

**Town of Perryville
Town Meeting Minutes
May 5, 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 Linkey to approve the May 5, 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 March 17, 2015 Work Session Minutes, March 24, 2015 Budget Work Session for Public Input Minutes, and the March 26, 2015 Budget Work Session Minutes, the April 9, 2015 Budget Work Session for Public Input Minutes, the April 14, 2015 Special Meeting to Introduce FY 2016 Budget Ordinance Minutes, The April 7, 2015 Town Meeting Minutes, April 7, 2015 Closed Session Meeting Minutes which are all requiring no further discussion and are considered for unanimous consent.

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

Old Business –

Ordinance 2015-06- Budget Amendment

Consideration to amend the police budget to purchase a copy machine and to work with a consultant to revise the Policy Manual.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve Ordinance 2015-06. **All in Favor: Motion Carried.**

New Business

Ordinance 2015-08

An Ordinance for the purpose of adopting the FY 2016 budget, real and personal property tax rates for the taxable year beginning July 1, 2015.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve Budget Ordinance 2015-08. **All in Favor: Motion Carried.**

Resolution 2015-04

Consideration of assigning funds to the Town's facility reserve per the Town's fund balance policy and as previously designated in the annual operating budget. Ms. Deaner made note that there was an incorrect date at the bottom of the Resolution it should read May 2015 not April 2015 for date read and passed.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve Resolution 2015-04 with the change as noted. **All in Favor: Motion Carried.**

Resolution 2015-05 – consideration of an expenditure adjustment to move Sewer Salary to Sewer Overtime.

Motion was made by Commissioner Fox and seconded by Commissioner Linkey to approve Resolution 2015-05. **All in Favor: Motion Carried.**

Commissioner Ryan had to leave the Town Meeting at 7:15 p.m.

Mayor's Report –

Mayor Eberhardt stated that it has been a busy month for meetings in preparing the budget. The Cecil/Harford MML Meeting was held on the 16th of April in which the various Municipalities recognized the previous service of former Delegate David Rudolph. On the 22nd he met with the Lottery Commission. On the 25th he met with the MML Board of Directors. On the 30th, he along with Mayor Alt of Elkton and Mayor McKnight of North East, gave a briefing to the Legislative Committee of the Cecil County Chamber of Commerce regarding activities going on in our Towns. Tomorrow he will be going to the Good Shepherd School to present the students involved with the "If I were Mayor Essay Contest" with t-shirts and awards. Tuesday May 12, 2015 is Town of Perryville Election Day from 7 am-7 pm upstairs at Town Hall.

Mayor Eberhardt read a Proclamation which proclaims the month of May 1- 31st 2015 as Cecil County Tourism Month. He also announced that later this summer the Bassmaster Elite Event is coming to Cecil County, expecting approximately 30,000 people, which will be headquartered in the Town of North East. The other neighboring

Municipalities are preparing for accommodations for the participants and attendees to bring in some extra tourism dollars.

Commissioners' Reports –

Commissioner Linkey's Report -

Commissioner Linkey reported that she attended all of the budget meetings and the MML Chapter quarterly meeting. She also assisted with the Riversweep event in which a lot of volunteers turned out. They cleaned up 860 pounds of tires and 2100 pounds of trash during the event. Some of the streets are in the process of being lined. The hydrant flushing will be May 11 to May 15. The full report will be on the web site after the meeting.

Commissioner Fox's Report –

Commissioner Fox reported that he attended the various meetings for the prior month. They conducted their last interview for the Water and Wastewater Supervisor position on the 1st and have selected someone; they will be starting on the 18th of this month if they accept the position. He thanked Gene and Larry for stepping into the position to assist while they were looking for a replacement. Commissioner Fox announced that Doreen Smith, our Economic Development Coordinator, resigned and that he has been involved in the Maryland Main Street Program application process and she had asked him to be the contact for the Housing and Development branch until a new coordinator is hired.

Town Administrator Report - Denise Breder

Ms. Breder stated that we still need about 17 of the temporary construction easements for Elm Street project to be signed. We do have an ad on our website seeking a full time Economic Development Coordinator and the deadline to apply is May 22. Perryville Middle School will be doing their service learning project on May 7th with a rain date of the 29th.

Mayor Eberhardt stressed the importance of getting the remaining easements so that they can get the Elm Street project up and running.

Commissioner Linkey inquired if a bid has been put out for the playground equipment at the park.

Ms. Breder indicated that this had already been done and a vendor was selected through the County's bidding process, so we did not have to bid it out ourselves.

Treasurer's Report - Rachel Deaner

Ms. Deaner mentioned that we have been selling surplus items on a municibid website and there are some items on there right now. The balance of her report will be on the website.

Police Report - Chief Wernz

Chief Wernz highlighted a couple of items on his report. Chief Wernz reported that the Haz-mat Train Derailment Emergency Response Training with Commissioner Ryan has been scheduled for May 28th at the Aberdeen Police Department from 1 to 3 and May 29th will be at the Perryville Library from 10-12 p.m. We have interviewed for our new Police position and if all goes well we will have them introduce themselves at the next Town meeting. We plan on sending the potential candidate to the MDTA Police Academy beginning June 10th.

Outreach Report - Danielle Hemling

Ms. Hemling, Caseworker for Outreach Program, reported that 9 of their members attended the Riversweep cleanup effort. They have started on the Community Garden and still need to work on a few more beds. They have hired a new Activities Coordinator, Carson Debonis who is here to introduce herself.

Ms. Debonis is a Psychology major and graduated from Harford Community College and is now attending Towson University to pursue her degree in childhood psychology and enjoys working with kids.

The Mayor suggested getting the word out about when they will be working on the Community Garden for any residents that may want to assist, possibly on the Town's website. Ms. Hemling replied that they decided that Wednesday's around 4:30 was going to be when they would work on the garden.

Planning and Zoning Report - Mary Ann Skilling

Ms. Skilling reported that the Farmers Market began this past Friday which was well received; there were 2 vendors who could not attend. We are in the process of finalizing our Grant programs to prepare for the next round of Grants available from the State from the slots revenue. Some changes to the Zoning Ordinance have been proposed and will be coming up in the future.

From the Floor

Tony Gerst, who resides at 328 Broad, suggested the Town purchasing the High Roads School building that will be vacated at the end of the school season instead of building a new Town Hall and Police building and rent this lot to the MARC Train Station. He

inquired about how many Police Officers we have in town, he feels there are too many Police Officers for the amount of people that reside in Town of Perryville. He stated that we are losing businesses in Town. He would like to see a playground built for the kids in the lot on Roundhouse Drive which is more accessible and safer for children to get too. He also feels that the process and fees to start a business in town is too much which turns potential business owners away.

Mayor Eberhardt stated that the ratio for Police Officers to residents is 2 for every 1,000 and that we currently have 11 officers with approximately 5,000 residents. He also stated that there is a concept plan for the grounds off of Roundhouse Drive across from Rodgers Tavern and a mini park is part of the plan.

Verizon Wireless Ground Lease -

Ms. Breder stated that Verizon Wireless has put in a request to lease some property from the town at Cedar Corner Road to support their equipment that they plan on putting on the SBA communications tower that already exists at that location. The annual rent for that would be \$14,400 which would go towards the water fund since that is who owns that property. Ms. Breder stated that she had received a request from Verizon late today that they wanted to make a minor change to the term rental section of the lease agreement, including changing the rental term to begin July 1, 2015 to be consistent with their lease with SBA. She is requesting to consider substituting the language in the term rental section of the existing lease with the language that is in the handout that she just distributed to reflect their request. There will be some conflicts with the conduits from their new cabinet that are crossing existing town water lines and Atlantic Broadband conduit, but they assured us that the trenches would be hand dug and depending on the depth they would need to go over or under the existing conduits.

The Engineer, representing Verizon responded that they are just going to be replicating what is already there with the other two carriers. He did concur that they will hand dig in the areas where there is existing conduit and if we hit anything during construction we will fix it.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve the lease agreement between Verizon Wireless and the Town of Perryville subject to the modifications reflected in the memorandum from the Town Administrator dated May 5, 2015 (which regards the term rental section). **All in Favor: Motion Carried.**

Chemical Bids

Ms. Deaner presented the chemical bids that were submitted for chemical supplies to the Water Treatment Plant and the Wastewater Treatment Plant.

Motion was made by Commissioner Fox and seconded by Commissioner Linkey to approve the chemical bids as submitted by staff. **All in Favor: Motion Carried.**

Ordinance 2015-10

Mayor Eberhardt introduced Ordinance 2015-10 which Ms. Skilling read concerning assignment of the Town Forest Conservation responsibilities to the County in accordance with the Maryland Forest Conservation Act which is something that the County has already been doing but this will formalize the process.

Emergency Ordinance 2015-11- Containers of Alcoholic or Intoxicating Beverages

Ms. Skilling read the Ordinance which creates an exception to certain prohibitions against possession of certain containers of alcohol or intoxicating beverages on certain town property; allowing the possession of certain containers of certain alcoholic beverages during farmer's markets sponsored by the Town; allowing the consumption of wine in certain public places under certain circumstances; and generally relating to possession of containers and consumption of alcoholic beverages in the Town of Perryville. It will repeal and reenact, with amendments Chapter 26 Alcoholic and Intoxicating Beverages, Section 26-2.A., and Chapter 61 Parks and Playgrounds, Section 61-17 of the Code of Perryville. (The entire verbiage can be found on the Town's website.)

Mayor Eberhardt stated that this Ordinance is an effort to modify the existing code to allow for wine tasting and purchase during specific town events, (such as the Farmer's Market), on town property but does not mean that you are allowed to drink alcohol out at the park or any other town owned facility any other time.

Motion was made by Commissioner Fox and seconded by Commissioner Linkey 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 2015-11 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 2015-11. **All in Favor: Motion Carried.**

Reservoir Road Bridge – County Request for Entry Agreement

Ms. Breder commented that the County is going to be replacing the bridge on Reservoir Road next to the Water Plant and they are asking for a deed of easement to allow them to have extra space to temporarily have area to do the construction, but also a perpetual utility easement area and roadway widening easement area.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve the proposed Deed of Easement and road widening easement and perpetual

utility easement for Reservoir Road with the Cecil County. **All in Favor: Motion Carried.**

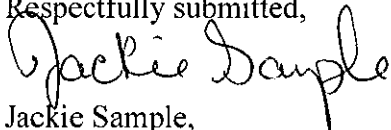
East Coast Greenway Alliance Trail

Ms. Breder commented that she has three separate items for approval regarding this request. She stated that currently the town has a trail that goes through the VA property and the East Coast Greenway is asking that we allow them to share the trail with us to bring some tourism into town. The first item is the Greenway Committee is asking if we would send a letter to the VA stating that we would have no objections to them sharing the trail with us provided that their agreement between the VA and the East Coast Greenway is independent of the agreement between the Town of Perryville and the VA. The second item is a request for the East Coast Greenway Alliance to install signage throughout town through a grant they received through MDOT which would to bring awareness to the route and tourism options to visitors. The last item is an agreement with the East Coast Greenway Committee and the Town of Perryville for them to create an interim route off of the town's existing route. The East Coast Greenway Committee was agreeable to all of the items but has requested that any approval that we make be contingent upon East Coast Greenway meeting with the Perryville Greenway Committee to go over the specific signage location.

Motion was made by Commissioner Fox to approve the proposed letter to the VA and the proposed letter to the State Highway Administration and the legal agreement for interim route share between the Town and the East Coast Greenway Committee contingent upon them meeting with the Perryville Greenway Committee. **All in Favor: Motion Carried.**

Motion was made by Commissioner Fox and seconded by Commissioner Linkey to adjourn the May 5, 2015 Town Meeting for a Closed Session to consult with counsel to obtain legal advice on a legal matter at 8:15 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: Town Hall Date: 5/5/15 Time: 8:15 p.m
Motion By: Fox 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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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;

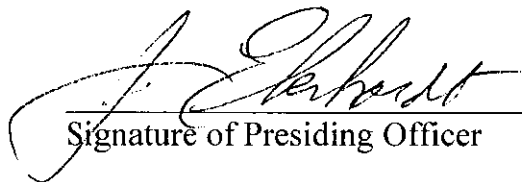
(12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(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:

To discuss the issuance of fines & violations of the Town Code and to get legal advice on the same.


Signature of Presiding Officer

Statement Regarding April 7, 2015 Closed Meeting for Inclusion in Minutes of May 5, 2015 Town Meeting

On April 7, 2015, the Commissioners of Perryville conducted a closed meeting at 7:32 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. 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, and the Town Administrator, Denise Breder, attended the entire closed session. During the meeting, the Commissioners received legal advice related to the bids for the Lower Ferry Park development project. No decision was made during the closed meeting. The meeting was adjourned at 7:40 p.m.