

**Town of Perryville  
Town Meeting Minutes  
February 06, 2018**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Robert Ashby Jr., Ray Ryan III, Town Administrator: Denise Breder, Assistant Town Administrator: Cathy McCardell, Town Planner: Dianna Battaglia, Office Clerk: Tara Blevins, Police Chief: Al Miller and Town Attorney: Fred Sussman

Absent: Commissioner Linkey, Commissioner Reich attended remotely during the New Business section of the Town Meeting and the Closed Session Meeting.

**The Town of Perryville meeting was called to order at 7:00 p.m. by Mayor Eberhardt.**

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).

**Pledge to the Flag.**

**APPROVAL OF TOWN MEETING AGENDA**

Mayor Eberhardt asked for a motion to approve the Town Meeting Agenda as published.

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

**Consent Agenda Items:** Mayor Eberhardt asked for a motion regarding the consent agenda items, which includes the December 19, 2017 Work Session Minutes, the December 19, 2017 Special Meeting Minutes, the January 2, 2018 Town Meeting Minutes.

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

**Commissioners' Reports -**

**Mayor's Report -**

Mayor Eberhardt reported that he, along with several other board members, attended the Awards banquet for the Perryville Fire Company on January 13 and presented them with a financial contribution. He attended the Work Session on the 16<sup>th</sup> and on the 20<sup>th</sup> of January he attended the "Coffee with a Cop" at the Police Station. On the 17<sup>th</sup> of February at Town Hall we will be having a Strategic Planning Meeting with

the staff and the board members to discuss goals for the upcoming fiscal year. Mayor Eberhardt announced that he will not be running for office this year.

**Commissioner Ashby's Report -**

Commissioner Ashby reported that he attended the meeting regarding the beer and wine festival, along with the Fire Company Banquet and the Work Session. Tomorrow night there will be a "Green Team Meeting."

**Commissioner Ryan's Report -**

Commissioner Ryan reported that he attended the usual meetings last month and they did not have a Planning and Zoning meeting.

**Commissioner Reich's Report -** (Ms. Breder gave a brief report on behalf of Commissioner Reich)

Ms. Breder reported that both the Water and Wastewater Plants were in full compliance both the State of MD and Federal standards and that the rest of the report will be available on line.

**Fire Department Update -** Commissioner Ryan

Commissioner Ryan wanted to thank the Town of Perryville and the citizens for their support of the Fire Department for the year, and he thanked the board members for attending the banquet. Commissioner Ryan gave the stats for the 2017 year for the Fire Department, there were 465 fire related responses, we averaged about 11 members on each call, our estimated dollar value loss for the total year is \$112,500, which includes cars and some damage in homes. In January of this year we had 47 responses in one month which was higher than normal, which is usually around 35 calls a month, averaging about 10.8 members per calls, with a total of 345 and a half man-hours during that month.

**Administrator's Report -** Denise Breder

Ms. Breder announced that the bond bill information sheet was submitted to Delegate Hornberger to seek State Funding for the Roundhouse Monument Sign (the 1918 date stone). She worked with Ralph Ryan on a MWQFA Water Supply Grant application to the MD Department of the Environment requesting funding for the connection of Station 16 to the Town's water distribution system, which has been submitted. Repairs to the Police Department are to begin on Thursday from the January 1<sup>st</sup> sprinkler malfunction.

Mayor Eberhardt inquired if there was anything that had come about from the MDOT webinar on ranking of projects that Ms. McCardell attended.

Ms. Breder responded that in order to get a project included in that ranking it had to be a minimum of 5 million dollars, early March is the deadline for the submission.

**Treasurer's Report** – (Ms. Breder gave brief report on behalf of Ms. Laubach)

Ms. Breder announced that you have all of the financial statements from July-December in your books. We sold a compressor on Municibid for \$13,350, which was actually more than we paid for it several years ago. Our Finance Director has been monitoring the income that has been coming in from the Local Impact Funds, it has stayed steady or increased. There was a slight drop in November, but it was still higher than November of last year. The revenue that we did receive in January was for November and December slot income and the annual \$70,000 distribution and that totaled \$334,836.08. She also put together an annual report with more statistical information that the Finance Department has done through the year.

**Police Report** - Police Chief Al Miller

Chief Miller reported that Lieutenant Budnick received an award for Instructor of the Year for 2017 from the MD Police Training Commission. He has met with the representatives who are handling the marathon across the Hatem Bridge and also wants to schedule meetings with the other Police Departments that will be involved in the marathon prior to the event. The town recently hired two seasoned Police Officers, highly trained and qualified. We have notified the Health Department about the Narcan situation, we have been informed by our Fire Department that they now have to pay for their Narcan. We in turn will now have to pay for it too and it is \$30 per vial, which is going to break our budget.

Mayor Eberhardt stated that this is obviously not just a Municipality of Cecil County issue but a statewide epidemic and he would like to be made aware if there is the need to testify in Annapolis to provide more funding for the next fiscal year for the Narcan program.

Chief Miller wanted to recognize Matt Roath, who was prior President of the Chamber of Commerce, who recently opened a new business on Route 40 at the former Pure Indulgence building.

**Outreach Program** - Danielle Hemling

Kirsten, a new Outreach Member, reported on behalf of the Outreach Program. This past month they were able to use some of the gift cards that were received as donations to provide food for us and others in the community in need. They wanted to thank St. Marks Church for their gift card donations. This month they created emergency essential bags for the homeless and donated them to a nearby homeless shelter. The program also received a large donation of food from Cold Storage this month filling our freezer and distributing to those in need. They wanted to thank Chief Miller for lending

some of his officers to help distribute the food and DPW for offering to pick up the donations. They also wanted to thank IKEA for starting to work on the Outreach building.

Mayor Eberhardt inquired if they have a specific area in town designated where they clean the streets.

Danielle commented that they usually do adopt-a-highway on Aiken Avenue, which usually seems pretty well maintained between the residents, DPW and State Highway. She usually takes the kids to the park and through the community a little more.

### **Planning and Zoning Report - Dianna Battaglia**

Ms. Battaglia reported that work is continuing on the new Royal Farms store on Perryville Road. We have been continuing to network and talk to anyone who may be interested in bringing people and new business into town. We are pushing out our Tap into the Tavern Event and we have sold two tickets already.

Commissioner Ryan inquired if we are keeping track of the people that have received approval on zoning applications for solar panels.

Ms. Battaglia commented responded that we have been keeping a list of all of the solar panels that have been installed, in 2017 we had a total of 30, she does not know what the overall total is but can look into it.

Commissioner Ryan commented that the solar panels tend to create a bit of a ventilation hazard for the Fire Department during fires, so if we could get a copy of the residents that have them so that we could include it in our pre-planning and special training for solar panels that would be appreciated.

### **From the Floor**

Matt Roath, who resides at 437 Sumpter Drive, is the owner of the new All State Insurance and Financial Services Agency that opened up at 5292 Pulaski Highway. He wanted to thank the Planning and Zoning Department and the Police Chief for their assistance during this process of opening a new business. He also wanted to thank the Mayor for all that he has done for the town.

Mayor Eberhardt called Commissioner Reich to participate remotely for the New Business part of the meeting at 7:29 p.m.

Mayor Eberhardt received confirmation that Commissioner Reich could hear everyone and the board members and others present could hear Commissioner Reich. He also announced that all votes would be taken by roll call.

## **New Business**

### **Al Cesky Scholarship Fund & ½ Marathon Crossing the Hatem Bridge -**

Mayor Eberhardt commented that we had discussed this event at the Work Session. One of the things discussed at the Work Session was for them to provide scholarship funds to a Perryville High School student as well. He has been in contact with the Principal at the High School who was very excited about that and stated that they do have a 501c3 designation in their booster club who could accept funds to make that happen. The representatives are here from the Al Cesky Scholarship Fund program that are promoting the event. He also asked for an update on other concerns that were brought up at the Work Session.

Mr. Corson, who is representing the ½ Marathon event, stated that we would now have a vehicle through the Boosters Club at the Perryville High School to make a contribution and could set up something on our website to use as a funding mechanism for the community to donate since it is a 501c3 and it could be used as a tax deduction. Mr. Corson provided a copy of their application and the criteria for choosing a scholarship winner. We have gotten tentative verbal approval from the MD Department of Transportation and we are putting together a formal maintenance of traffic agreement and we are continuing to work with Chief Miller on the placement of the Police Officers

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to allow the marathon to come through our town and to do what we can to promote this.  
**Roll Call:** Commissioner Ryan: yes, Commissioner Reich: yes, Commissioner Ashby: yes, Mayor Eberhardt: yes.

Ms. Breder had a question on the costs, if we are waiving the fees.

Mayor Eberhardt inquired if that was a request in this event.

Ms. Breder commented it was not a request she did put conditions on the proposed event that our cost be reimbursed to the town, she wanted to make sure since it was not part of the motion.

Mr. Corson responded that he assumed that they would reimburse the town they would not expect the taxpayers of Perryville to pay for their event.

**All in Favor: Motion Carried.**

### **Triathlon -**

Mayor Eberhardt announced that we have a new organization that is interested in taking over the Diamond in the Rough Triathlon. Kinetic Endeavors, LLC. is requesting

permission to take over the event and the remaining terms of the contract that the town had with Piranha Sports, LLC.

**Motion** was made by Commissioner Reich and seconded by Commissioner Ryan to approve the assignment and amendment of the agreement between Piranha Sports, LLC., Kinetic Sports, LLC., and the Town of Perryville. **Roll Call:** Commissioner Ryan: yes, Commissioner Reich: yes, Commissioner Ashby: yes, Mayor Eberhardt: yes. **All in Favor: Motion Carried**

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

There is a vacancy on the Planning and Zoning board and there is a person interested in serving on the committee, his name is Marvin Nunez who resides at Rustic Court.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Ashby to appoint Marvin Nunez to the Planning and Zoning Board. **Roll Call:** Commissioner Ryan: yes, Commissioner Reich: yes, Commissioner Ashby: yes, Mayor Eberhardt: yes. **All in Favor: Motion Carried.**

#### **iPad and BoardDoc software -**

A request was made from staff to purchase iPads for the Mayor and Commissioners and software needed for Town Meetings and Work Sessions to eliminate paper copies.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Reich to purchase the 10.5" iPad Pros and a subscription to the Board Docs LT, with an initial cost of \$3,700. **Roll Call:** Commissioner Ryan: yes, Commissioner Reich: yes, Commissioner Ashby: yes, Mayor Eberhardt: yes. **All in Favor: Motion Carried.**

#### **Ordinance 2018-02 Financial Disclosure and Ethics Code Revisions - Introduction**

Mayor Eberhardt summarized some amendments suggested to be added to the Ethics Ordinance, one was regarding lobbyist under Section 3-107 may not, for a period of 1 calendar year after terminating lobbying registration, become employed by the town for compensation of more than \$30,000 per year, etc. Also, regarding the financial disclosures, notwithstanding the foregoing, the Commission may not make available for examination and copying by the public any portion of a financial disclosure statement that contains the home address of an individual. Another one is for a statement filed on or after January 1, 2019, if the individual's spouse is a regulated lobbyist, the statement shall include the name and address of the entity that has engaged the spouse for lobbying purposes. For purposes of this section "interest" does not include a mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a

specific sector or area that is regulated by the individual's governmental unit. Mayor Eberhardt stated that this is for introduction to be voted on at the March meeting.

**Motion** was made by Commissioner Ashby and seconded by Commissioner Ryan to adjourn the February 6, 2018 Town Meeting at 7:46 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 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. **Roll Call:** Commissioner Ryan: yes, Commissioner Reich: yes, Commissioner Ashby: yes, Mayor Eberhardt: yes. **All in Favor: Motion Carried.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Jackie Sample". The signature is written in black ink and is positioned to the right of the typed name.

Jackie Sample  
Perryville Town Clerk

**TOWN OF PERRYVILLE**  
**FORM OF STATEMENT FOR CLOSING A MEETING**  
(FROM OPEN MEETINGS MANUAL - APPENDIX C)

Location: Townhall Meeting Room Date: 2/6/18 Time: 7:46pm

Motion By: Commissioner Ashby Seconded By: Commissioner 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 Ashby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Reich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Linkey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <i>By phone</i>
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:
  - (i) 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
  - (ii) any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of an individual with respect to a matter that is not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
- (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;
- (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:**

Discussion with legal counsel on the negotiations of a franchise agreement.

  
Signature of Presiding Officer