

**Town of Perryville  
Town Meeting Minutes  
September 1, 2015**

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

Remote Participation: Commissioner: Barbara Brown

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 September 1, 2015 Town Meeting agenda were delivered to Commissioner Brown prior to the meeting including all meeting minutes and backup to the closed session along with additional town staff reports.

**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](http://www.perryvillemd.org).

**APPROVAL OF TOWN MEETING AGENDA**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve the September 1, 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 July 21, 2015 Cable Needs Assessment Public Hearing Minutes, the July 21, 2015 Work Session Minutes, the July 21, 2015 Closed Work Session Minutes and August 4, 2015 Town 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 as noted. **Four in Favor, 1 Abstain** (Commissioner Brown): **Motion Carried.**

Commissioner Ryan noted that he was not at the meetings that occurred on July 21<sup>st</sup>.

Commissioner Linkey reminded the board of roll call votes per the remote participation protocol.

## **Mayor's Report –**

### **Proclamation - Constitution Week**

Mayor Eberhardt read a Proclamation recognizing the week of September 17-September 23 as Constitution Week.

### **Proclamation – Perryville Library**

Mayor Eberhardt read a Proclamation which recognizes the Cecil County Public Library being honored with the 2015 National Medal from the Institute for Museum and Library Services.

Denise Davis, Director of Cecil County Public Library's, thanked the board for the Proclamation of recognition and for the community's support. She introduced some of her staff who was present, Morgan Miller, the Assistant Director of Cecil County Library, Erica Jenson, Chief Librarian for Information Management, Alison Holbrook, Children Services Supervisor at Perryville, and Carolyn Stepnitz, Perryville Branch Manager. Ms. Davis announced an upcoming event at the Perryville Library on September 26 from 11 a.m. to 2 p.m. in celebration of receiving the National Medal and to thank those in the community who have given their support over the years. There will be Science Teller super heros and various children's activities, live music with local band Take 2, free frozen treats from Kona Ice, and more.

Commissioner Linkey also announced that there will be a pictorial history event going on at the end of the month at the Perryville Library on September 29 from 7 p.m.-8 p.m.

Mayor Eberhardt wanted to take a moment to recognize one of our special volunteers, Bill Malesh, who has served on various committees for the Town for thirty years, currently Chairman of the Board of Appeals.

## **Commissioners' Reports -**

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

Commissioner Fox reported that along with attending the regularly scheduled meetings he met the George Smith, the Water and Wastewater Plant Superintendent, who indicated that things were progressing at both plants along with the cross training. Commissioner Fox is still working on a new Walking Tour Brochure, and assured Commissioner Brown that she would get a copy before it goes to print. He and his son, who is a professional videographer, started taping Perryville last weekend and plan to do a 10 minute loop of historical spots in Perryville that may compliment the Walking Tour Brochure, possibly uploading it on the Town's website. The stats for the Water and Wastewater Plant will be available on line.

Mayor Eberhardt introduced Tara Dvorak, who is new to our Administrative staff.

#### **Commissioner Brown's Report -**

Commissioner Brown wanted to remind everyone that the Rodgers Tavern bathroom and fixtures have been approved by the MD Historic Trust which will necessitate that work to proceed. She understands that an RFP was put out for the repointing and repair of the stonework at the Tavern. She inquired about the status of the replacement of the lintel that was broken outside.

Ms. Breder replied that Amy was here and had stated that this would be included in the Request for Proposal.

Commissioner Brown also stated that the Community Park Playground demolition was going to begin from the 8<sup>th</sup> through the 11<sup>th</sup> of this month and the new playground installation will begin on the 21<sup>st</sup> of September.

#### **Commissioner Ryan's Report –**

Commissioner Ryan reported that along with the August 4 Town Meeting he also attended the Planning and Zoning Meeting that was held on the 17<sup>th</sup>, where we continued to look at Section 161 of the Zoning Ordinance regarding permissible uses. There was something that he was asked to discuss at last month's meeting which he had not. It was in regards to working with the developer of the Cedar Corner project and questions on getting the road completed to go in or temporarily using Harvest Lane. The proposal was to do a phase type of deal, where you would do the first 21 houses, then before you hit number 22 you would have the road completed that would go out to Cedar Corner Road. A question surfaced regarding a lot that was not part of town property in the area of the Water Tower on Cedar Corner Road and the possibility of the board looking into bringing it into town limits.

#### **Commissioner Linkey's Report**

Commissioner Linkey reported that she attended the regularly scheduled meetings. She also attended the Movies in the Park which coordinated with the fireworks in Havre De Grace and she also attended the Bassmaster Elite event. Commissioner Linkey stated that the new Town Clock was installed and will automatically reset if there is a power outage. They are also looking into the acquisition of a Welcome to Perryville sign.

Mayor Eberhardt noted that he left an announcement from the MD Department of Transportation in Commissioner Linkey's box that they will be doing a tour on September 17, and he will be unable to attend so he would like her to attend if she can.

**Town Administrator Report -**

Ms. Breder reported that Charter Amendment Resolution 2015-03 that corrected inconsistencies in the Charter regarding violations and penalties was advertised as required. In regard to the Municipal complex project, the railroad had approved the stormwater outfall design. A letter was sent to Manns Woodward stating that the architectural work on the Police building should begin pending receipt of a schedule from them in regards to the architectural work. On August 7 there was a sanitary sewer overflow at the Front Street Lift Station, the overflow was coming from manholes surrounding the lift station and seemed to be caused by a relay failure in the main pump control center for the lift station. The spillage was less than 1,000 gallons and was properly cleaned up, treated and reported to MDE. There will be a Code Enforcement employment position available and there will also be a mechanic crewman position available.

**Treasurer's Report - Rachel Deaner**

Ms. Deaner reported that the auditors have been on site this week through September 4. The slot revenue was up in July so our portion should be closer to \$120,000.

Mayor Eberhardt reported that he had an initial meeting with the auditors today and they commented that the Financial Director of Perryville was one of the best they have seen around.

**Police Report - Police Chief Wernz**

Chief Wernz reported that on October 15 and 16 from 9 a.m. until 12 p.m. here at Town Hall Sergeant Budnick and Detective Nitz will be giving a class on a civilian response to an active shooter for our Town Employees. On September 29 if you have documents to be shredded we have a shredding company that will be coming to the Police Department. Along with the DEA we will have a drug take back initiative on September 26 from 10 a.m.- 2 p.m. at the Perryville Library but in light of the event that they are conducting we may have to meet with the Director and possibly move it to their parking lot. One of our police candidates had a fall on Friday and injured her hand, but should be able to continue and complete the academy.

Commissioner Ryan inquired if there was any plan of reaching out to businesses in town to see if they would be interested in the active shooter training.

Chief Wernz replied that this was our test run and we plan on reaching out to our schools and our businesses who may be interested in the training.

### **Outreach Report - Danielle Hemling**

Ms. Hemling reported that the overall monthly attendance was down due to school starting and there was one new member for the month. They collected over 100 school supplies and book bags for their annual back to school supply drive. They also had another successful year for their Community Garden, which shows the youth how to grow their own food and eat healthier. As a treat to the members before starting school we took a trip to Kilby Ice Cream. It was also an opportunity to talk about farming and agriculture here in Cecil County. We chose members who participated most with Outreach functions throughout the summer.

Commissioner Fox inquired if the healthier snack program that Carson spoke of last month has been initiated yet.

Ms. Hemling commented that they are working on ideas for healthier snacks and plan to implement it.

### **Planning and Zoning Report -**

The Planning and Zoning report will be available on-line. The board of appeals meeting that was scheduled for August 24 was rescheduled until next month.

### **From the Floor**

Anthony Gerst, who resides at 328 Broad Street, stated that the new Town Clock out front was beautiful. He would still like to see the Town Hall moved to the Clock Tower building on the corner of Broad Street where Senior Citizens could have a meeting place to go to, and since we already own this building, have the Police Department here with the offices upstairs and the cells downstairs.

### **Old Business**

#### **Ordinance 2015-15**

Consideration of a budget amendment to bring Local Impact Restricted Funds into the current fiscal year for use of a variety of on-going projects.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to approve Budget Amendment Ordinance 2015-15. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Ryan: Aye, Commissioner Brown: Aye, Commissioner Linkey: Aye, Mayor Eberhardt: Aye. **All in Favor: Motion Carried.**

### **Ordinance 2015-16**

Consideration of a budget amendment to use Community Activities funds for a community activity, to recognize a grant for the Summer Youth Employment Program, to recognize grants for the operations of the Outreach Program, to move the funds budgeted for the Police Department weapons purchase from Capital to Minor Equipment, to recognize unreserved funds and to use the funds to replace playground equipment at the Community Park and recognize unreserved funds for signage at Rodgers Tavern.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to approve Budget Amendment Ordinance 2015-16. **Roll Call Vote:** Commissioner Brown: Aye, Commissioner Linkey: Aye, Commissioner Fox: Aye, Commissioner Ryan: Aye, Mayor Eberhardt: Aye. **All in Favor: Motion Carried.**

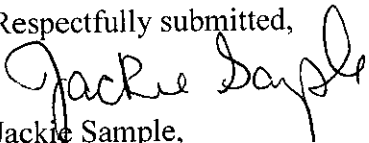
### **New Business**

**Triathlon Contract** – Consideration of a contract renewal with Piranha Sports for the Diamond in the Rough Triathlon.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Fox to approve the Diamond in the Rough Triathlon contract. **Roll Call Vote:** Commissioner Fox: Aye, Commissioner Ryan: Abstain, Commissioner Brown: Aye, Commissioner Linkey: Aye, Mayor Eberhardt: Aye. **Four in Favor, 1 Abstain (Commissioner Ryan): Motion Carried.**

**Motion** was made by Commissioner Ryan and seconded by Commissioner Fox to adjourn the September 1, 2015 Town Meeting at 7:53 p.m. and go into a Closed Session after a 5 minute break 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. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Brown: Aye, Commissioner Ryan: Aye, Commissioner Fox: Aye, Mayor Eberhardt: 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- Perryville Date: 9/1/15 Time: 7:53 p.m  
Motion By: Ryan Seconded By: Fox

**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 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;

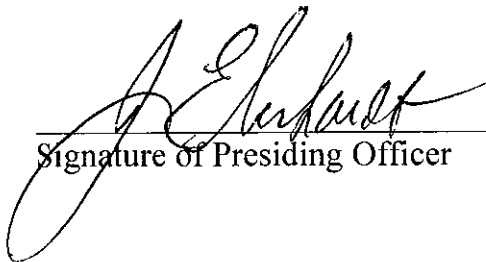
- ☐ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- ☐ (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- ☐ (14) Before a contract is awarded 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:**

To get legal advice on easements for a road project.

To get legal advice on a contract and other issues with another government agency.

To get legal advice on a letter sent to a board member

  
Signature of Presiding Officer