

**Town of Perryville  
Public Hearing/Town Meeting Minutes  
July 5, 2016**

ATTENDANCE: Commissioners: Michelle Linkey, Ray Ryan III, Alan Fox, Robert Ashby Jr. and Town Administrator: Denise Breder

Absent: Mayor: James Eberhardt

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

**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).

Commissioner Linkey announced that Mayor Eberhardt requested remote participation when they get to the Old Business part of the meeting.

**Public Hearing regarding Ordinance 2016-13 concerning the participation in infrastructure bonds, 2016 Series A for the purpose of financing the construction of the Police Station and stormwater outfall**

Ms. Breder stated that this is a Public Hearing to discuss Ordinance 2016-13 regarding the town's participation in infrastructure bonds, Series A, for the purpose of financing the construction of the Police Station and stormwater outfall. There was a rendering of what the Police Department is to look like which was displayed. It will be a 3 phase project, which will eventually include a new Town Hall, better parking, street lights and sidewalks, mini park and the Little League field. A big portion of the financing is for the stormwater outfall which will benefit all 3 phases of the project as well as other existing stormwater problems occurring in the area.

Ms. Deaner summarized the provisions of the Housing and Community Development Article of the Annotated Code of Maryland, the Community Development Administration is authorized to make loans to MD local government entities for infrastructure projects. The loans are papered by general obligation bonds, notes or other evidences of indebtedness issued by the CDA. The CDA loan program that the town anticipates participating in is known as the Local Government Infrastructure Financing Program. CDA requires that participants pass legislation in the form required by CDA, in this case was this Ordinance. Section 1(a) authorizes the town to issue its general obligation bonds in principal amount not to exceed \$4,200,000 (the "bonds") in order to finance or refinance costs of the project identified as the New Police Station and Stormwater Outfall project.

Ms. Breder explained that the Ordinance that was introduced in June reflected an amount of \$4,200,000 of bond issuance, but we are requesting amendments to reduce the amount to \$2,500,000.

Margaret Barrow, who resides at 328 Broad Street, commented that she does not feel that this is the proper way to spend our tax money, that there are other things in town that need to be addressed so that people want to move here.

**Motion** was made by Commissioner Fox and seconded by Commissioner Ryan to adjourn the Public Hearing at 7:08 p.m. **All in Favor: Motion Carried.**

The Town Meeting resumed immediately following the Public Hearing at 7:08 p.m.

### **APPROVAL OF TOWN MEETING AGENDA**

Commissioner Linkey asked for a motion regarding Mayor Eberhardt's request to attend remotely prior to the Old Business part of the meeting which is after the From the Floor session.

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

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the Town Meeting Agenda. **All in Favor: Motion Carried.**

**Consent Agenda Items:** Commissioner Linkey asked for a motion regarding the consent agenda items, which include the May 17, 2016 Work Session Minutes, May 17, 2016 Closed Session Minutes, the June 7, 2016 Town Meeting Minutes and the June 21, 2016 Special Meeting Minutes.

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

### **Commissioners' Reports -**

#### **Commissioner Fox's Report -**

Commissioner Fox reported that the Water/Wastewater Plant received a new employee, Jeff Morton, who transferred from the parks department. The water distribution pump and motor at the Water Plant was reinstalled on June 14. Commissioner Fox reported that he attended the Volunteer Appreciation Dinner at the Perryville Fire Hall as well as the MD Municipal League Convention the end of June.

**Commissioner Ryan's Report-**

Commissioner Ryan reported that he also attended the Volunteer Appreciation Dinner and the MD Municipal League Convention as well as the usual meetings.

**Commissioner Linkey's Report -**

Commissioner Linkey noted that she will now be doing the Parks along with the Public Works Reports. There is a vacancy in the parks department and it has been advertised and they will be going over the applicants soon. We have the new Welcome to Perryville sign waiting to be installed by the contractor. The solar power for the parks building is complete now. She also attended the Volunteer Dinner, along with the MML Convention and the regularly scheduled meetings. She attended several classes at MML on trying to get citizens more involved and hopefully will come back with some of their ideas.

**Commissioner Ashby -**

Commissioner Ashby reported that he also attended the Volunteer Appreciation Dinner but not the MML Convention. He did spend time with the Finance and Administrative Departments and the Engineer to get familiar with their department needs.

**Fire Company Report - Commissioner Ryan**

Commissioner Ryan reported that the Fire Company had 25 calls for the month of June, the average response time for getting a piece of equipment on the streets was 5 minutes, average of 10 people per call, average of 6 people per call on the scene. Since there has been a lot of talk of firefighter cancer lately we are looking into some preventative measures for our members. We are looking into exhaust systems for the firehouse that will exhaust the diesel smoke from the vehicles, we are hoping to get some grant funding to help with that. We are also getting permission to purchase a washer and dryer for our turnout gear which holds the contaminants after we leave the scene.

**Town Administrator Report -**

Ms. Breder announced that the entire report would be on the town's website, which includes staff reports as well and project updates. She announced that our code enforcement officer is back on the job, 19 violation letters and 18 door hangers were sent out and 1 rental license was issued. The Elm Street project has been completed. A list of surplus property of the town that has been sold on municibid from June of 2015 to May of 2016 is part of the report. She reported that there has been an uptick in truck traffic on Otsego Street again, so she has been working with the VA to resolve the issue. This Saturday is the Diamond in the Rough Triathlon at the Perryville Community Park, those planning to attend should be in the park prior to 7:30 a.m. because the park road

will be shut down in order for the bikes to begin their run and does not open back up until 1 or 1:30 p.m.

**Treasurer's Report - Rachel Deaner**

Ms. Deaner announced that she received information from FEMA today that we should be receiving reimbursement for about 75% of the \$35,000 that we spent during the snow storm that we had. Our local impact funds are holding firm, at above \$100,000. Republic Service is no longer our refuse removal company, they will be taking their 96 gallon containers that they had at Beacon Point. The new company is Waste Management and they do not provide trash containers.

**Police Report - Al Miller**

Chief Miller reported that they recently purchased two bicycles and are looking for training for them. He reported that he met with Fire Chief Ryan and Police Chief Moore from the Bel Air Police Department to do training between the two departments. We had our first Coffee With a Cop at Subworks that turned out well. He also attended the MML conference in Ocean City. You will see a drastic increase in our stats, which was mainly from citizen complaints of speeding vehicles and running stop signs on Aiken Avenue and Broad Street and Susquehanna Avenue. This Friday we have interviews for two Police Officer positions. August 2<sup>nd</sup> will be our National Night Out.

**Outreach Report – Malik Perry**

Malik reported that the overall monthly attendance for the month was 240, there were no referrals and 11 new members. Some of the participants set up a tent and handed out pamphlets about their program at the Movies at the Park event. On the 18<sup>th</sup> the Outreach hosted the Chief's Family Fun Day in partnership with the Police Department. The Outreach members took a field trip to the library and also to the Plumpton Park Zoo. We are currently planning a trip to the Go Ape ropes course in Delaware, a midday trip to Regal Cinemas and a possible week long teen leadership camping trip at Northbay.

**Planning and Zoning Report**

Ms. Breder reported on behalf of Ms. Skilling. She stated that there was no Planning and Zoning meeting last month, however, there was a Board of Appeals meeting regarding 636 Broad Street. There was a request to convert the 1<sup>st</sup> floor commercial to apartments, as recommended by the Planning Commission, the board voted to approve up to 6 apartments in the rear of the building and the front spaces to remain as commercial. Pilot Travel Center is going to be renovating their restrooms and will have a bathroom trailer placed on site.

### **From the Floor**

There were no comments from the floor.

Commissioner Linkey called the Mayor to participate remotely at 7:32 p.m. She confirmed that the Mayor could be heard and that the board and attendees could hear him and that all votes taken during the meeting will be taken by roll call.

She informed the Mayor that there was a Public Hearing held prior to the meeting and Margaret Barrow was the only one that had made a comment and she had stated that she felt the money should be spent elsewhere, but not specific as to where.

### **Old Business**

#### **Ordinance 2016 -12 Budget Amendment**

Ms. Deaner summarized several proposed amendments to Budget Amendment Ordinance 2016-12 for consideration.

**Motion** was made by Commissioner Ashby and seconded by Commissioner Ryan to approve the amendments collectively to Budget Amendment Ordinance 2016-12. **Roll Call vote was taken. All in Favor: Motion Carried.**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve Budget Amendment Ordinance 2016-12 as amended. **Roll Call vote was taken. All in Favor: Motion Carried.**

#### **Ordinance 2016-13 Infrastructure Bond 2016 Series A**

Ms. Deaner summarized several proposed amendments to the Infrastructure Bond Series 2016 Series A Ordinance 2016-13.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to approve the amendments collectively to Ordinance 2016-13. **Roll Call vote was taken. All in Favor: Motion Carried.**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve Ordinance 2016-13 as amended. **Roll Call vote was taken. All in Favor: Motion Carried.**

## **New Business**

### **Resolution 2016-09**

Ms. Deaner summarized Resolution 2016-09 which is to supplement and amend Resolution 2016-02 clarifying assignment of a certain portion of the town's general fund unassigned balance to a certain purpose. This clarified the intent of a previous Resolution which may have been misconstrued as to the intended amount of funding that the town intends to issue bond or other debt obligations, which was intended to not exceed \$4,200,000.00, not \$8,400,000.00 as it may have been construed.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to approve Resolution 2016-09. **Roll Call vote was taken. All in Favor: Motion Carried.**

### **Planning and Zoning Board Appointment**

Consideration of appointment of Tina Young to the Planning and Zoning Board.

**Motion** was made by Commissioner Ashby and seconded by Commissioner Ryan to appoint Tina Young to the Planning and Zoning Board. **Roll Call vote was taken. All in Favor: Motion Carried.**

### **Water Tower Contract**

Consideration of a contract for the disinfecting of the water tanks to assist with the removal of the TTHM and HHA5 levels in the tanks under the Town's Purchasing Policy §66-5 B. 3 as an emergency purchase.

**Motion** was made by Commissioner Ashby and seconded by Commissioner Fox for consideration of awarding the contract for interior cleaning of the water towers and installation of mixers and ventilation systems to Utility Service Co. Inc., and to award the contract under §66-5 (B) (3) of Chapter 66 of the Town Code as an emergency purchase. **Roll Call vote was taken. All in Favor: Motion Carried.**

### **State Clearinghouse Overflow Boat Parking lease**

Ms. Breder summarized comments that are being proposed in a letter to be sent to the State Clearinghouse in reference to the over-flow boat parking lease under the Thomas J. Hatem Bridge at 919 Frenchtown Road. In talking to Deb Sharpless from The MD Transportation Authority, she is working on a five-year lease at \$1 a year, with a five-year renewal as under market rate because we are a municipality, and not the \$11,500 a year based on a \$230,000 appraisal value. The old lease was at \$0 for 99 years, but was pulled so that they could use their property to do the work on the bridge. The building that is there is supposed to be there for 550 days from April, which was the contract time. Ms. Sharpless is working with the contractors to see if they can park their

vehicles elsewhere so that it will free up some additional parking for boats and trailers when we need it. The letter if sent out would be requesting the lease to kick off after the building is removed and in the interim still use the property using the permit process. Another change would be that originally we were not going to use Lot 27, the side next to the waterfront, but we would take that comment out and maintain that lot as well in the event that we could find use for that lot if they leased both of them to us.

Mayor Eberhardt is not happy with the fact that they are not reinstating the original lease in the amount of \$0 for 99 years with a clause that they could use it for construction if needed, which they did. They also put a visible structure on our property at no cost and are now wanting to modify our lease.

Ms. Breder commented that she did have that conversation with Ms. Sharpless, who stated that they are no longer doing many leases that are past five years and is doing her best to do a five-year renewal.

Mayor Eberhardt also expressed concern that we were not given the opportunity to go before the board to discuss our concerns with the contract being proposed and is seriously considering going before their Public Works Board to be heard.

Ms. Breder commented that at this stage our comments must go to the State Clearinghouse.

Commissioner Ryan is not happy with this modification either.

After discussion it was requested that the letter would remain the same concerning reinstating the lease at the 99 year \$0 cost, but modify the second paragraph to include Lot 27 as well and also to allow for the use of the property by using the permit process until the building is removed.

**Motion** was made by Mayor Eberhardt and seconded by Commissioner Ryan to send the letter in our book with the modification regarding Lots 26 and 27 as mentioned by the Town Administrator. **Roll Call vote was taken. All in Favor: Motion Carried.**

### **Ordinance 2016-14 Animal Control**

Ms. Breder noted that Cecil County was hoping that we would have the process in place for the County to take over animal control. Our normal procedure would be to introduce the Ordinance at this meeting then vote on it at the next Town Meeting and it would be effective 20 days later. We can amend the Ordinance to adopt it as an Emergency Ordinance or keep it the same and take the chance that the County will continue with animal control until we get this in place. Her suggestion is to adopt it as an Emergency Ordinance although it does not necessarily meet the traditional definition of an emergency.

Commissioner Ashby expressed concern over making this an Emergency Ordinance.

Discussion ensued that if we were to have an animal control issue while waiting on the original process to occur we do not have the means to accommodate animal control and Cecil County may not do it in the interim.

Commissioner Ryan inquired what resources our Police Department had for handling these issues.

Chief Miller noted that certain things would come under DNR, such as a deer and some other thing, but the Police Department does not have the resources or training for a rabid dog.

Fred Sussman, the Town Attorney, provided a series of amendments to the board if they choose to change the Ordinance to an Emergency Ordinance. First would be to add Emergency to the top of page one where it says Ordinance 2016-14, the second would be midway down the second page where it says An Ordinance concerning, add Emergency before Ordinance, section 3 on page two change effective at the expiration of 20 days, to effective immediately.

**Motion** was made by Commissioner Ashby and seconded by Commissioner Fox to approve the amendments as stated by the Town Attorney. **Roll Call vote was taken. All in Favor: Motion Carried.**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve Emergency Ordinance 2016-14 as amended. **Roll Call vote was taken. All in Favor: Motion Carried.**

### **Animal Control MOU**

Mayor Eberhardt questioned whether the term listed in the MOU beginning July 1 is still ok or does it need to reflect the time of signing.

Mr. Sussman noted that it is ok as it is reflecting the date as of which this is becoming effective once it's been approved by the Mayor and Commissioners. He suggested that the motion is to approve the MOU between Cecil County Maryland and the Town of Perryville regarding animal control effective as of the date that Ordinance 2016-14 becomes effective.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to enter into an agreement with Cecil County regarding animal control effective the day that Ordinance 2016-14 becomes effective. **Roll Call vote was taken. All in Favor: Motion Carried.**

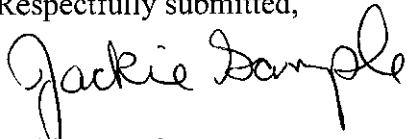


Mayor Eberhardt would like to have them attend one of our meetings or Work Sessions to answer any questions that the public may have regarding their services that will be provided and response times, etc.

Ms. Deaner questioned whether this MOU is something that is going to have to be done every year, and in briefly reviewing it, it appeared to the board that it was.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to adjourn the July 5, 2016 Town Meeting at 8:13 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,

A handwritten signature in black ink that reads "Jackie Sample". The signature is written in a cursive, flowing style.

Jackie Sample  
Town Clerk

**Statement Regarding May 17, 2016 Closed Meeting for Inclusion in Minutes of  
July 5, 2016 Town Meeting**

On May 17, 2016, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:16 p.m. in accordance with General Provisions Article, § 3-305(b)(7) & (14) to discuss the following: (1) To consult with counsel to obtain legal advice on a legal matter (2) 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, Linkey, Ryan and Ashby all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Attorney, Fred Sussman, the Town Administrator, Denise Breder, the Town Engineer, Ralph Ryan, the Manns Woodward consultant, Rob Manns, the Chief of Police, Al Miller and the Office Clerk, Tara Dvorak attended the entire closed session. During the meeting the Board discussed the bids that were received for the Police Department and stormwater outfall construction project, and they received legal advice on contract issues and change orders. The Board voted to award the construction contract to the low bidder, North Point Builders, Inc., for \$4,318,000. The meeting was adjourned at 9:00 p.m.