local Impact in January totaling \$334,836.08; however, we also received notification that they overpaid us by \$45,000, which they will be taking back from our next disbursement. To date from September 2010 until December 2017 slot revenue total is \$10,478,018.98. Received for fiscal year 2018 to date is \$786,792.85.

Police Report - Police Chief Al Miller

Chief Miller reported that as everyone is aware, on Friday the Hatem Bridge closed at approximately 4 p.m. and reopened at approximately 2:44 a.m. on Saturday and the Tydings Bridge closed at 10:42 a.m. and did not reopen until Saturday morning at 3 a.m. The Conowingo Dam was also closed to vehicular traffic both north and southbound. We had additional Police Officers and a supervisor on the scene to let everyone know that the town was not shut down and that public safety was our number one priority. He has never known of the three facilities closing down at the same time on

the same date. The Owens Landing Homeowners Association came to us today requesting to use our conference room, it will be every fourth Monday of the month from 9 a.m. until 11 a.m.

Chief Miller presented Holly Charsha with a Chief's recognition award for taking time out of her schedule with no compensation in providing the Police Department with coffee and donuts during their Coffee with a Cop event.

Ms. Charsha wanted to clarify that this is actually done through the American Legions Auxiliary, they provide the coffee and she goes out and solicits the vendors. She would like to have a better turnout for future events.

Chief Miller commented that she also works with the Outreach Program not just the Police Department.

Planning and Zoning Report -

Commissioner Ashby inquired what property was condemned by the County.

Ms. Hickman responded that it would be 611 Otsego Street.

Commissioner Reich inquired why the planning for annexation of the community park is not until the next fiscal year.

Commissioner Ryan commented that it is making sure that we have all of our paperwork and budget in line for the whole process.

Ms. Breder responded that there is a lot of work and cost involved in the process which will need to be worked into next year's budget and getting it in the work schedule.

From the Floor

Anthony Gerst, who resides at 328 Broad Street wanted to thank the town for his recent grant that he received from them to redo his front porch, he is very appreciative of it.

Michael Casella, who has resided at Owens Landing for about 7 years, is very concerned over what happened on Friday and the impact that it had on everyone. He is also concerned with the deplorable and dangerous conditions at the Covenant Marina that the head of our HOA has been discussing with Ms. Battaglia about. He inquired whether there are grants available for this marina. Our board has tried to approach the owners and they are just not cooperative. This is depreciating the values of the surrounding property owners and we are hoping to hear something from some State Agency or DNR on options to address this issue.

Ms. Breder responded that our staff is looking into some possible grants, she believes that Working Waterfront grant through Chesapeake Bay Trust which Amanda has been researching is an option. We are also looking into it from a code enforcement stand point and what code changes that we may need to put in place to address this. We have not had a lot of luck working with the property owner and we have attempted.

Commissioner Reich questioned whether we have fines and things for this.

Ms. Breder is going to have to talk to Dianna to see what code enforcement efforts have been done, she knows that some have been done but does not have details.

Commissioner Ryan wanted everyone to keep in mind that with Code Enforcement there is a process, it just does not happen overnight.

There was discussion whether any agency has the authority to shut them down from operating as a marina.

The Mayor stated that they had to have been issued a commercial license and a business license that somebody issued to them.

Ms. Breder commented that we have had DNR and MDE out there, she does not have all of the answers at this time, but we will keep working on it.

Old Business

Ordinance 2018-02 - Financial Disclosure and Ethics Code Revisions

Mayor Eberhardt stated that this Ordinance was done to comply with new State requirements, which a large portion speaks to people who are working as lobbyists.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve Ordinance 2018-02. **All in Favor: Motion Carried.**

New Business

Mayor Eberhardt asked that the draft letter that he presented earlier to the board regarding our request to the Federal Railroad Administration regarding the recent train derailment be considered for a vote.

Commissioner Ryan has no issues with the contents of the letter but only sees one other agency listed that it is going to which is Richard Brooks at the Cecil County Department of Emergency Services. He would like to include the City of Havre De Grace, Harford County Department of Emergency Services and Maryland State Police.

Mayor Eberhardt asked that a copy be sent to Congressman Harris too.

Motion was made by Commissioner Ryan and seconded by Commissioner Ashby to send the letter as is with the added cc's as requested. The board also agreed to allow the Mayor to sign on their behalf and remove their signature lines to expedite the letter. **All in Favor: Motion Carried.**

Façade Grant Applications

There were two residents applying for Façade Grants, both for window replacement or restoration, 365 Elm Street and 1510 Greenspring Avenue.

Motion was made by Commissioner Reich and seconded by Commissioner Linkey to approve both of the grants as presented. **All in Favor: Motion Carried.**

Business Development Grant - Grant Application Request for 626-628 Otsego Rentals

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve the Business Development Grant Application. Discussion ensued regarding eligibility of applicants and clarified that rental units were taken out of Revitalization Grants and put into the Business Development Grant category. **Four in Favor, 1 Abstain (Commissioner Ryan): Motion Carried.**

Ordinance 2018-03 Budget Amendment

Ms. Laubach explained the amendments to the Budget Amendment Ordinance since being introduced. One was on Amendment F, the total amount of \$29,450 still remains, there was just a typo in the reallocation, but the total is still \$29,450, there is also a change in Amendment I, deleting two lines because they were redundant.

Motion was made by Commissioner Linkey and seconded by Commissioner Ashby to approve Amendment I and Amendment II for Ordinance 2018-03 as written. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve Ordinance 2018-03 as amended. **All in Favor: Motion Carried.**

Portable Toilet Bids

Ms. Laubach commented that two bids came in for the portable toilet rental and maintenance for town owned properties and Ewing's Septic Service is our current vendor and they came in with the low bid and also cheaper with one day event rentals.

Motion was made by Commissioner Linkey and seconded by Commissioner Ashby to accept the bid from Ewing's Septic and Portable Restrooms for our portable toilet service for the next year. **All in Favor: Motion Carried.**

Election Board Re-Appointments

Mark Fayer Sr., Terri Grove, and Wayne Kommalan expressed interest in being re-appointed to the Election Board and Sheron Alexander as an alternate member.

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

Perryville Little League Application

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the Opening Day Little League Parade. **All in Favor: Motion Carried.**

Transportation Priorities Letter

Discussion ensued on whether to add to the list of priorities the Friday incident that occurred and the impact or a plan for future events that may occur. After discussion it was determined not to add that to the letter with the existing priorities and to keep it as a separate letter.

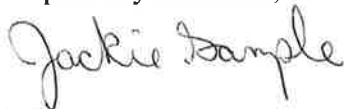
Commissioner Linkey brought up the highlighted alternate wording.

Ms. Breder commented that the highlighted areas are suggested alternate wording after the City of Havre De Grace received a letter from the MD Transportation Authority that they are not going to allow the Hatem Bridge EZ-pass to be used on I-95 under any circumstances. Ms. Breder is proposing alternate language that they continue to investigate options to deal with the high toll rates and the diversion that results from the high toll rates on the Tydings Bridge. Also, as discussed at the Work Session was to include in replacing the bridge over Amtrak line on MD 327, but insure maintenance of traffic during construction linking that to the AMTRAK truck route and asking them to evaluate the need to a signal on MD 222 and Cedar Corner Road.

Motion was made by Commissioner Reich and seconded by Commissioner Ryan to approve the sending of this letter to the Department of Transportation with the changes as indicated. **All in Favor: Motion Carried.**

Motion was made by Commissioner Ashby and seconded by Commissioner Ryan to adjourn the March 6 Town Meeting at 8:37 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,



Jackie Sample
Perryville Town Clerk

**Statement Regarding January 16, 2018 Closed Meeting for Inclusion in Minutes March 6, 2018
Town Meeting Minutes**

On January 16, 2018, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:20pm in accordance with General Provisions Articles, § 3-305(b)(8) To consult with staff, consultants, or other individuals about pending or potential litigation. All four Commissioners were in attendance as well as the Mayor. In addition to Mayor and Commissioners, Denise Breder, Town Administrator, Cathy McCardell, Assistant Town Administrator, and Tara Dvorak, Office Clerk attended the closed session. During the meeting, there was discussion on an agreement between the town and a property owner. The meeting was adjourned at 8:33pm.

**Statement Regarding February 6, 2018 Closed Meeting for Inclusion in Minutes March 6, 2018
Town Meeting Minutes**

On February 6, 2018, the Mayor and Commissioners of Perryville conducted a closed meeting at 7:54pm in accordance with General Provisions Articles, §3-305(b)(7) To consult with counsel to obtain legal advice on a legal matter; And §3-305(b)(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; Commissioners: Pete Reich (by phone) and Robert Ashby Jr. and Ray Ryan III, were in attendance as well as Mayor Eberhardt. In addition to Mayor and Commissioners, Denise Breder, Town Administrator, Cathy McCardell, Assistant Town Administrator, Fred Sussman, Town Attorney, and Tara Blevins, Office Clerk attended the closed session. During the meeting, there was discussion on the Cable Franchise renewal agreement, which the Board voted to decline and to continue with the existing agreement. The meeting was adjourned at 8:17pm.