

Town of Perryville
Town Meeting Minutes
May 1, 2018

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Michelle Linkey, Pete Reich, Robert Ashby Jr., Ray Ryan III, Town Administrator: Denise Breder, Assistant Town Administrator: Cathy McCardell, Financial Director: Debra Laubach, Town Planner: Dianna Battaglia, Police Chief: Al Miller, Police Corporal: Robert Nitz, Town Clerk: Jackie Sample.

The Town 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.

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 Reich and seconded by Commissioner Ryan to approve the Town Meeting Agenda as published. **All in Favor: Motion Carried.**

Consent Agenda Items: Mayor Eberhardt asked for a motion regarding the consent agenda items, which include the March 15, 2018 Budget Work Session Minutes, the March 22, 2018 Budget Work Session Minutes, the April 3, 2018 State of the Town Meeting Minutes, the April 3, 2018 Town Meeting Minutes, the April 3, 2018 Closed Session Minutes, the April 5, 2018 Budget Work Session Minutes, the April 18, Budget Work Session Minutes, the April 24, 2018 Budget Hearing Minutes, the April 24, 2018 Special 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 performed the Swearing in Ceremony for two new Perryville Police Officers, Gerard Morgan and Robert Kennedy. Gerard Morgan graduated from Edgewood High School and previously worked for the Harford County Sheriff's Department and was a Federal Police Officer at the DC Naval Yard and then to Philadelphia and now to us. Robert Kennedy is from Baltimore County and had resigned

from the Baltimore City Sheriff's Office then later served 15 years as a school resource officer.

Mayor Eberhardt mentioned the Cesky ½ Marathon that is coming up in September and that we had mentioned to the promotor that we would like them to provide a Scholarship set up for a Perryville High School student. On April 6, Mayor Eberhardt, Denise, and the promotor of the event had met with the Principal of the Perryville High School to lock in a student scholarship at the Perryville High School because of that marathon. That same morning the Mayor had also met with the County Executive who periodically meets with the Mayors and he passed along some of the information to Ms. Breder on what happened at that meeting. One of the more important things that occurred at that meeting was that Richard Brooks, who is the Emergency Management Director for Cecil County, was there to give an update on what happened during the storm when the roads were shut down, etc. He also was there to discuss some of the upcoming planning to be done if something like that happens again. On the 19th of April the Mayor attended the quarterly Cecil/Harford MML meeting. The Executive Director of the MDTA was at that meeting and he discussed what the ground rules and criteria was for closing the bridges and where they plan to go in the future for planning for that kind of event. On the 21st of the month we had the Riversweep event which recognizes earth day to do some cleanup in some designated areas of town. Later that same day the Mayor attended a meeting with the Owens Landing HOA members where they discussed issues with the recent fire that they had at the condos. On the 24th of the month the Mayor attended the new Royal Farms Grand Opening Ceremony. On the 25th and the 27th of the month he attended the Perryville Elementary and the Good Shepard School to discuss the "If I were Mayor Contest", we had semi-finalists for the region from both schools. On the 28th of the month he attended a Board of Directors meeting where they handed out information regarding the Legislative Session that impacts the municipalities regarding the Highway User Funds that will be available. Another item discussed was the permitting process for mini-cell towers that were allowed to be placed anywhere and the Municipalities had a problem with that, that bill was withdrawn and went nowhere. Another item discussed was what can be done during tax sales when it involves non-payment of water bills and the restrictions on that. They had also put together a booklet on being an elected official. Yesterday he attended a ribbon cutting ceremony at the County to provide bus service from the Perryville train station to the Newark train station, this was the only stretch on the east coast where there was no commuter service between Perryville and Newark. The County has set up a bus service, which they are hoping is temporary until they can get a train service. The County has entered into an agreement with Cecil Community College for there to be a park and ride at the College to get the bus to the Perryville Train Station or the Newark Train Station.

Commissioner Reich's Report -

Commissioner Reich wanted to welcome Larry Frazier back to work at the Water Plant, he was out on an extended leave of absence due to an illness. The Water and Wastewater Plants met or exceeded their Federal and State requirements again for the

month of March and April to date. Commissioner Reich thanked the Mayor for his integrity during his 14 years of service to the Town of Perryville as Mayor and for recently testifying at Annapolis to get the license free fish zone designation at Ice House Park.

Commissioner Linkey's Report -

Commissioner Linkey also thanked the Mayor for his service. Commissioner Linkey reported that she attended the Little League parade this past month and she also attended the after-action meeting regarding the Owens Landing fire with the various Fire Departments and very much appreciated that meeting and the information discussed. She also attended the informational meeting with Owens Landing HOA. There was a lot of participation at the Riversweep event this year and we were able to pick up 1.5 tons of trash. She is aware of trash issues in other areas throughout town and was wondering if we should start a Perryville Sweep, she believes that we were incorporated on March 30th of 1882 and was thinking that may be a good time to start doing things around town. She wanted to thank the Public Works department for being here during the fire at Owens Landing to assist the firefighters and for their assistance with Riversweep. We have a new employee at the park, Kristine Nesbitt, who started April 29th.

Mayor Eberhardt thanked Commissioner Reich for mentioning the license free fishing designation earlier, he had meant to mention that in his report earlier. Mayor Eberhardt commented that the primary purpose of the meeting with the Owens Landing HOA meeting was the fire activity. He did not report on that because the Fire Chief was at that meeting and that he would report on that when we got to him.

Commissioner Ashby's Report -

Commissioner Ashby thanked the Mayor for his time with the town and wished him good luck on his future endeavors.

Commissioner Ryan's Report -

Commissioner Ryan also thanked the Mayor for his service and for his guidance when he first started as a Commissioner. Commissioner Ryan reported that it has been a busy month with the various budget meetings that we have had, along with the various other meetings that took place. He attended the Planning and Zoning meeting where they discussed the yearly report for the State of Maryland and they also had a general discussion on how things were going in town and some questions brought up to get clarification on.

Fire Department Report - Commissioner Ryan

Commissioner Ryan reported on behalf of the Fire Department. He does not have the stats for the last month because it is the first of the month. He did attend the after-

action review on the 15th of the month regarding the fire that occurred. They discussed what was done during the fire, what things went well, things that can be improved, and take any lessons learned to share with any other departments. He also attended the Owens Landing HOA meeting on the 21st of the month to get a better idea on things that happened with the fire and how things went and sharing of ideas and information. Commissioner Ryan also mentioned that he, along with Ms. Breder and the Police Chief received an email today inviting them to sit on a committee or to attend a meeting about traffic control and planning if we have to close bridges again, he is glad that we will have some input on that.

Mayor Eberhardt commented that Commissioner Ryan fielded a lot of the questions that people from Owens Landing had during that meeting regarding safety concerns since he was there representing the Fire Department as the Fire Chief, as well as a Town Commissioner.

Town Administrator Report - Denise Breder

Ms. Breder also wanted to thank the Mayor for his service to Perryville, and that he has been a mentor to her and an example of integrity and leadership in this town and thanked him for allowing her to work with him for almost 14 years. The next Greenway meeting is scheduled for June 27 at 10 a.m. The bond bill for the sign has been approved, so we will be getting the 1918 Pennsylvania Railroad sign installed this year. We expect to have that Grant Agreement here sometime this month, the State said they would send it to us in early May. The next Green Team meeting is June 7 at 5:30 p.m. here at Town Hall. The last 900 feet of IKEA Way has now officially been taken over by the State Highway Administration, so they will now be maintaining that stretch of roadway. On April 26 we received notice from the State of Maryland Department of the Environment that the MS4 General Permit, which is the Municipal separate stormwater sewer system permit has been issued and that we fall under it, and we have talked about this previously on numerous occasions. It has now been issued and that we must submit a notice of intent to MDE by October 31st. Ms. Breder commented that the Request for Qualifications for the Phase II Municipal Complex Project, which is the Little League field is out now. Ms. Hickman did write and submit a grant to the Coastal Bays Fund for \$49,473 for stormwater for Phase II which hopefully we will get. This would go a long way towards funding that project.

Commissioner Reich inquired if we still had issues with the birds nesting in the area of the project.

Ms. Breder responded that unfortunately we do, they decided to rebuild, so we will have to wait until nesting season is over to deal with that again. We do have all of the requirements from USDA on how to deal with it, but we can't do anything right now.

Treasurer's Report - Debra Laubach

Ms. Laubach also thanked the Mayor for his service to the Town, although she has only been here for a year with the town. Ms. Laubach commented that with the boating season back in the honor box revenue has been picking up. She has been working on the FY 18 financials this past month with an extensive review on certain accounts. The audit services have been awarded to Barbacane, Thorton & Company for FY18-FY20 with the possibility of a 2-year extension. She, along with Ms. Breder, met with Timothy Sawyer, a partner of the firm, to discuss their firm performing audit procedures prior to year-end. They have tentatively scheduled a site visit in the middle of May. At that time, the firm will perform internal control testing in addition to reviewing activity in our restricted funds. We have had several budget meetings during the month of April and finalized the budget using the current year's tax rate and adjusted the tax base for several large assessment reductions. We also prepared Resolutions to modify FY19's Local Impact Budget. We also reviewed Chemical bid proposals for FY19 and are submitting recommendations to the board tonight. We have received \$10,670,717.62 in slot revenue to date and for Fiscal Year 2018 to date, \$979,481.49.

Police Report - Chief Al Miller

Chief Miller, on behalf of the Police Department thanked the Mayor for the job that he has done and for keeping the Outreach Program open and how the program has thrived. Chief Miller reported that Hollywood Casino has a concert scheduled with 3 bands playing on May 20th and they are expecting several thousand people to be there. Our Police Department has been working with the Hollywood Casino staff and the Fire Department to have equipment on standby. He attended the Little League Parade and the North Point Builders award ceremony where they received an Award of Merit for their new Police Department building from the Builder's Association of Maryland. The Police Department took back 10 pounds of drugs on the National Drug Take Back Day.

Mayor Eberhardt also reminded those that are in attendance at the meeting that there is a Drug Take Back Drop Box at the lobby of the Police Station where people can dispose of their unwanted drugs during the week.

Outreach Report - Danielle Hemling

Ms. Hemling also thanked the Mayor for his service and for the impact that he has had on the lives of the Outreach Members over the years and his support of the program to keep it going.

Justin, a member of the Outreach Program reported on behalf of the Outreach Program. He reported that the overall monthly attendance was 250 and there were two new members. This month members created a tobacco clean air rock garden. The members painted rocks and wrote the reasons why they do not use tobacco products and all the things that they believe to be good traits. They started work on our vegetable

garden and painted flower pots and planted flowers. They helped with cleaning up the baseball field this month to get the bleachers ready for Perryville Little League's opening day. We painted records this month for National Record Store Day. We assisted with food distribution at the Elementary School's food pantry this month, they graciously gave us their leftovers so that we could continue to feed and serve the community. Some of the members and the staff participated in River Sweep this month. The Mayor stopped by and gave of some games this week and the kids were excited and have been playing them since. We graciously accepted a grant from the new Royal Farm Store in Perryville. We spoke to IKEA and we are hoping to start the interior renovations to our building after May 8th. We also wanted to thank Meeting Ground for their donation of food sandwiches this month. Life Skills this month have focused on finances, particularly in the areas of saving, spending, taxes and budgeting.

Planning and Zoning - Dianna Battaglia

Ms. Battaglia thanked the Mayor for his service. She reported that she attended the new Royal Farms Grand Opening. She also just got back from training and got some information that she will be sharing to tell our story on Perryville.

Mayor Eberhardt inquired if the wind had blown the sign down at Lindy's on Aiken Avenue and Route 40 that is now vacant.

Ms. Hickman responded that the wind had blew that sign down and they do plan to replace it.

From the Floor

Tony Gerst, who resides on Broad Street, inquired about the remote participation request that is first on the agenda. He suggested if someone from the audience had something to say when you were discussing something they could say it then instead of waiting to get up to the podium.

Mayor Eberhardt explained what the remote participation meant, it was to allow board members to call in remotely if they were unable to attend in person. Mayor Eberhardt responded that the items that are voted on at these meetings are items that have been previously discussed in the Work Sessions which also allows for public discussion.

New Business

Budget Amendment Ordinance 2018-05

Budget Amendment Ordinance 2018-05 was introduced at the Work Session recognizing revenue and transferring of funds between accounts for the fiscal year 2018 budget.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve Budget Amendment Ordinance 2018-05. **All in Favor: Motion Carried.**
Resolution 2018-01

A Resolution to amend the Local Impact Budget for fiscal year 2019 so that it matches our budget.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve Resolution 2018-01. **All in Favor: Motion Carried.**

Ordinance 2018-06

An Ordinance to approve the Fiscal year 2019 budget, which includes the real and personal property tax rate rates and the homestead credit percentage, which has remained the same.

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the Fiscal Year 2019 Budget Ordinance 2018-06. **All in Favor: Motion Carried.**

Chemical Bids

Ms. Laubach commented that there were several companies that submitted bids, most of the companies only supply one or two of the chemicals, very few of them supply all of them. We reviewed them and checked with the Water and Wastewater Superintendent to make sure that there were no issues with any of the suppliers, our recommendation is to go with the low bids and the highlighted items.

Ms. Breder wanted to clarify that what they have in their packets are showing the highlights, which are all of the low bids, the power point is not showing all of the highlights, however they are voting on all of the low bids.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve the chemical bids that were recommended from staff. **All in Favor: Motion Carried.**

Ordinance 2018-07 Personnel Manual -

Mayor Eberhardt introduced Ordinance 2018-07, which was to add sick leave for part time employees per Maryland law.

Ms. McCardell explained that per Maryland law we are required to provide sick leave for our part time employees and this will affect four of our part time employees that we currently have, and this Ordinance will allow us to update our Personnel Manual accordingly.

Mayor Eberhardt asked the Town Attorney, Fred Sussman, if this would put us in compliance with the State law since we had an issue with a recent Ethics Ordinance that we approved to comply with State law but found out that it did not fix the issue, therefore, did not meet the State requirements. He inquired if he did review this thoroughly and if it would meet the State requirements.

Mr. Sussman responded that it would meet the State requirements.

Resolution 2018-02 Revitalization Grant Program Amendment

Mayor Eberhardt inquired if there were any changes from what was talked about at the Work Session.

Ms. Hickman believes that amendment that we added was item b. on the Resolution, the other terms and conditions specifying that if the owner moves from the property within six months after receiving grant funds the town would need to be paid back.

Motion was made by Commissioner Reich and seconded by Mayor Eberhardt to approve Resolution 2018-02. **3 in favor, 2 abstained:** (Commissioner Ashby and Commissioner Ryan) **Motion Carried.**

CSX Settlement and Release of Claims

Ms. Breder commented that this was discussed at the Work Session and since that time CSX incorporated language prepared by our legal counsel into the release allowing us to have the ability to go back against CSX should a third party come against the town. Ms. Breder read the paragraph that was added.

Mr. Sussman explained that you may not go against CSX on anything that they may have done to us or our property but if a third party sues the town for something that CSX does, we then have the right to go back to CSX to defend the claim brought by the third party. We are accepting money from CSX to release any claims from them and we have determined the value of the damages to our property and how much they are willing to give us for rental for use of the property during that time. We have also been assured that the property has been properly stabilized determined from the Critical Area Commission that there is nothing that we need to do for the Critical Area Commission with respect to restoring the property.

Ms. Breder commented that the total amount which will be released to us will be \$37,303.26 when we are ready to sign.

Motion was made by Commissioner Ryan and seconded by Commissioner Ashby to approve the settlement and release of claims of physical property with CSX. **All in Favor: Motion Carried**

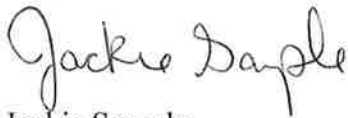
Resolution 2018-03 - Event Form Revisions

Ms. Breder explained that the only changes that were made to the event form was that it had previously referred to Band Shell and you had asked that it be clarified to be Lower Ferry Park in a couple of places and it was also changed to say ticketed events and non-ticketed events and other than that there were no additional changes.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve Resolution 2018-03. **All in Favor: Motion Carried.**

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to adjourn the May 1, 2018 Town Meeting at 8:05 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,



Jackie Sample
Perryville Town Clerk

**Statement Regarding April 3, 2018 Closed Meeting for Inclusion in Minutes of
May 1, 2018 Town Meeting**

On April 3, 2018, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:15 p.m. in accordance with General Provisions Article, § 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter. Mayor Eberhardt, Commissioners Linkey, Ryan and Ashby and Reich all voted in favor of conducting the closed meeting. In addition to the Commissioners, the Town Administrator, Denise Breder, Town Clerk, Jackie Sample, Financial Director: Debra Laubach, and Town Attorney, Fred Sussman, attended the entire closed session. During the meeting, the board consulted with legal counsel to discuss the allocation of Local Impact Funds and Facility Reserve Funds.

Motion was made by Commissioner Reich and seconded by Commissioner Ryan to adjourn the Closed Session at 9:00 p.m. **All in Favor: Motion Carried.**