

**Town of Perryville
Town Meeting Minutes
June 3, 2014**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, Michelle Linkey, Alan Fox, Ray Ryan, Town Administrator: Denise Breder and Police Chief: Vince Wernz.

The Town of Perryville Town Meeting was called to order at 7 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 Brown and seconded by Commissioner Ryan to approve the June 3, 2014 Town Meeting Agenda. **All in Favor: Motion Carried.**

Consent Agenda Items: The following agenda items require no further discussion and will be considered for unanimous consent:

The April 15, 2014 Work Session Minutes, the May 6, 2014 Public Hearing and May 6, 2014 Town Meeting Minutes, the Chesapeake Feline Association Walk-A-Thon event, a Budget Amendment Resolution , the Chautauqua Letter of Agreement, Ground owner consent to sub-lease on the SBA Monopole and consideration of Ethics Board re-appointments.

Commissioner Brown asked for clarification from legal counsel on approval of meeting minutes if she was not at one of them, to which he replied that she is approving the consent agenda.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to approve the consent agenda items with the addition of the March 18th Closed Work Session minutes. **All in Favor: Motion Carried.**

Ms. Breder clarified that the Closed Work Session was just a public statement which was part of the May 6 Town Meeting minutes so in the future you do not have to do that separately.

Mayor's Report –

Mayor Eberhardt reported that on the 7th of May he and Ms. Breder met with the new Director at Perry Point to discuss various issues that exist between Perryville and

Perry Point. On the 9th he, along with Delegate Rudolph, met with the Commander and Vice Commander of the Legion advising them on some Veteran issues at Perry Point. The Election was held on the 13th, and on the 15th he met with Delegate Rudolph and Cecil County officials and members of the Veteran's Administration to discuss the housing proposal at Perry Point. On the 19th he went to the Perryville Elementary School and the Good Shepherd Elementary School to promote an essay contest for the fourth grade class. He also attended the Memorial service on the 26th at the Legion.

Commissioners' Reports -

Commissioner Fox's Report –

Commissioner Fox reported that he spent a lot of time this past month on the Spring Fling and he wanted to thank everyone who helped in putting it together in such a short amount of time. The Water Plant and Wastewater Plant reports will be online for those that may want to see them. Commissioner Fox asked Ms. Breder if we had heard anything from the State regarding the overflow at the Wastewater Plant during the heavy rain event, to which she replied that she had not.

Commissioner Brown's Report -

Commissioner Brown reported that she has met with the Chautauqua Committee various times to continue planning for the July 14 event. A mailing will be sent out to invite attendees and some door prizes will be provided. We will be receiving a poster shortly which she would like posted to our website. Commissioner Brown also attended a Greenway meeting and we will be hosting a Regional Meeting on June 26. She was advised that the sewer line was installed at Rodgers Tavern and Public Works was to test it. The park staff spent several days clearing the debris at Ice House Park and she has requested signs to be placed at the entrance announcing that you can fish along the banks as long as you have the proper licensing. Commissioner Brown announced that she just received word from the State Highway Administration that we would finally be getting a sign on I-95.

Mayor Eberhardt announced that we have received an inquiry from an organization out of California in regards to the mine sweeping device found in the river. They are restoring the last WWII mine sweepers in existence and may be interested in obtaining that as part of their restoration.

Commissioner Ryan's Report-

Commissioner Ryan attended the various meetings for the month of May and also attended the Lower Ferry Park Meeting on the 29th. He was not in attendance at the Planning and Zoning meeting but reported that they reviewed the final site plans for the Perryville Elementary School. He also thanked the citizens for re-electing him and he will work as hard as he can for them.

Mayor Eberhardt inquired if the plans for the Elementary School provide a connector walkway to the library, to which Ms. Skilling responded it would provide a hard surface connector.

Commissioner Linkey's Report-

Commissioner Linkey reported that she attended the scheduled meetings last month along with the meeting for the Lower Ferry Park. She attended the Cody Richardson 5k which her husband and son participated in and she reported that there were 495 entrants and they had given out 12, either \$1,000 or \$1,200 scholarships to kids in Harford and Cecil Counties. She has also been working on the copier leases with Rachel which will be discussed later in the meeting. The DPW report will be online.

Town Administrator Report – Denise Breder

Ms. Breder reported that representatives from the MD Department of Transportation and consultants are scheduled to attend the June Work Session to give the board an update on the Susquehanna River Bridge Reconstruction and Expansion project. She, along with Rachel, participated in the State's electricity reverse auction and we received a very good price on that which Rachel may elaborate further on in her report. She has met with Ralph and Mary Ann several times to discuss finding an appropriate stormwater outfall location for the Town Hall property and it has delayed the project somewhat. The entire report will be posted online.

Treasurer's Report – Rachel Deaner

Ms. Deaner reported that the fiscal year 2015 budget Ordinance is on the Agenda to be voted on tonight. She also announced that we participated in the reverse auction for electricity and received a rate of .06181/kWh, locked in for 36 month, 3 years ago it was locked in at .06550/kWh.

Police Report – Chief Wernz

Chief Wernz announced that they received the new Ford Explorer purchased through the Happy Valley annexation. We are going to have demonstrations for the new CAD systems from all three vendors this month. On the 30th of last month we worked with the MD State Police and other local law enforcement for the "Distracted Driving Initiative for four hours and there were 56 vehicles stopped. One of our officers stopped one vehicle for the driver talking on his cell phone and ended up locking him up for having 12 bags of heroin. He also spoke with Mr. Semmel regarding the Triathlon and will be meeting with him next week to finalize the Police Departments part during the event. The Police Department hired a new Police Officer, Ritchie Huffstutler, who will be at the Police Academy for the next six months and looking at a graduation sometime in December.

Outreach Program

Marcos Garcia, representing the Outreach Program, reported on behalf of the Outreach Program. The program is currently short staffed and is in the process of re-filling the Administrative Assistant position. They were grateful to be able to participate in two community events this past month, the Spring Fling and the First Baptist Church of Perryville Block Party. They were also able to begin work on the community garden. The annual Chief Challenge Basketball Tournament and Family event is scheduled for 10 a.m., Saturday, June 28 at Trego Park. Basketball Tournament participants must have teams of four and be 21 and under. There will also be food, refreshments, a moon bounce, and a slip and slide.

Planning and Zoning Report – Mary Ann Skilling

Ms. Skilling stated that her full report will be online if anyone wants to review it. She wanted to bring some of the items to attention. Delmarva Power has performed numerous cutting and clearing in the 150 foot right-of-way along Roundhouse Drive. Ms. Skilling stated that we now have PFA certification for the Susquehanna Overlook Annexation. Amanda Hickman will be participating in the MML Conference by serving on a committee discussing zoning at the conference.

From the Floor

Dr. Carletti, Veterinarian, representing All Paws in Perryville, reported on the current status of the feral cat issue that they have been addressing at the Perryville Park through their TNR Program, she will send a written report as well. Beginning in 2009 they removed 85 cats from the Perryville Park which were identified with microchips. We currently estimate that we have approximately 17-22 cats.

Carmin Garcia, representing the VA Medical Center, wanted to announce that there will be an informational meeting for the community on clinical services offered and renovation and construction plans at the VA Medical Center Theatre, building 314 on June 19, 2014 at 6:30 p.m.

Randy Sibold, 1287 Principio Furnace Road, across from the proposed MARC Maintenance Storage Facility, expressed his opposition, along with some of his neighbors, to the proposed location, citing no tax revenue and reduction of surrounding property values, and pollution. He would like a letter sent from the board to the MTA stating that they are opposed to the proposed location of the project.

Mayor Eberhardt had heard that they have postponed one of their meetings, to which Ms. Breder concurred that they had recently postponed an Open House scheduled for June 12th until the Fall.

Mr. Sibold stated that they had met with representatives from the proposed facility on Thursday who gave them a presentation on the 16 sites that they had been reviewing for locations and had gotten to a point where this is the location that they chose to settle on which we still want to fight. MTA representatives told us that they are still in the Environmental Impact Stage of the process.

Mayor Eberhardt commented that unless our board has changed their mind they are not sending a letter regarding this. We were going to make sure that any mitigation that they were required to do was done if that is the site that the State chooses.

Mr. Sibold asked if they would reconsider sending a letter since he feels that they agree that it is not a good site.

Mayor Eberhardt replied that we may be able to put it on a Work Session Agenda again to discuss.

Mr. Sibold commented that they would like to share some of the information that they had obtained based on their meeting with the representatives regarding questions that had been asked and where they were with certain aspects of the project at some point.

Commissioner Brown inquired if anyone has issues with the existing facility that is there now.

Mr. Sibold replied that there are issues regarding the light and the noise and he stated that we were given the impression when it was first built that the riding would be different than it was and that there would be no noise activity in the middle of the night and Friday and Saturday nights and weeknights but there is. He said that is what our concern is with the MTA too is that they will do what they want once they get their foot in the door.

Another person in the meeting room commented that she has been woken up at 3:30 in the morning in some instances.

Mayor Eberhardt inquired if that was brought to the attention of the County because that is their jurisdiction, to which Mr. Sibold responded yes.

Jeannette Gallagher, was requesting annexation for property at 80 Allstone Lane into the Town of Perryville. She stated that there are currently 3 different parties interested in developing the property which would bring new jobs and business to the Town.

Kevin Howe, from 2 Mill Creek Lane, also discussed opposition to the proposed MARC Train Layover Facility. He said the proposed location has the ability to be a high density residential area where there is the potential for \$300,000 to \$600,000 in tax

revenue if developed in that direction. The proposed MARC Facility would be a 24/7 operation with pollution and vehicle traffic from all over, not just local, diesel fuel being stored there, bulk haz-mat chemical storage, plus it is a flood plain zone. He said they do have plans and are looking at putting in berms, but there will be a lot of work to be done to create an area for the water to go, including ripping out part of Route 7 and work on your end and the County for addressing the water issues. This plan would ruin the potential for additional housing and for IKEA expansion, if they chose to expand.

Ms. Breder forgot to mention earlier that there is a Crewman II position vacancy in Public Works.

George Baker, who resides on Route 7, discussed concerns on the effect that the proposed facility would have on the wildlife and his opposition to the plans which would decrease his property value.

Madge Baker, who resides with her father George, also expressed concerns that the wildlife will have nowhere to go, you already have accidents with deer crossing the road from the library, and there will be a lot more problems.

Old Business

Ordinance 2014-03

Mayor Eberhardt stated that this Ordinance is to repeal Chapter 14 of the Code of Perryville because it is duplicated in the Zoning Chapter of the Code.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to adopt Ordinance 2014-03. **All in Favor: Motion Carried.**

Ordinance 2014-05

The purpose of Ordinance 2014-05 is to adopt the Fiscal Year Budget for 2015.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to adopt Ordinance 2014-05. **All in Favor: Motion Carried.**

New Business -

Resolution 2014-20

Mayor Eberhardt stated that this Resolution was a request by the developer to reconsider reducing the base price for proposed housing development at Cedar Corner, his request was for \$250,000.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to drop the base price to \$275,000. Discussion Ensued.

Mr. Sussman reminded the board that they have a Resolution in front of them now that must be adopted to be able to reduce the price.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to approve Resolution 2014-20 and insert in line item 2 at the bottom of the page the amount of \$275,000 and also in the last paragraph of the explanatory statement. Discussion ensued.

Commissioner Fox asked for the amount of \$300,000.

Commissioner Ryan is questioning why we are determining what the developer is going to sell his houses for because he is the businessman not us. He feels there are still items that need to be addressed with the project that had been brought up previously such as road issues and the extra traffic. He stated that the developer had originally set his price on what it should be and it should not be changed.

Mayor Eberhardt responded that there is a process for the other items to be addressed; tonight he is just requesting that the sale price be reduced.

Commissioner Linkey stated that this project has been on the books since 2009 and she would like to see the additional revenue that would come in from taxes and water and sewer revenue, you would still be looking at another couple of years if approved.

Original Motion was brought forward.

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to approve Resolution 2014-20 and insert in line item 2 at the bottom of the page the amount of \$275,000 and also in the last paragraph of the explanatory statement. **3 in favor, 2 opposed** (Commissioner Ryan and Commissioner Fox): **Motion Carried.**

MHAA Grant Request

Ms. Skilling summarized a Grant agreement which she applied for concerning the Lower Ferry Park Comfort Station authorizing us to receive the funding for the project and the match funding requirements that are set forth in the agreement.

Mayor Eberhardt brought up concerns on whether the plan had actually been approved. Discussion ensued, including discussion on the indemnification clauses in the grant agreement.

Ms. Skilling asked that if anyone gets any comments in regard to the plan that they send them to her since she has not gotten any additional comments since the first meeting and nobody showed up for the second meeting.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to approve the MHAA Grant Agreement between the Town of Perryville and the Maryland Heritage Area Authority for the project Lower Ferry Park Comfort Station. **All in Favor: Motion Carried.**

Principio Health Center

Ms. Skilling summarized concerns regarding sidewalk requirements on a previous Public Works Agreement for Phase II of the Principio Health Center. As discussed at the Work Session the developer is requesting to do internal ADA compliant connections to a bus shelter in lieu of the planned sidewalks along Route 40.

Commissioner Brown expressed concerns about doing away with the sidewalk along Route 40. Discussion ensued.

Ms. Skilling read the current language on number 4 of the Public Works Agreement as follows: “The Developer shall install the 5 foot sidewalk along the frontage of Route 40 as “5’ Possible Future Sidewalk” on the approved plan dated 12/05/07 for the Principio Health Center prior to the issuance of the Occupancy Permit for said Phase II building.”

Ms. Skilling is recommending that the Public Works Agreement be amended to read as follows: “The developer shall install interior ADA compliant sidewalks connecting all pad sites, the sidewalks will provide a safe walkable environment within the complex that will connect to a public transportation shelter along US 40 as shown on the amended plan dated ____” (she noted that a date will need to be added).

Ms. Skilling recommended that the board give the Mayor authorization to make this amendment on behalf of the board if they choose to approve it so that we do not have to wait another month for approval.

Mayor Eberhardt questioned why we should not wait until next month.

Ms. Skilling replied that they have an occupant that is ready to move in and without an occupancy permit the hospital cannot have the client move into the space yet.

Discussion ensued.

Commissioner Ryan inquired if in addition to the requested change in wording if we could add that no additional occupancy permits be issued unless the sidewalk is completed by July 15th or something like that.

A representative of Stewart Associates requested that it be later than July, possibly August 15th, because there is an additional process that they have to go through.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to authorize the Mayor to execute on behalf of the Town an amendment to the Public Works Agreement with Principio Medical LLC. to modify paragraph 4 of the Public Works Agreement to substitute the language proposed by staff subject to an additional requirement that if the sidewalks are not installed by August 1, 2014 no further use and occupancy permits will be issued for the project until the sidewalks are installed.

Ms. Skilling added the language to be included in the motion "The developer shall install interior ADA compliant sidewalks connecting all pad sites, the sidewalks will provide a safe walkable environment within the complex that will connect to a public transportation shelter along US 40 as shown on the amended plan (which he will have to give a new date) with no additional occupancy permits issued by August 1, 2014." **3 in Favor, 2 Opposed** (Commissioner Brown & Mayor Eberhardt):**Motion Carried.**

Mayor Eberhardt asked Sergeant Perez, who patrols the Hatem Bridge, if the issue was ever resolved regarding what the Hatem Bridge Police responsibility is in regards to the MARC Train Station, he responded that he has not gotten an answer back from his initial inquiry but will go to his Major.

Health Insurance Plans

Ms. McCardell had summarized the proposed Health Insurance options at the previous Work Session and after review staff is recommending Plan #2 which is a PPO plan with deductible amounts of \$2,000/\$4,000, the premium increase is 10%, compared to our current plan which would have been a 25% increase, an HMO with no deductible would be a 91% increase. The budgeted deductible amount would be \$108,000, with the Town still saving \$35,024.87 with a deductible plan instead of a co-pay plan.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve Proposal #2 for Health Insurance with Coventry PPO Plan. **All in Favor: Motion Carried.**

Copier Lease

Commissioner Linkey stated that we received several proposals for both copier leases at Town Hall and her recommendation is to choose Toshiba with a buyout. They were the lowest price and they also have the lowest overage, although not the highest of the maximum amount of copies that we could use. There is a possibility that they do not supply the actual staples and 11x17 would be considered 2 copies but are still significantly lower than the other proposals. We are recommending the buyout, Toshiba would store our existing machines until the terms end at their facility since we do not have room, then when each lease ends they would be turned in. At the end of the five year term, if not before, we would look into purchasing instead of leasing.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to use Toshiba to lease our copiers and printer maintenance agreement with Toshiba buying out Enoch copier leases. **All in Favor: Motion Carried.**

Mayor Eberhardt made a recommendation to maintain our Commissioner assignments as they are.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to maintain the Commissioner assignments as they are. **All in Favor: Motion Carried.**

Resolution 2014-19 Social Media Policy

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve the Resolution 2014-19. **All in Favor: Motion Carried.**

Commissioner Linkey was going to work on developing a policy for computers.

Mayor Eberhardt also stated that the Ethics Board had suggested that a policy is established for the newsletter as to what can or cannot be used in it.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to adjourn the June 3, 2014 Town Meeting at 9:06 p.m.

Respectfully submitted,

Jackie Sample,
Town Clerk