

**Town of Perryville  
Town Meeting Minutes  
November 3, 2015**

ATTENDANCE: Commissioners: Michelle Linkey, Alan Fox, Ray Ryan, Town Administrator: Denise Breder

Remote Participation: Commissioner: Barbara Brown

Absent: Mayor: James Eberhardt

**The Town of Perryville Town Meeting was called to order at 7:00 p.m. by Commissioner Linkey.**

Commissioner Brown attended remotely through speaker phone communication and it was confirmed that she could be heard and that she could hear the meeting attendees. All contents pertaining to the November 3, 2015 Town Meeting agenda were delivered to Commissioner Brown prior to the meeting including all meeting minutes.

**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 Ryan and seconded by Commissioner Fox to approve the November 3, 2015 Town Meeting Agenda. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **All in Favor: Motion Carried.**

**Consent Agenda Items:** Commissioner Linkey asked for a motion regarding the consent agenda items, which include the September 15, 2015 Work Session Minutes, the October 6, 2015 Town Meeting Minutes and October 6, 2015 Closed Session Minutes which are all requiring no further discussion and are considered for unanimous consent.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the consent agenda items as noted. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Abstain, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **3 in Favor, 1 abstain: Motion Carried.**

Commissioner Ryan noted that he was not present at the September 15 Work Session and Commissioner Fox noted that he was not present at the October 6 Town Meeting or closed session.

**Mayor's Report –**

**Proclamation – Government Works Month**

Commissioner Linkey read a Proclamation recognizing the Month of November as Government Works Month.

**Commissioners' Reports -**

**Commissioner Fox's Report -**

Commissioner Fox reported that he attended the Ribbon Cutting Ceremony for the new Sports Bar and Grill.

**Commissioner Ryan's Report -**

Commissioner Ryan reported that other than attending some of the regular meetings last month, he did sit in on the interview for the Police Chief position.

**Commissioner Brown's Report -**

Commissioner Brown wanted to remind everyone that the new playground equipment has been installed at the park and encourages everyone to check it out while the weather is still nice. The rest of the report will be on line, with the other staff reports.

**Commissioner Linkey's Report -**

Commissioner Linkey wanted to commend the DPW staff for completing the bi-annual hydrant flushing without using any overtime. She also attended the Halloween Party which was excellent. She suggested in the future having a discussion on possibly having event areas be smoke free, she stated that when the Movies in the Park event was held, there were a lot of people smoking under the tent area around the children. She believes that we should have designated non-smoking areas or designated smoking areas.

**Town Administrator Report -**

Ms. Breder reported that the next step for the cable franchise agreement is to provide a proposal to Atlantic Broadband based on the public hearing comments and our conversations. The Elm Street construction bids are due on November 9 and we expect that project to start early next year in the spring. Phillip Meekins accepted an Assistant Supervisor position for Public Works and started effective November 1, our temporary wastewater employee was hired, his name is Jeremy Cregar and he started November 2<sup>nd</sup>. One in-house candidate was interviewed for the Police Chief position. The next Perryville Greenway meeting will be December 16 at 10 a.m. Upcoming events include the Christmas Tree Lighting Ceremony on December 12 from 4-5:30 p.m. at Rodgers

Tavern. We also have the House Decorating Contest which requires sign up ahead of time by calling Town Hall to have your house judged, the judging will take place on December 18<sup>th</sup> at 6:30 p.m. The full staff report will be available on-line.

**Treasurer's Report - Rachel Deaner**

Ms. Deaner reported that another audit has been completed. A presentation of the final audit will be at the December 1 Town Meeting and her report will be on-line as well for those that may want to see it.

**Police Report - Lt. Al Miller**

Lieutenant Miller reported on behalf of Chief Wernz. He reported that Detective Nitz provided training on civilian response to active shooter incidents for town employees. Our new officer candidate will be graduating in December of this year from the Baltimore Police Academy. We have made an arrest in the armed robbery in August and have a suspect in the one in October. We had an incident Sunday night where an individual or individuals broke into Pizza Tower and stole the safe; they will have the video provided by the owner soon and hopefully will solve that.

**Outreach Report -**

Kayla and Angie, members of the Outreach Program presented the report on the programs activities for the month of October. The overall monthly attendance was 198 and the number of new referrals was 2 and there were two new members. This month some of the Outreach Staff and the youth went on a few fun and educational trips such as the Baltimore Visionary Arts Museum and to Milburn Orchards to pick pumpkins for Halloween and spend some time at the new inductee in the Cecil County Chamber and Commerce Business Hall of Fame. In November we will be beginning our annual food drive for the holidays. We will be in partnership with the Perryville Fire Department to help stock the local food pantries in Perryville. The goal is to collectively contribute to 5 churches in Perryville during Thanksgiving and Christmas. The cutoff date to make donations to Outreach is December 11<sup>th</sup>. Any donations of non-perishable food items to frozen turkeys and hams will be greatly appreciated. The Outreach Program participated in Adopt-A-Highway and Park Clean Up, along with the other usual activities. Please like our Facebook page and share any good news or activities you see within our community. Also check our monthly calendar for upcoming activities.

**Planning and Zoning Report - Mary Ann Skilling**

Ms. Skilling stated that her report can be found on-line. Ms. Skilling reported that she delivered some of the existing annexations for the corporate boundary survey to Mcrone's to start the process and she will be going to Annapolis to get some background information on our original boundaries back in 1882.

Commissioner Ryan stated that he noticed that Frenchman Land Company broke ground on their project.

Ms. Skilling stated that the Frenchman Land Company located at the corner of Route 7 and IKEA Way only has a grading permit. If they did not complete their stormwater management plan, that they were supposed to do some time ago, by next year then they would have to start all over again. So Perryville issued only a grading permit, it is covered under Cecil County's bonding, and it is only to get that pond done. Eventually they will have to come back in and get a permit, a Zoning Certificate and Public Works Agreement for everything else for a warehouse that will be built on that site.

### **From the Floor**

Tony Gerst, 328 Broad Street, questioned some of the items that were on the agenda tonight regarding a budget amendment Ordinance, such as the fencing to go around the Rodgers Tavern a/c unit costing \$4,500. He would also like to see what is going to happen with the new snow removal Ordinance being proposed. He questioned another proposed budget amendment which included a wage scale analysis in the amount of \$25,000 and expressed concern on the need for that and why that can't be done internally. He also questioned the \$5,000 for an alarm system at Rodgers Tavern since we already have one. He also questioned the additional employee being hired for the wastewater plant at \$40,000; he would rather see his water and sewer rates being lowered along with everyone else in town. He is happy to see the new playground equipment at the park, especially the zip line, it is very popular.

Commissioner Linkey explained that the wage scale re-classification is not a job performance it is looking at what employees earn as compared to other people.

Ms. Breder stated that the wastewater position is a temporary position. However, the Water/Wastewater Superintendent has been working with the MD Center for Environmental Training to do an analysis of the Water and Wastewater plants staffing and staffing needs and prepare a report for that. He believes that there is a shortfall especially in the Wastewater Department, but in the immediate short term we need the staffing due to some long term absences. She responded to some of Mr. Gerst's questions regarding the budget amendment. She explained that there was a theft of some copper around the Rodgers Tavern a/c units which was only about \$10 worth of copper, and we had to submit a claim to the insurance company but the repair ending up costing several thousand dollars. Also when you put a fence up on a historic property, you need to keep it in line with what is on the property and keep in mind that it is also going to be there for security reasons too, so it is a decorative iron fence to keep people away from the units to avoid costly future repairs. There was an alarm system at Rodgers Tavern but with the recent restoration it was no longer a viable use so we had to install a new alarm system.

## **Old Business**

### **Budget Amendment Ordinance 2015-18 - Rachel Deaner**

Ms. Deaner summarized Budget Amendment Ordinance 2015-18 introduced at the October 6, 2015 Town Meeting.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve Budget Amendment Ordinance 2015-18. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **All in Favor: Motion Carried.**

### **Ordinance 2015-19 Snow Removal Ordinance Revised**

Mr. Sussman explained the process for action on the Ordinance since it has been revised from the last Work Session.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to substitute Ordinance 2015-19 revised for Ordinance 2015-19 as introduced. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **All in Favor: Motion Carried. Discussion Ensued.**

Commissioner Brown summarized some of her concerns regarding the new Snow Removal Ordinance. She stated that people who live along Route 222 above Perryville Plaza are in the snow emergency route and are contending with plows that are plowing lanes that are three lanes wide consistently throwing snow along the sidewalks which they do not maintain. The snow can get as high as 4 foot and also get iced over by the next day making it impossible for residents to be able to shovel and keep up with that amount of snow. She indicated that the students do not walk to school up this way and those who do are coming home from after school activities and they stay on the opposite side of the street from where she lives where there is no sidewalk. She is proposing that Ordinance 2015-19 be amended on page 2 of the proposed Ordinance, in the third line of Subsection A immediately following "laid" insert "EXCEPT SIDEWALKS LAID ON RESIDENTIAL LAND OR PREMISES ABUTTING ROUTE 222 NORTH OF ROUTE 40."

Commissioner Linkey commented that we are trying to get the State Highway to install more sidewalks along Route 222 so that the kids can walk to and from school safely.

Commissioner Brown replied that she is scared when she hears that, the property from the beginning of Franklin Street to the property below her it is State Highway owned and does not get cleared so the town would end up being the ones to clear it if this Ordinance was passed which would be costly for the town.

Ms. Breder stated that the State has said that maintenance of their sidewalks is not theirs so they would go uncleared or the town would have to clear it.

Commissioner Ryan stated that he would like to see this tabled tonight and see the rewrite based on the amendment that Commissioner Brown referred to and decide if this is the choice we want to make or not.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to table this until the November Work Session to see the rewrite including the amendment. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **All in Favor: Motion Carried.**

Commissioner Linkey understands that we still want to revisit this but to stress that having the sidewalks cleared is something that we do want to happen, whether it means allotting more time or what but something to ponder.

### **New Business**

#### **Revitalization Grant Recommendations - Amanda Hickman**

Ms. Hickman stated that there were 10 applicants who applied for the grant funding and the Revitalization Grant Committee recommended four to the board for approval. The total funding requests were \$169,214.50 and the funds available are \$20,387.50. The first one that was recommended was 543 Cecil Avenue requesting \$12,869 for the replacement of 18 windows; the committee recommendation was in the amount of \$5,000 to take care of a portion of them. The second recommendation was for 536 Aiken Avenue requesting \$11,800 for replacement of roof, soffits and windows; the committee recommendation was for \$7,900 to cover the roof and soffits. The third recommendation was for 432 Aiken Avenue, a small business, requesting \$1,260 for purchase and installation of a custom sign. The committee recommendation is for the full amount. The fourth request is for 918 Mill Creek Road, requesting \$38,220 for replacement of windows, roof, gutters, siding, paint, concrete walkways, etc. The committee recommendation is for \$6,000 to replace the windows.

**Motion** was made by Commissioner Fox and seconded by Commissioner Ryan to approve the revitalization grants as approved by the committee. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **All in Favor: Motion Carried.**

#### **Budget Amendment 2015-20 - Introduction**

Introduction of a Budget Amendment to appropriate funds needed for a wage scale re-assessment in the amount of \$25,000 and \$5,000 for maintenance to Town Hall, \$5,000 to install an alarm system at Rodgers Tavern, \$1,500 for police chief recruitment and pre-employment cost, \$10,000 for equipment maintenance for the Water Plant,

\$40,000 for temporary new hire at the Wastewater Plant, \$10,000 for the Sewer Plant and \$22,000 for the Waste Pump Station repairs and maintenance.

Commissioner Linkey suggested streamlining the Budget Amendment Ordinances to introduce the Ordinance at the Work Session after discussion so that they could be approved at the Town meeting.

Mr. Sussman commented that you could do this by having a special meeting after your Work Session; you would have to advertise it. He also noted if you make it a standard thing then you can advertise at the beginning of the year how you are going to give public notice of that meeting and you could post notice of the meeting at Town Hall or also post it on the internet if you had previously given notice by advertisement that this is how you were going to do it.

Mr. Fotiadis wanted to thank the board for the approval of the grant funding for his home he was very appreciative of it.

### **PEG Ground Lease**

Ms. Breder summarized some of the specifics of the contract for consideration for ground lease space on Cedar Corner Road, the initial term being 5 years at \$1,800 paid in monthly installments, it allows for extensions of four additional five year terms unless lessee terminates it at the end of the then current term by 6 months advance written notice. A rent escalation of 103% each year, the lessee is required to pay taxes as a result of any improvements made by lessee, improvements made would be at lessees cost with Government approval, there are some mutual indemnification clauses in there, including being subject to MD Local Government Tort Claims Act, subject to budgetary appropriations, and subject to the limits of applicable insurance coverage. Insurance is required by both parties and there is additional termination language. She is concerned with provision number 1, the highlighted area that reads "fiber cable and conduit brought in from the right of way and one equipment cabinet." She is requesting that if you could make a motion that it include that they are to work with us on that right of way because she has not gotten appropriate documentation from them defining that right of way yet. What was sent by them was not acceptable.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the PEG Ground Lease for ground space at Cedar Corner Road as long as they work with the town staff to satisfy the right of way requirements to the staff's acceptable level. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **All in Favor: Motion Carried.**

### **Resolution 2015-09**

Commissioner Ryan summarized Resolution 2015-09, which consisted of advisory bulletins 17, 18, and 19 from the Susquehanna River Rail Bridge Project

Advisory Board. Bulletin number 17 from the Advisory Board consists of recommendations on the right of ways and alignments of the bridge on the Perryville side of the water. It discusses rebuilding the existing abutment on the Perryville side and the concrete retaining wall sitting back far enough off of Broad Street to accommodate parking and in the future possibly painting a mural or something on the concrete wall to match the settings of the town. Advisory bulletin 18 discusses the underpasses in town and the request for the underpass across from the ice cream shop to stay open to allow traffic in and out for the AMTRAK right-of-way, but look at closing the one at the railroad station and possibly pick up some more parking spaces by closing that one. Advisory bulletin 19 discusses rail operation noise control and the possibility of building barrier systems no more than five feet in height and directed downward towards the track to deflect some of the noise.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Brown to approve Resolution 2015-09. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, and Commissioner Linkey: Aye. **All in Favor: Motion Carried.**

#### **Susquehanna Railroad Bridge Section 106**

Ms. Breder stated that there were a couple of recommendations from the Section 106 Meeting that she attended for the Susquehanna River Rail Bridge Project. The first was to construct the wall out of architecturally pleasing materials and to paint a mural on it. The second one is to leave the switch tower in place, (on railroad property), if possible and if it must be taken down to fully document it before taking it down for historical purposes.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the recommendations from the Section 106 Committee for the Susquehanna River Rail Bridge Project. Discussion Ensued.

Commissioner Fox wanted to make sure that if we are to go with getting a mural to be prepared to spend some money to get a good mural.

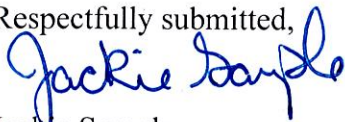
Ms. Breder commented that her understanding from attending the 106 Meeting is that because that wall is intruding on the town's historical character of the area, they would be doing that work as mitigation for the intrusion, so she believes that it would not be something that the town has to pay for. But, hopefully we can work with them to make sure that it is well done.

**Roll Call Vote to the Original Motion.** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye. **All in Favor: Motion Carried.**



**Motion** was made by Commissioner Ryan and seconded by Commissioner Brown to adjourn the Town Meeting at 8:10 p.m. and go into a closed session to consider the acquisition of real property for a public purpose and matter directly related thereto, to consult with counsel to obtain legal advice on a legal matter, and to discuss the appointment, employment, assignment, 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. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Linkey: Aye.  
**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: 11/3/15 Time: 8:10 p.m

Motion By: Commissioner Ryan Seconded By: Commissioner Brown

**VOTE TO CLOSE SESSION:**

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

**STATUTORY AUTHORITY TO CLOSE SESSION**

General Provisions Article §3-305(b):

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

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

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

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

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

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To discuss an employee promotion.

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To discuss the possibility of purchasing property next to a downtown park.

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To get legal advice on the above two issues.

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Signature of Presiding Officer

**Statement Regarding October 6, 2015 Closed Meeting for Inclusion in Minutes of November 3, 2015  
Town Meeting**

On October 6, 2015, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:55 p.m. in accordance with General Provisions Article, Sec. 3-305(b)(1)(4) 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; and, to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Mayor Eberhardt, Commissioners Linkey and Ryan all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Administrator, Denise Breder, attended the entire closed session. Town Planning Director, Mary Ann Skilling and Town Clerk, Jackie Sample attended the initial part of the closed meeting and left at 9:15 p.m. During the meeting, the Board advised the Planning Director to write a letter to another government agency and directed the Town Administrator to proceed with recruitment of an important position within the Town organization. The meeting was adjourned at 9:46 p.m.