

**Town of Perryville
Town Meeting Minutes
September 5, 2017**

ATTENDANCE: Commissioners: Michelle Linkey, Pete Reich, Robert Ashby Jr., Ray Ryan III, Town Administrator: Denise Breder and Town Attorney: Fred Sussman

Absent: Mayor Eberhardt

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

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

Commissioner Linkey asked for a motion to approve the Town Meeting Agenda.

Motion was made by Commissioner Reich and seconded by Commissioner Ashby 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 July 18, 2017 Work Session Minutes, the July 18, 2017 Closed Session Minutes, the August 1, 2017 Town Meeting Minutes, the August 1, 2017 Closed Session Minutes.

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

Commissioners' Reports -

Commissioner Ashby's Report -

Commissioner Ashby had nothing to report.

Commissioner Ryan's Report -

Commissioner Ryan reported that Robert Taylor was appointed to the Planning and Zoning Board at the last meeting for the one of two positions that we have. He reported that Fairgreen Housing came before the Planning and Zoning Board for a Special Exception request to lower the age on the housing from its current age limit down from the age of 60 to 55 years old.

Commissioner Reich's Report -

Commissioner Reich reported that the full report will be on line. The Wastewater Plant has been in full compliance with the NPDES discharge permit for the month of July 2017 and August 2017 with the August lab results received to date. The Water Plant is in compliance for the month of August. As of last Thursday we received 7 RFP's for the Denite filters for the Wastewater Plant. The SBR #1 decanter was ordered and it has a 6 to 8-week delivery. The first annual inspection and cleaning of the raw water intake screens and vaults was done and we are awaiting the report and video.

Commissioner Linkey's Report -

Commissioner Linkey stated that the full report will be on line. DPW installed security cameras at the Water Treatment Plant. The hydrant flushing will occur once the water storage tanks reach a suitable level and will be scheduled and advertised accordingly.

VA Update - Mark Dallaire

Mr. Dallaire reported that the walls are going up for the new Water Treatment Plant. 33 houses were demolished making room for the Enhanced Use Lease facilities. There will be 62 new house total built, Phase I being 42 houses, Phase II being 20, with some of the houses being able to have more than one unit, with a 95 unit total, they should be finished mid-summer of next year. They are still working on the budget for the CLC.

Administrator's Report - Denise Breder

Ms. Breder announced that the full report will be on the website. She reported that we have worked on establishing a Green Team as part of earning the Sustainable MD Certified designation, the first meeting is scheduled for Thursday, September 14 at 5 p.m. here. There will also be some information about the Green Team at the Lower Ferry Festival that is on September 16. Neil Semmel, from Piranha Sports, who holds the annual Diamond in the Rough Triathlon, is retiring from race directing. He will no longer be doing that event but has put us in contact with someone named Greg Hawkins who is looking into taking over that event with his company. A letter was sent to AMTRAK requesting that they work with the VA to share the VA truck route instead of having the AMTRAK trucks going in through the VA main entrance. We have not heard anything back from them regarding the request. Our Code Enforcement Officer is retiring as of this Friday and we have advertised it in house and it closed on August 29th. We are getting ready to advertise out on the street. The caseworker position has been advertised in house at this point. The Emergency Action Plan for the dam off of Reservoir Road has been finalized and is being processed for signatures. The Police Department project is roughly 95% complete and they are looking at September 30th as

the final completion; hopefully moved in some time in October and ribbon cutting in November.

Commissioner Ashby inquired why Frenchtown Crossing withdrew their request for more street lights.

Ms. Breder replied that they did not say why they just sent an email saying that they were withdrawing their request.

Treasurer's Report - Debra Laubach

Ms. Laubach reported that the main focus has been preparing for and going through the audit. Ms. Laubach reported that there has been \$3,069 collected to date for the honor box. She also stated that so far, we have not seen a decrease in what we are receiving for the Local Impact revenue. The total received to date has been \$9,691,236.13. The auditors should be here for another Wednesday and Thursday of this week then should be finishing up at their office in about a week or so.

Commissioner Linkey prefers that the year to date be reported versus the life to date for the slot revenue.

Police Report - Police Lt. Budnick

Lieutenant Budnick reported that the Police Report will be on line and as Ms. Breder commented earlier they are anticipating moving into the new Police Department the 1st of October.

Outreach Program - Danielle Hemling

Chip, a member of the Outreach Program reported on the activities for the month of August. The overall attendance for the month of August as of the 28th was 390, the number of referrals was 1 and there were 2 new members. Some of the members participated in the National Night Out, and the Outreach supplied food and water for the event. We also had our annual Chief's Family Fun Day, with various events going on. As reported last month our former Outreach Director stepped down to pursue another opportunity. We started our school supply drive and collected school supplies for over 120 kids this month. We will be taking members on a water safety field trip, weather permitting, to teach our members the importance of water safety. This trip was graciously donated by Brady Stroh of Chesapeake experiences. Our first ever 5K race is on September 9th.

Ms. Breder announced that Jesse had resigned and that Danielle is the new director of the Outreach Program.

Planning and Zoning Report -

Ms. Breder commented that the Planning and Zoning report will be posted on line.

From the Floor

Ray Giuliani, who resides at Concord Point Drive, brought up concerns on the impact to Perryville from the dredging that is going to take place at the Conowingo Dam since everything will run downstream to Perryville and Port Deposit. He is concerned for it possibly contaminating our drinking water.

Ms. Breder responded that she had seen that the Governor had put out a test regarding the 25,000 tons that they wanted to dredge, it is a State project and the town does not do anything like that. The town did send out letters concerning the buildup of the sediment to various agencies involved. One of the County Council members requested copies of the letters, so we sent some more information out to him.

Commissioner Ryan commented that 1st responders have been made aware of the dredging, but as far as a contingency plan or preparing for it, they have not been advised on what to be ready for, it is still early in the process.

Ria Burghardt, who resides at Owens Landing Condos, commented that many of the residents have been trying to work with the owners of the marina for several years concerning issues with the marina. The main concern is the dumping at the boatyard. One of our residents had sent out a letter to the Mayor about a month ago and had spoken to Don Stanley, our Code Enforcement Officer, and we have not heard anything back.

Ms. Breder commented that she knows that Don has sent notices to the property owner with limited success, there are some ownership issues that we have not gotten clarification on. She commented that staff had responded to Mr. Crouse's request on behalf of the Mayor last week sometime.

Commissioner Ryan has also been in contact with MDE on possible oil dumping on the property.

Commissioner Linkey encouraged them to continue to come to the meetings to keep this issue on the forefront.

Another resident from the audience stated that they also store big blue containers for the Coast Guard and does not know what is in them.

Commissioner Reich has also been informed that the retaining wall is starting to fall down.

Mildred McGuirk, who also resides at Owens Landing, commented that the park has been a nice addition to the town, but the dumping and storing of boats that has

occurred on the marina property has impacted their quality of life and the value of their property. We would like to work with the town to resolve these issues because it is impacting the town as well.

Calvin Wilson, who resides at Frenchtown Crossing, thanked the board and the police for their hard work. He asked if the concert turned out to be successful that was held at the park. Commissioners Linkey and Ashby responded that it was. He also expressed concern on why the request from Frenchtown Crossing was pulled back, that it is very dark back in there.

Commissioner Linkey responded that she had gone out and looked at the lights and they are recessed and low and covered by many trees. She asked for clarification on the additional cost for adding lights.

Ms. Breder responded that it would be around \$218 a month more for perpetuity to add the additional street lights that were requested.

Discussion ensued on various things that could be done to improve the lights, such as the trimming of the trees and different bulbs such as Solar or LED.

Mr. Wilson, also expressed concern of the safety of people on the pier, that from his understanding is mostly for boaters coming in not for people walking out. There is the issue of some people just going out there and some people go out there and fish.

Commissioner Linkey responded that it is not a fishing pier.

Mr. Wilson inquired if a railing could be put out there at the end of the pier.

Commissioner Reich responded that if they did that it would be difficult for the boaters to get in and out of. He stated that we intend to rent out some of the slips in the future so there will be boats there instead of just an open dock.

Michael Crouse, also a resident of Owens Landing, has been boating here and using the slip at Owens Landing for 19 years. He commented that the current conditions of the property have made it very difficult to want to continue to boat here and is bringing his property value down, it is unsightly and unsafe, the yard for boat storage has become a dumping station. They are just looking for some help to get the mess cleaned up.

Commissioner Linkey responded that we have been trying to track down the owners and sent out letters.

New Business

Christmas Holiday Schedule -

Commissioner Linkey stated that Christmas Day falls on a Monday and the employees have off Christmas Eve and Christmas Day, traditionally if a holiday falls on a Sunday you would go to the next day. The proposal is to discuss which day to celebrate the Christmas Eve Holiday, Tuesday seems to make more sense to her.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to make Tuesday the 26th the Xmas Eve Holiday. Discussion ensued.

Ms. Breder asked if an amendment to the motion include that it would not impact the employees that actually do have to work on the weekend, that it would still be considered their holiday so that they would get their overtime pay for working on the holiday.

Commissioner Ryan inquired whether that was included in the personnel manual regarding if that is their normal work day how they would be paid.

Ms. Breder responded that clarification is needed in the personnel manual for the employees that work on the weekends and you should be seeing an amendment to the personnel manual soon for a discussion.

Cathy McCardell, explained that there are employees at the Water Plant, the Wastewater Plant and the Police Department that would be scheduled to work on the Sunday, which would be the holiday, but with our personnel manual if the holiday is on a Saturday it is recognized on the preceding Friday, if the holiday is on a Sunday it is recognized that Monday, but the Monday is already a holiday, which is why the request is coming in for the holiday schedule. There are employees that would have to come in and work on that Sunday, which is actually Christmas Eve, but they could be off Monday and not work again until Tuesday and be paid holiday.

Clarification was made at Commissioner Ashby's request that if an employee worked on the Sunday it would be straight time but they would be paid whether they work or not on Monday because it is a holiday.

Further discussion ensued. It was clarified that if someone works on Sunday as Christmas Eve, they would not get the Tuesday holiday they would have gotten theirs on Saturday and if they worked it would be holiday pay.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to amend the motion to have the Christmas Eve Holiday recognized on Tuesday unless you are scheduled to work on Sunday then that would be your holiday. **All in Favor: Motion Carried.**

The original motion as amended was brought forward. **All in Favor: Motion Carried.**

Resolution 2017-10 Amendment to Revitalization Grant Package -

Consideration of an amendment to the Revitalization Grant Package, which basically is just taking out the business aspects of it.

Motion was made by Commissioner Ashby and seconded by Commissioner Reich to approve the Revitalization Grant Resolution 2017-10. **All in Favor: Motion Carried.**

Budget Amendment Ordinance 2017-14

Consideration of a budget amendment to bring forward money from our LIF funds from 2017 forward to this fiscal year 2018.

Motion was made by Commissioner Reich and seconded by Commissioner Ashby to approve Budget Amendment Ordinance 2017-14. **All in Favor: Motion Carried.**

Budget Amendment Ordinance 2017-15

Introduction of a budget amendment to recognize donations to Outreach for school supplies and other items needed for youth to go back to school, to recognize additional the ENR Grant from MDE, use contingency funds to cover un-expected decanter repair, clean SBR 1 while decanter is out of service.

Commissioner Linkey read the introductory paragraph as follows: For the purpose of amending the adopted budget for the Town of Perryville for the fiscal year beginning July 1, 2017, and ending June 30, 2018, to appropriate for certain purposes certain funds and generally related to amendment of the Town's FY 2018 budget.

Planning and Zoning Appointment -

Consideration of appointment of Linda Yeatman, a resident interested in serving on the Planning and Zoning board.

Motion was made by Commissioner Ryan and seconded by Commissioner Ashby to appoint Linda Yeatman to serve on the Planning and Zoning Board. **All in Favor: Motion Carried.**

MML Chapter Meeting Venue - Discussion of the venue for the upcoming MML Chapter meeting that the Town of Perryville is sponsoring.

Commissioner Linkey discussed the venue for the upcoming MML meeting, an organization that we are part of, and it is our turn to sponsor. The venue that we looked

up to pursue was the Greene Turtle. They will block off half of the Greene Turtle with some piping and drapes, and with a microphone and podium supplied for us. There would be a meet and greet and then at 7 p.m. there would be a buffet, with prices in line with what we usually have. The menu would include Fleet Street Chicken, Cajun Shrimp, Hog Hammers, Crab Dip, Soft Pretzels, Mashed Potatoes, Taco Salad, and some dessert.

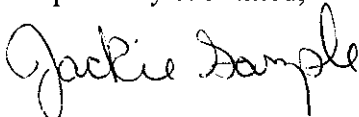
Commissioner Reich inquired if half of the area will be enough, to which Commissioner Linkey responded that it should. We told them that there we typically have around 64 or 65 people and October tends to be the least attended, although at the casino that may be different.

Commissioner Reich inquired if we were going to discuss what subject we will be talking about.

Commissioner Linkey responded that she believes that the plan is to have a speaker there to provide information on the heroin and drug issues that Cecil and Harford Counties have been experiencing. The possibility of discussing the new stormwater mandates would not affect enough of the municipalities to discuss at the meeting. The MML meeting will be on October 19. She asked if anyone had any other suggestions for topics to be discussed, nobody had any.

Motion was made by Commissioner Ryan and seconded by Commissioner Reich to adjourn the September 5, 2017 regular Town Meeting at 8 p.m. and the Mayor and Commissioners go into a Closed Session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter; 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 after a 5 minute break. **All in Favor: Motion Carried.**

Respectfully submitted,



Jackie Sample
Perryville Town Clerk

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

Location: Town Hall Date: 9/5/17 Time: 8 p.m

Motion By: Comm. Ryan Seconded By: Comm. Reich

VOTE TO CLOSE SESSION:

	AYE	NAY	ABSTAIN	ABSENT
Mayor Eberhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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:

The Board discussed two lease negotiations (1 new and 1 existing). They consulted with counsel on lease terms. No final decisions were made.

The Board discussed code and charter issues as they apply to Board members & getting legal advice on these issues.


Signature of Presiding Officer

**Statement Regarding July 18, 2017 Closed Meeting for Inclusion in Minutes September 5,
2017 Town Meeting**

On July 18, 2017, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:10pm in accordance with General Provisions Articles, §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 had jurisdiction; or any other personnel matter that affects one or more specific individuals. All four Commissioners were in attendance as well as the Mayor. In addition to Mayor and Commissioners, Cathy McCardell, Assistant Town Administrator and Tara Dvorak, Office Clerk attended the closed session. During the meeting, there was discussion on the legal services. No motions were made on this issue. The meeting was adjourned at 8:28pm.

**Statement Regarding August 1, 2017 Closed Meeting for Inclusion in Minutes of
September 5, 2017 Town Meeting**

On August 1, 2017, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:48 p.m. in accordance with General Provisions Article, § 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter and (3) to consider the acquisition of real property for a public purpose and matters directly related thereto. Mayor Eberhardt, Commissioners Linkey, Ryan and Ashby and Reich all voted in favor of conducting the closed meeting. In addition to the Mayor and Commissioners, the Town Administrator, Denise Breder, Town Attorney, Fred Sussman, and Town Clerk, Jackie Sample, along with the Town Engineer, Ralph Ryan attended the entire closed session. Aaron Ashford, the Public Works Superintendent and Cathy McCardell, the Assistant Town Administrator attended the first part of the meeting regarding stormwater management issues and the Welcome Sign. During the meeting, the Board consulted with legal counsel with respect to stormwater management issues and the right of another agency to take town land for a proposed new entranceway, along with the relocation of the Welcome Sign where a motion was made and approved to relocate the sign if feasible.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to adjourn the Closed Session at 9:40 p.m. **All in Favor: Motion Carried.**