

**Town of Perryville
Town Meeting Minutes
October 6, 2015**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Michelle Linkey, Ray Ryan,
Town Administrator: Denise Breder

Absent: Commissioners: Barbara Brown, Alan Fox

The Town of Perryville Town Meeting was called to order at 7:03 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.

The order of the Agenda was adjusted accordingly for staff and board members to give their reports while waiting for Commissioner Linkey who was going to be arriving late so that there would be a quorum for the votes.

Mayor's Report –

Mayor Eberhardt reported that the board and staff have been working on some projects for quite a while to benefit the town. We will be working on getting a contractor to re-do Elm Street, stormwater, sewage lines, sidewalks, and paving, the bids are due November 9th, with a pre-bid meeting on October 19, 2015. We are getting to the point where we will be having a new Police Station built. The new playground equipment at the Perryville Park is almost complete. We have awarded a contract for a band shell at Lower Ferry Park and tonight will be voting on a contract for further development of Lower Ferry Park.

Commissioners' Reports -

Commissioner Ryan's Report –

Commissioner Ryan reported that he attended the Town Meeting on September 1st. On September 21 he attended a Planning and Zoning Meeting where Planning and Zoning made a recommendation to the Board of Appeals for a special use exception for a church at 304 Aiken Avenue and the Board of Appeals did approve that request. They also looked at a revision to the monument sign at the Hollywood Casino and a positive recommendation was made on that. They also had a discussion on getting more people to attend the Maryland Planning Conference.

Town Administrator Report -

Ms. Breder stated that two people were hired for the Public Works Department and we are also seeking to hire a temporary wastewater plant employee. Ms. Breder commented that she has put together a unified staff report instead of having the Town Administrators Report and each individual department reports and would like to get the Board's feedback on whether they like the format or would like anything to be changed on it, this unified report is what will be posted on the website.

Mayor Eberhardt inquired if we had a good turnout for the meeting with the people that were applying for the grants, to which Ms. Hickman responded that we did. Mayor Eberhardt also asked about the status of the Quit Claim Deed for a wedge of property on Roundhouse Drive needed for the development of lower Ferry Park, to which Ms. Skilling responded that she is still working on that with Dwight Thomey.

Treasurer's Report - Rachel Deaner

Ms. Deaner stated that the slot revenue has remained steady and in August we anticipate receiving \$107,097.63 in slot revenue. She got draft financial reports today to review and everything looks pretty good and she and Denise will be working on the MD&A report. The Auditors should be here at the December meeting to give their report.

Police Report - Police Chief Wernz

There were a couple of items that the chief did not have on the unified report that he would like to add, on September 26 they participated in the DEA National Prescription Drug takeback initiative and they collected approximately 28 pounds of prescription drugs. The other thing that he does have on the unified report is that next Thursday and Friday we will be conducting training for the town employees and board members that may want to attend for the civilian response to active shooter incidents from 9 a.m. - 12 p.m.

Mayor Eberhardt asked how the cameras were working; the Chief responded that they were working fine.

Outreach Report –

Alex Baublitz reported on behalf of the Outreach Program. The overall monthly attendance was 174; there was 1 new referral and 2 new members. They are offering homework help at 4 p.m. each day after school for children who would like to participate. They are continuing with the Life Skill classes, and they have introduced some educational Jeopardy games. They have given the inside of the building a face lift with some fresh paint. The Outreach Program participated in Adopt-A-Highway and Park Clean-Up, along with other usual monthly activities.

Planning and Zoning Report - Mary Ann Skilling

Ms. Skilling stated that her report is part of the Unified Report. She announced that the code enforcement position has been filled; Don Stanley will be filling that position, but will not be starting until November 2nd.

From the Floor -

There were no comments from the floor.

Commissioner Linkey arrived at 7:22 p.m.

Commissioner Linkey's Report

Commissioner Linkey reported that the DPW Report will be available on line. She attended all of the regularly scheduled meetings. She has been working with Rachel to purchase a document scanning system.

APPROVAL OF TOWN MEETING AGENDA

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the October 6, 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 August 18, 2015 Work Session Minutes, the August 18, 2015 Closed Work Session Minutes and September 1, 2015 Town Meeting Minutes and September 1, 2015 Closed Session Town Meeting Minutes which are all requiring no further discussion and are considered for unanimous consent.

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

Commissioner Ryan noted that he was not at the August 18, 2015 Work Session.

Ms. Breder reported on behalf of Commissioner Fox for the Wastewater Stats, the influent monthly flow was 20.87 million gallons, effluent monthly flow was 19.67 million gallons, and the VA monthly flow was 6.58 million gallons. They met all required MDE parameters and routine maintenance was performed and equipment repairs were completed. The building and tank cleanings for the month was completed. The Water Plant had a raw water monthly flow of 10.1 million gallons and a finished water flow of 9.8 million gallons and met all MDE parameters along with the other monthly requirements, maintenance, and repairs.

Ms. Breder also mentioned that we do have the Halloween Party on October 30th at Rodgers Tavern from 5-7 p.m.

New Business

5439 Pulaski Highway - Property owner, Rex Burkins, is requesting to amend the requirements related to access to Aiken Avenue Extended from 5439 Pulaski Highway.

Ms. Breder distributed a memo to the board which summarized her understanding of the October 2013 meeting when Mr. Burkins originally had put in a request to utilize Aiken Avenue Extended and the conditions associated with the approval. Mr. Burkins attended the September 15, 2015 Work Session and made a request to amend some of those requirements. Her understanding is that the improvements for the use of Aiken Avenue Extended would still be done but they would be done to SHA standards instead of the County or Town road standards. He no longer intends to use Aiken Avenue Extended for truck access, which he originally was going to do. When he had previously intended to use Aiken Avenue Extended for truck access we had required that he was to make improvements to Aiken Avenue Extended all the way up to the intersection at Franklin Street. He is requesting a waiver on the requirements to improve Aiken Avenue Extended.

Commissioner Ryan asked for confirmation from Mr. Burkins that he no longer wanted to use Aiken Avenue Extended as a truck access, to which he confirmed. Mr. Burkins stated that when they met with SHA early September they would only allow for a right turn in and a right turn out from 222, but SHA would prefer to have an exit for cars from Aiken Avenue Extended.

Commissioner Linkey asked for clarification regarding truck access, that they would have to access his business from 222 or Route 40 and that he has someone interested in leasing a space, which is a liquor store, to which he confirmed.

Mr. Burkins feels that the only part that needs to be redone on Aiken Avenue Extended would be the entrance and he has made it clear that he is not willing to repave the whole road. Mr. Burkins stated that the town does not want him move ahead or get an occupancy permit until you release him to the State to see if they will allow what he is requesting.

Mayor Eberhardt feels that the access point from Mr. Burkins property to Charles Street needs to be improved by the developer not the town.

Ms. Skilling noted that this is a different use then what was originally presented in 2013, and you have an existing business already in there and there are a lot of things that you have to take into consideration when changing the use, such as traffic, parking and access, etc.

Ms. Breder read a paragraph from her memo on her recommendations to approve Mr. Burkins request with the conditions as follows:

“ That the improvements be made to the Aiken Avenue Ext. access point to SHA standards. Improvements are to include drainage/hydrology, curb and gutter, ADA accessibility and proper paving. That the requirement to make truck access improvements to Aiken Avenue Extended be waived, but that improvements/repaving be completed from the access point to Charles Street. That either no additional Occupancy Permits for 5439 Pulaski Highway be approved by the Town until said improvements are completed to the Town’s satisfaction or that no access to Aiken Avenue Extended be allowed until said improvements are completed to the Town’s satisfaction. That the Town designates Aiken Avenue Extended as a ‘no truck road’ except for residential deliveries.”

Ms. Breder noted that because Mr. Sussman is out she could not ask him if we would be able to hold this requirement to the Occupancy Permit or just access to Aiken Avenue Extended. She also stated that the auto repair shop who is in there now did go for a Special Exception to the Board of Appeals and this recommendation should not conflict with the BOA ruling.

Ms. Skilling stated that there were several things that need to happen before the Occupancy Permit would be issued; there is an outstanding fine and the ingress and egress issues that need to be resolved and other County requirements that may be required with the change of use.

Mayor Eberhardt stated that he feels that we need to make a decision based on what Mr. Burkins is requesting so that this can move forward. If there is an issue with the legal terminology that was presented after our legal counsel is able to review it that would cause a substantial change, then it may have to come back before us, but if not then we should move forward.

Motion was made by Commissioner Ryan and seconded by Mayor Eberhardt to approve the paragraph presented by Ms. Breder regarding the requested roadway improvement made for the business at 5439 Pulaski Highway by SHA standards, pending review and comments by Mr. Sussman. Discussion ensued, Commissioner Linkey wanted to make sure that it is clear that if there is to be no access from Aiken Avenue Extended and if it is blocked, then it be something more permanent. **2 in Favor, 1 nay**, (Commissioner Linkey): **Motion Carried**

Stormwater Management Proposal - A presentation was summarized by Ms. Skilling, on behalf of Mr. and Mrs Carabetta, who attended the County’s Watershed Stewards Academy and attended our last work session. They proposed the use of rain barrels and one was on display tonight to show how they work; the approximate cost of the one on display is about \$80. They are requesting the town’s support for the program and for \$1,000 to purchase ten rain barrels to get the program started. The County is supposed to be providing ten rain barrels through their Watershed Program, and Mr. and Mrs. Carabetta will be purchasing one. The rain barrels will be raffled off to local residents interested in being a part of the program and the town would receive stormwater credits

for participating in the program. Mr. and Mrs. Carabetta would assist with the initial set-up and training for their use.

A Perryville resident had supplied a letter of support for the program with some questions on the type of barrels that were planned on being used and whether there is a locked barrel closure to help keeping children and small animals from drowning.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to support the County's Watershed Program and to allow funding of \$1,000 for the purchase of ten rain barrels to assist with starting the program, conditional upon the fact that the Carebetta's are willing to follow up with the program and check in with the Town on the progress for at least two years. **All in Favor: Motion Carried.**

Ordinance 2015-19 Snow and Ice Removal - Introduction

Introduction of an Ordinance to amend Chapter 69, Snow Removal to improve the ability to enforce the code. The introductory paragraph for the Snow Removal Ordinance was read.

Amanda Hickman, summarized the main changes that were made to the Existing Snow Enforcement Code. The first one was regarding the time frame given for snow removal off of sidewalks or walkways from 10 hours to 24 hours after it ceases falling. They changed the terminology for a path to be made in the amount of three feet instead of saying 36 inches. A new subsection C. under Section 69-1 has been added to the code to allow for residents to apply for an exemption if they are unable to remove their snow because of age, handicap, disability; they would need to put the request in by November 1 of each year to be approved by the Administrator or Administrator's designee. The Town would remove it and the resident would be charged for removal, but not the normal fine or infraction. Section 69-4 was repealed and reenacted with amendments to be consistent with the rest of the codes.

Mayor Eberhardt inquired if the Boy Scouts or any other organizations had been contacted to see if they would be interested in offering their assistance if we had a list of people who needed assistance.

Ms. Breder replied that this past season we had put out an advertisement asking for people to sign up if they were interested in assisting people who may need help and we had gotten no responses.

Mayor Eberhardt was not talking about volunteer service, he was talking about the charge that we would charge for removal if we had to do it, but the organization that would do it would get the money that was charged for the removal.

Ms. Hickman provided a map which shows the Elementary and Middle School walking zones in Town and the orange highlighted streets are part of our designated snow

emergency routes already. She has been in discussions with our Public Works Supervisor to purchase a new snow blower to assist us with our areas that our guys would be responsible for to cut back on some of the time that they would normally have to shovel.

Discussion ensued in regards to some concerns with the exemption part of the Ordinance and with having to apply for an exemption by November 1st and if something was to occur after that date which would prevent you from being able to clear your snow and getting a fine because you were not qualified to apply for an exemption by the Nov. 1st deadline. It was suggested to add a clause stating that exceptions can be made on a case by case basis by the Town Administrator or their designee. It was determined that there was still some work that needed to be done on the Ordinance and brought to another Work Session for review and discussion, that this was just the introduction.

Lower Ferry Pier Contract Award – Ms. Skilling stated that three bids were received for the development of Lower Ferry Park. The three base bids were as follows: McGuirk Construction Co., with the bid amount of \$189,801.92, Barksdale Nursery, with the bid amount of \$209,970.90, and Unity Landscaping, with the bid amount of \$221,237.07. After review of the bid documents and cost clarification, staff recommends award of the contract to McGuirk Construction Co. Ms. Skilling noted that she called Mr. McGuirk in for some clarification in regards to his bid where he had exceeded ratios that were different from the other two bidders and letting him know that we are holding him to the requirements of exceeding the regulations that are on his bid and that he agreed to that and the clarifications will be part of the contract.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to award the Lower Ferry Park Site Development contract to McGuirk Construction. **All in Favor: Motion Carried**

Resolution 2015-08 - A Resolution in accordance with the Town's Fund Balance Policy for the Mayor and Commissioners desire to assign \$100,000 of the Town's General Fund unassigned fund balance to the Town's Corporate Boundary Survey and Map, to be used in accordance with the Fund Balance Policy and other laws.

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

Ordinance 2015-18 Budget Amendment - Introduction

Introduction of a budget amendment ordinance to recognize assigned funds needed for a Corporate Boundary Survey (\$100,000), to recognize forfeited property to be used to purchase police minor equipment (\$3,351), for funds needed to install a fence around the a/c units at Rodgers Tavern (\$4,500), to reclassify LIF Bus Shelter funding from Capital Outlay to Contractual (\$23,303), to recognize new Verizon Wireless rental income for the Cedar Corner Road site (\$14,400).

Mayor Eberhardt stated that he would like to see what kind of fencing that they intend on putting around the Rodgers Tavern a/c unit.

Ms. Breder stated that she will ask Harvey to send that to him but believes that it is a decorative wrought iron fence.

Shops at Perryville Water Tower Advertising Agreement –

Ms. Breder stated that we received a request from the Shops at Perryville to suspend their rent for the logo on the Water Tower at Heather Lane for five years. We had entered into an agreement with them in 2010. Ms. Breder's recommendation is to go ahead and suspend one year of rent while we work on a formal amendment to the existing agreement.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to waive the advertising fee for the Water Tower for the Shops at Perryville for one year
All in Favor: Motion Carried.

Sidewalk Feasibility Study - Discussion regarding the MD 222 Sidewalk Feasibility Study performed by SHA ensued.

Ms. Breder read an email that she received from Jeffrey Folden, from the State Highway Administration, which summarized what they are requesting from the Town of Perryville and the County. It indicated for SHA to consider allocating design funding they would need a letter or letters from the Town and Cecil County stating that we intend to secure the right-of-way and to provide opportunities for public involvement prior to construction, and intend to assume maintenance of the sidewalk once complete. Once SHA have the letter of intent SHA can look to program funding for engineering. Construction funding if and when allocated would be from State Highway's new sidewalk construction program. The design and the construction of the project would be administered by the State Highway, the program is not a reimbursement program such as Tapp, but it is managed by State Highway.

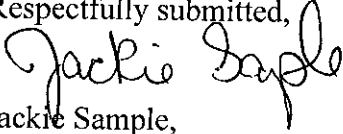
Mayor Eberhardt noted that he would like to take a vote tonight if the board was amiable to it for Town of Perryville's support of this project recognizing the public hearing, maintenance, and right-of-ways.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to support the project. **All in Favor: Motion Carried.**

Mr. Gerst stated that he was happy with the decision that was made to help the Perryville Outlets.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to go into a closed session at 8:50 p.m. to discuss the appointment, employment, assignment,

promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this body has jurisdiction; or any other personnel matter that affects one or more specific individuals. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. **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: 10/6/15 Time: 8:50 p.m
Motion By: Linkey Seconded By: Ryan

VOTE TO CLOSE SESSION:

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

To discuss the ^{community} impact of a business considering locating in Perryville.

To discuss reasons behind a personnel decision and recruitment issues.


Signature of Presiding Officer

**Statement Regarding August 18, 2015 Closed Meeting for Inclusion in Minutes of
October 6, 2015 Town Meeting**

On August 18, 2015, the Commissioners of Perryville conducted a closed meeting at 7:45 p.m. in accordance with General Provisions Article, Sec. 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. Mayor Eberhardt, Commissioners Fox and Linkey all voted in favor of conducting the closed meeting. Commissioner Brown and Commissioner Ryan were absent. In addition to the Commissioners, the Town Administrator, Denise Breder, Town Planning Director, Mary Ann Skilling, Town Engineer, Ralph Ryan and Billing Clerk, Amy Yackanech attended the entire closed session. During the meeting, the Board members voted to move forward with the police station construction project. The meeting was adjourned at 8:00 p.m.

**Statement Regarding September 1, 2015 Closed Meeting for Inclusion in Minutes of
October 6, 2015 Town Meeting**

On September 1, 2015, the Commissioners of Perryville conducted a closed meeting at 7:58 p.m. in accordance with General Provisions Article, § 3-305(b)(7)(8) to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation. Mayor Eberhardt, Commissioners Brown, Fox, Linkey and Ryan all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Attorney, Frederick Sussman, Esq., the Town Administrator, Denise Breder, and the Town Clerk, Jackie Sample attended the entire closed session. During the meeting, the Board members received information from staff and legal advice related to Elm Street temporary construction easements and they voted to move forward with the Elm Street project; they also discussed and received legal advice on issues related to the VA EUL and other VA related issues. The meeting was adjourned at 9:21 p.m.