

Town of Perryville
Town Meeting Minutes
March 5, 2024

Attendance: Mayor: Matthew Roath, Commissioners: Michelle Linkey, Robert Taylor, Timothy Snelling, Town Administrator: George Patchell, Assistant Town Administrator: Cathy McCardell, Finance Director: Debra Sharpe, Police Chief: Robert Nitz, Town Attorney: Fred Sussman.

Absent: Commissioner: Christina Aldridge

The Town Meeting in its entirety can be listened to on the Town web site at www.perryvillemd.org.

The March 5, 2024, Town Meeting was called to order at 7:00 p.m. by Mayor Roath

Pledge to the Flag

Approval of the Town Meeting Agenda

Motion was made by Commissioner Taylor and seconded by Commissioner Linkey to approve the March 5, 2024, Town Meeting Agenda as written. **All in Favor: Motion Carried.**

Approval of Consent Agenda Items

Motion was made by Commissioner Taylor and seconded by Commissioner Linkey to approve the consent agenda as written, items consisting of the February 6, 2024, Town Meeting Minutes, the February 20, 2024, Work Session Minutes, and the February 20, 2024, Special Meeting Minutes. **All in Favor: Motion Carried.**

Mayor Roath reported that he received an email request from a resident for us to show appreciation for a local volunteer Pat Kelleher, who provides music therapy at the VA Hospital. Mayor Roath presented Ms. Kelleher with a certificate of appreciation. He stated that he would like to try and start doing this on a quarterly basis.

Mayors Report

- 2/5 Attended a meeting with Amtrak officials on their upcoming bridge replacement project.
- 2/7 Attended a virtual meeting with representatives from Delmarva Power and BG&E regarding their upcoming utility work downtown, related to the bridge replacement project.
- 2/9 Had a conference call with Trash Tech representatives.
- 2/15 Attended a Perryville Local business meeting.
- 2/16 Met with a Delegate Hornberger to discuss this year's Legislative Session and how Perryville will be affected by things that are currently going on down there.
- 2/21 Attended a meeting with representatives from CHEP to discuss their organization.
- 2/22 Attended the first of our FY 2025 Budget meetings and all of the subsequent meetings last month.
- 2/23 Attended a Ribbon Cutting Ceremony for the Cecil County Board of Realtors.
- 2/28 Attended a meeting with representatives from the construction company who will be demolishing the piers on the Susquehanna related to the Susquehanna bridge replacement project

to discuss the viability of utilizing the stone for shore restoration, and there are some hurdles to that concept right now.

- 2/29 & 2/30 Attended the Mayors Conference in Annapolis.
- 2/30 Met with representatives from the MD Board of Elections, and 2/30 attended a reading event at Perryville Elementary School and had the opportunity to read to two kindergarten classes.

Commissioner Reports

Public Safety Report

Commissioner Linkey reported that she attended all of the budget meetings, along with the other meetings. She attended the Fire Department meeting and met with Alisha to talk about the Green Team along with the local business information exchange meeting.

Perryville Fire Department – Chief Willis

February 2024 Monthly Report

Fire Chief Willis reported on behalf of the Perryville Fire Company, there were 29 Fire Calls – (75 Calls Year to Date), 103 EMS Calls – (241 Calls Year to Date), and Average Response Time 4.4 minutes. Ambulance Transports – Upper Chesapeake Aberdeen (25), Union of Cecil County (22), Upper Chesapeake Bel Air (23). The Newly elected officers took office on February 1st. Five addresses were referred to Chief Nitz for code enforcement of the false fire alarm ordinance. Sixteen calls to 1240 Chesapeake Overlook Parkway for the month and thirteen calls to 100 Greenway for the month. We found numerous fire code violations at 100 Greenway during various calls for the month with the most serious being sprinkler heads being covered by towels which would prevent their activation in the event of a fire. These issues were referred to the OFSM for code enforcement.

Mayor Roath asked Chief Nitz how his department was doing with that property.

Chief Nitz responded that he had spoken to one of the residents today and they are not happy with the management, and we have not had much communication with the management which seems to be tapering off again. They closed all of the common areas in the building citing health concerns, including the laundry room. He has some phone calls to make to the County to see what can be done about that.

Chief Willis reported that they received new vehicle stabilization struts that were purchased through the Firehouse Subs Public Safety Grant that we received. They will be mounted shortly on the units and then placed in service following training. Personnel completed annual OSHA required training and elected our first two new members under our SAFER Grant. Conducted additional plans review for Cedar Meadows development and met with the developer. Reviewed plans for the new Amtrak bridge and held several discussions with the project manager.

Mayor Roath inquired if he had met with the contractor for the Hatem Bridge.

Chief Willis responded that he has not heard anything from them.

Commissioner Snelling inquired if the alarm problem is just with the one building.

Chief Willis responded that the largest problem is with the 100 Greenway address, there are a few problems with IKEA and 61 Heather Lane.

Wastewater and Water Treatment Plant Reports

Commissioner Taylor reported that about 12 million gallons of raw water was treated last month, and the wastewater treatment plant treated 23 million gallons, with 7 million being from the VA. The water and wastewater plant are in compliance with NPDES discharge permit to date. We had an absurdly high aluminum result at the wastewater plant from the lab, so we are doing additional testing to see if the level has dropped to avoid a violation. It shows on the report that JJID is back on site at the wastewater plant to install the "T" in the piping for the denite filters, however they walked off the job again on Monday after starting the job and then deciding they were done. We are working with Wickersham to determine what we are going to do about this. The wastewater crew had to disassemble the work that they were doing to gain access to the back of the plant with their trucks.

Planning and Zoning Report

The Planning and Zoning Report was on-line.

Commissioner Linkey inquired if we know when Wawa is going to break ground.

Mr. Patchell responded that they have all of their permits, we are just waiting on them.

Mayor Roath responded that in his conversations with them they were waiting for the traffic circle to be constructed.

Mr. Patchell believes that the project is scheduled to start in April and is supposed to be finished by June.

Commissioner Linkey inquired about the Richmond Hill project.

Mr. Patchell responded that they have their permits and we received information that they will be breaking ground this Spring.

Public Works Report

Mayor Roath reported that the Public Works Report can be found on-line.

Administrative Staff Report

Commissioner Snelling reported that he attended the budget meetings for the month. We are still looking for a Crossing Guard and a DPW crew member and the full report is on-line.

Town Administrators Report - George Patchell

- Applied for the Senator Van Hollen & Cardin Congressional Direct Spending Grant for the unfinished LSHG Trail.
- Marlene Muro, Circuit Rider, completed an application through SRBC for Consumptive Use Mitigation Grant Program which will provide funding to install Electronic Water Meters and Radio Transmission Antenna on the Town Hall.

- Met with Heather Johnson, Underwood, and Associates regarding Ice House Park Design Project.

Projects

- To date R.E. Pierson has completed 98% of the Sanitary Sewer Improvement Project. Pump Station 1, work is complete and on line. Pump Station 2, work is complete and on line. Pump Station 4's Control Panel and all associated piping and electrical work has been completed. A test of the pump station revealed the automatic emergency switch over to the generator is not working properly. Until the situation can be resolved the station will continue to operate on the bypass pumps. Estimated time for Pump Station #4 completion date is March 9, 2024.
- Water Treatment Plant Expansion: Contractor M2, from Lancaster PA, won the bid and a Notice of Award was presented on November 24th. The official documentation was signed on December 1st. Notice to Proceed was sent on December 15th. Pre-Construction meeting was held on January 11, 2024. Mobilization of the site will begin in April. The final project completion date is tentatively scheduled for January 2025.
- WWTP ENR project: MDE approved the construction Bid to Wickersham Construction. The contractor has begun to install the steel columns of the building. However, due to the rock of an old riverbed, the contractor is having a difficult time installing the steel columns. The project is currently in a holding pattern until the contractor can shore up the walls. Project completion is set for September 2024. Grant reimbursable (by MDE) for the project is 96.23% of the total project cost.
- Otsego Street renovation project. The survey bid was awarded to Fredrick Ward Associates. The survey was completed on September 19th. The project is currently being engineered. The anticipated bidding time frame is January 2025.
- Water Distribution Study: AECOM is evaluating the WTP and distribution system. AECOM outlined additional tasks to the Board at the February Work Session. The construction of two valves will be installed on the Turnpike Drive water line this spring.
- Rt. 222 Sidewalk Project: Funding for Design and construction has been secured. Funding source will be both State and Federal. Met with State and County to discuss Right-Away MOU from the three properties that will be affected by the sidewalk. Also, the Town must relocate the two fire hydrants located near the construction site. This will include locating and installing water shut off valves to the hydrants. An MOU between the Town and SHA will allow for the fire hydrant relocation as part of the SHA bid. The MOU was presented to the Mayor and Commissioners at the June 20th Work Session and approved at the July 6th Town Meeting. Final Plans Review was held on October 31, 2023. A fire hydrant MOU was agreed upon at the February 6th Town Meeting. The Project is scheduled to begin in May 2024 with the completion of June 30, 2025.
- Ice House Park Shoreline Restoration Project: As part of the design phase, the property was surveyed. The design phase for the project continues. The Town was awarded the DNR's Gateway Grant for \$75,000 which will assist in the funding of the design phase of the project. The DNR Project Kickoff took place on November 8, 2023. Surveying of the river floor for depth was performed on January 26th. A review of the easements is taking place in order to understand the use of allowable line within the right of ways.
- Compensation, Salary, and Job Description Study: Kick off meeting was held on November 28, 2023. A follow-up meeting with a draft report was presented on February 12th. Completion of the study is approximately April 2024.

Mayor Roath stated that it appears that we came in second for the bond bill funding, and due to the current status of MD State financial situation, more than likely we will not receive the funding.

Mr. Patchell stated that Marlene, our Circuit Rider, is also going to be completing a grant application for the unfinished trail through the MD Department of Trail and Bike.

Police Department Report

Chief Nitz reported that the officers issued 41 citations and 76 warnings for various traffic infractions along with 9 town parking citations. The bulk of it came from the boat ramp and Rustic Court parking on the sidewalk. A total of 9 tractor trailers were stopped on Aiken Avenue for violating road restrictions. They made 1 arrest for drug abuse violations, 1 DUI arrest, with a total of 14 criminal arrests, prepared 31 reports, along with responding to 440 calls for service, which is up from 389 last month. There were 234 speed camera violations issued along Aiken Avenue during the month of November. As of 2/27/2024 Great Wolf Lodge had 32 service calls for the month of December. We applied for a grant through the Governor's Office for Warrant Apprehension and Absconding program and received the grant in the amount of \$36,739 to cover the cost of 14 new upgraded laptops for the patrol vehicles.

Outreach Program Report

Ms. Hemling reported that the library came for interactive games and activities. Community member Shirley Marsh has volunteered her time with our members and has also donated pizza parties every other Monday to the Outreach members. Our spaghetti dinner auction is March 15th at the Perryville Methodist Church, it is \$15 for a plate and a paddle for the items that are being auctioned off that were donated from Amazon.

Treasurers Report

Ms. Sharpe stated that the full report will be on-line. We received the final copy of the FY 23 audit report, and we made minor adjustments. Their opinion is an unmodified one with no recommendations for our internal controls. This month we have been working on the budget and she has been meeting with all of the department heads to get their needs for the upcoming year, and have had two budget meetings with the board, and we have two more for expenditures and revenue, and two more for revenue projections for this year to cover the necessary expenses. This year we once again separated the non-essential expenses and will revisit those at the end of the budget and see which ones we can afford to bring in this year. In doing the budget it has been difficult to determine how much Great Wolf is bringing into the Town because of multiple factors. Enterprise Zoning was designated when Great Wolf came on board which gave them a huge credit on their property taxes. Initially they will get 80% of the total tax bill, but the State of Maryland will reimburse 50% of that to the Town and we will get the other 20%, so we are still in essence receiving 70% of the total. Personal Property right now is an estimate because we have to wait for Great Wolf to file their first Personal Property tax return, and we get half of whatever is assessed against them. The hotel tax has turned out to be larger than we anticipated, she had estimated about \$50,000, but it looks like we are going to pull around \$100,000 this year. The admission and amusement tax that Great Wolf assesses on their guests for entertainment, which is not part of the incentive that we gave to Great Wolf, so 100% is coming to us, \$700,000, ballpark this year. They get charged full price for the large water and sewer line, their rates are based on the size of the line, and they are our largest user, which has brought in some nice fees for our water and sewer fund, which is 1.3 million for this 1st year.

Mr. Patchell stated that Aaron will not be able to attend the Budget meeting on Thursday, Jeff was still scheduled to attend for the water and sewer budget. He inquired if they wanted to do some revenue projections at the back end of that meeting to provide various projection scenarios based on additional information that we have received. The board was ok with that.

Ms. Sharpe asked the board to provide them with ideas on what they would like to see on the projections.

Public Comment

Pat Stetina, 1424 Superior Street in Have De Grace, gave an update on the progress of the Railroad Museum. He stated that there have been some internal problems causing issues that will set them back two or three weeks. Plexi glass will need to be put up to keep people from touching the display and the basement is being cleaned up.

Melody Buchanan, 1115 Aiken Avenue Extended, stated that the house next to them has been vacant for the past nine months and it has been a mess. We have had issues with mice in our house this winter and have never had issues with mice in our 15 years there prior to this. She is not sure what can be done, or what is being done, but they have spoken to Charles a couple of times, she just wants something to be done about that house.

Mayor Roath commented that we will have a conversation with Charles to see where he is at with this and if there is anything that we can do to push it along.

Commissioner Linkey responded that she had reached out to Chief Nitz and George and Charles by email after talking to her. Charles responded that a letter was being sent to the owner, and that the property was being sold and was supposed to be settling soon but was postponed and we are not sure of the status of that.

Ms. Buchanan has not seen any for sale signs on the property but knows that there were squatters in there at one time and she had spoken to Chief Nitz and had spoken to one of the officers recently who stated that the house is now secured.

Mr. Patchell commented that sometimes if the property is a foreclosure you will not see a for sale sign up because it is being sold through the bank, usually through the courthouse in Elkton, and we will continue to monitor it, and Charles is looking at it from a code enforcement standpoint of it. If it is a bank owned property sometimes it is difficult for someone to take over the responsibility of maintaining the property, but we will continue to stay on them to make sure that the grass gets cut etc. as we move into Spring.

Old Business

Budget Amendment Ordinance 2024-02

Ms. Sharpe stated that Budget Amendment Ordinance 2024-02 is up for a vote tonight, which was discussed at the last Work Session and introduced at the Special Meeting.

Motion was made by Commissioner Taylor and seconded by Commissioner Linkey to approve Ordinance 2024-02.
All in Favor: Motion Carried

Ms. Sharpe inquired if it is ok to put the audit summary on the next Town Meeting Agenda.

Mr. Patchell was not sure what all was going to be on there at this time but probably the sooner the better.

Ms. Sharpe believes that it was only about a five-minute presentation the last time.

Charlene Hall inquired if the budget has already been set.

It was explained that it has not been, we have been having separate budget meetings, there is one this Thursday at 6:30 and next Thursday at 6:30, which the public is invited to attend. They are posted on the website if you look at our meeting calendar, or the general news, the dates and times are provided.

New Business

1140 Cedar Corner Road Water/Sewer Abatement Request

Commissioner Taylor believes that they had come to the consensus to abate it to the quarterly average.

Commissioner Linkey responded that she does not have any problems with that but still does not see an abatement form that was filled out.

Mr. Patchell responded that it is because there was nothing in the code to fit this type of abatement, ours is for underground leaks only.

Commissioner Taylor commented that we have established in the past that if we approve a one-time abatement for a homeowner, they are ineligible for a future abatement for the same reason.

Motion was made by Commissioner Taylor to abate the water bill in question back to the previous quarterly usage.

Mayor Roath inquired if that was for the last two quarters.

Mr. Patchell indicated that it would be what you would decide.

Mayor Roath recommended two quarters since there was somebody else living there prior to the last two quarters.

Motion was made by Commissioner Taylor and seconded by Commissioner Linkey to approve an abatement for the average for the two quarters prior to the bill in question. Discussion ensued.

Commissioner Linkey asked for clarification on when we abate it how many average quarters it goes back to.

Ms. McCardell responded that it is just one, we will not abate more than one quarter.

Commissioner Taylor stated that is one quarters bill, but we are abating it with the average of the previous two quarters.

Ms. McCardell stated that when we do an average calculation it is based on 4 quarters, we go back and do an average it is based on 4 quarters.

Commissioner Linkey inquired why we don't do 4 quarters then.

Ms. McCardell responded that is their average.

Commissioner Taylor believes the reasoning is that the gentleman had explained that during the first two quarters there was another person in the house, the recent two quarters he was there by himself and not there for a period of time during that last quarter.

Mayor Roath stated that we have a motion and second on the motion and asked for approval of the motion. **All in Favor: Motion Carried.**

Susquehanna River Running Festival Request

Motion was made by Commissioner Taylor and seconded by Commissioner Linkey to approve the Susquehanna River Running Festival. **All in Favor: Motion Carried.**

Perryville Little League Request

Motion was made by Commissioner Linkey and seconded by Commissioner Snelling to approve the Perryville Little League parade request. Discussion ensued.

Commissioner Taylor asked for clarification that they are requesting to waive the parade fee as well, which was confirmed.

The motion passed unanimously.

Planning Commission Nominees

Mr. Patchell stated that we had introduced Mr. Benjamin Peddicord and Ms. Holly Merchant to you at the last Work Session. However, Ms. Merchant was ill at the time of that meeting and was unable to attend and is still under the weather but is interested in serving on the Planning Commission.

Commissioner Linkey stated that there were concerns on a person serving on two boards brought up at the last meeting, she asked if that got resolved.

Mr. Patchell commented that it is fine because the Election Board is a paid position, and the planning commission is volunteer.

Motion was made by Commissioner Linkey and seconded by Commissioner Snelling to approve the appointment of Holly Merchant and Benjamin Peddicord to the Planning Commission. **All in Favor: Motion Carried.**

Election Board Nominees

Mr. Patchell stated that as explained at the Work Session, two Election Board members have resigned because they are working the primary Election at the Middle School, which was Terri Grove and Mark Fayer. In their place we are requesting that Wayne Kommalon, Sheron Alexander, Holly Merchant,

and Matt Anderson be considered to be appointed for the Election Board for the Election to be held on May 14th.

Commissioner Snelling questioned if they would remain in their seats after this Election.

Mr. Patchell responded not necessarily, the previous members are asking to come back on, and we will see how that plays out as we get closer, but it is an annual appointment.

Commissioner Snelling inquired when that usually is, Mr. Patchell believes that is in January.

Motion was made by Commissioner Taylor and seconded by Commissioner Linkey to appoint Wayne Kommalan, Sheron Alexander, Holly Merchant to the Election Board and Matthew Anderson as an alternate.
All in Favor: Motion Carried.

Contract Extension Trash and Recycling

Mr. Patchell stated that it was brought to our attention by residents calling us that Trash Tech had begun delivering totes at Chesapeake Landing, without the approval of the contract extension request. We received complaints from a couple of the Townhomes that the totes were too large, one resident chased them down and told them to take the totes back, and they took them back.

Ms. McCardell commented that one resident denied them all together and did not want them at all.

Mr. Patchell commented that we definitely have an educational component ahead of us. He contacted the contractor to explain that we must develop a communication plan, we cannot just be dropping them off without letting the residents understand what is happening. We have discussed a plan of action for direct mailing, yard signs and social media and possibly the alert system. They are wanting to start distributing them mid-April and we are not sure if we can make mid-April or not.

Commissioner Taylor inquired what the contract calls for regarding the time frame of delivery if that is referenced in there.

Mr. Patchell responded that it has that the goal is to have all containers delivered on or before April 15th, which is a goal not a term of the contract.

Commissioner Linkey inquired if we could make the motion to accept the contract with the contingency that we have time to get the communication out prior to the totes being delivered and that the time frame is up to the Town.

Mr. Sussman responded that it could but he believes that the contract extension should be amended to reflect that so there is no misunderstanding.

Commissioner Snelling has already heard the complaints from residents at Chesapeake Landing who are in the townhomes because they have to wheel those big containers from the back of their townhome to the front.

Mr. Patchell responded that they also have the option for the 65-gallon container as well, and the resident will need to notify Trash Tech directly if they want the smaller containers to replace the large ones, because we are not housing any of the totes here.

Commissioner Snelling can understand where they are coming from because they have no place in front of their property to place it.

Mr. Patchell commented that they need to realize that they will just get the one 65-gallon container, so if all of their trash does not fit in the 65-gallon container, they would have to purchase another 65-gallon can from Trash Tech, because they are only supplied with one.

Mayor Roath commented that the residents would have the ability to refuse the recycling container if they do not use it. He just wants people to understand that putting bags out on the curb is not going to be picked up. He is also concerned with how people are going to house their current trash cans.

Mr. Patchell responded that will be up to the Trash Company to deal with the residents individually rather than us like we are now.

Ms. McCardell also stated to keep in mind that if we at some point decide to go to another trash company then the totes will be taken back, so the residents may be left without a trash can if they choose to get rid of their personal trash cans.

Mayor Roath responded that the consensus is that most of the trash contractors out there are offering tote only service now in their bids, and we are getting them for no additional cost.

Mr. Patchell explained that was the reason for staying with Trash Tech because their request for the extension with the totes was significantly lower than the other bids that had some in with totes.

There was a question from a resident regarding the recycling and if a tenant puts trash in the recycling can.

Mr. Patchell responded that they will not take it because the container will be contaminated.

The resident inquired if the totes were going to be color coded, and Mr. Patchell responded that they would be. She also noted that there are people that do not recycle and would put the recyclables in the regular trash container, she inquired if that would be taken.

Ms. McCardell and Mr. Patchell both responded that they would.

Mayor Roath responded that would be their internal controls and if it started to be a large issue that is something we would be able to assist the trash company with.

Motion was made by Commissioner Linkey and seconded by Commissioner Taylor to approve the extension of the trash and recycling contract with Trash Tech with the amendment of the contract to include totes will be distributed once the town has sufficiently communicated with the citizens. **All in Favor: Motion Carried.**

2024 Election Date Ordinance 2024-03

Mr. Patchell stated that as discussed at the Work Session there was a conflict on the date of the Perryville Town Election, traditionally held on the second Tuesday in May, being the same date as the primary Election. The board has decided to keep that day and there is no official date listed in our Charter for the Town Election day so this ordinance establishes that date for this year only and revisit the Charter to determine if there is language that we want to add to the Charter later on in the year. He read the

introductory paragraph on behalf of Mayor Roath as follows: For the purpose of establishing the date for the Town of Perryville 2024 municipal election be it enacted by the Mayor and Commissioners of the Town of Perryville that Tuesday, May 14, 2024, is established as the date for the Town of Perryville 2024 municipal election.

Commissioner Taylor made a motion to approve the Ordinance, seconded by Commissioner Linkey, however, Mr. Patchell reminded them that this was just an introduction and there will be a special meeting at the end of the March 19th Work Session to vote on the Ordinance.

Mayor Roath asked Mr. Sussman again why we were making an ordinance to keep the date that we already planned on having .

Mr. Sussman responded it is because we did not have anything in the code or the charter to establish the date or establishing a process for determining the date, the Mayor and Commissioners are authorized by ordinance to fill in any gaps.

Mayor Roath mentioned that it would now be up to the Election Board now that they are appointed to receive our recommendation to move it to the Middle School.

Mr. Patchell responded that the recommendation is already at and discussed that at the last Work Session to be moved to the Middle School.

Commissioner Linkey asked for clarification that the Election Board would need to be the ones to determine the location.

Mr. Patchell responded that is correct now that they are in place they will determine the location and there is still the option of here at Town Hall or the Perryville Middle School and will know that it is the wish of the board to have it at the Middle School this year.

Police Overtime Ordinance 2024-04

Mr. Patchell read the introductory paragraph of the ordinance on behalf of Mayor Roath as follows: An ordinance concerning the Town Personnel Manual for the purpose of revising the Town's current employee Personnel Manual by repealing and reenacting, with amendments to Page 2-4, Police Officers Law to reflect that enforcement personnel must receive overtime after 84 hours worked during a 14-day work period.

Frenchtown Crossing Sidewalk Discussion

Commissioner Taylor recused himself from this discussion.

Mr. Patchell turned it over to Fred who had provided an estimate based off the questions that he received when he was at the February 20th Work Session.

Mr. Sussman stated that a number of the board members had asked him what the cost would be to implement a couple of options that he had provided for them. One option was to do a mass arrangement where every lot owner in Frenchtown Crossing would grant an easement to the town to allow the town to enter upon their sidewalk easements and make any repairs to that individuals sidewalk portion along with the portion that is owned by the town in the public right-of-way. The other option was to deal with it on a case-by-case basis if the owner requested the town to come in and repair their sidewalk and how that

would be done. He outlined each process at the last meeting and after the meeting he went over the various steps with each process and what is involved and came up with a cost analysis based on the amount of work time and steps that would be involved with each of the options and provided that cost estimate dated February 29th. He explained that his estimated cost that he provided was about \$47,000 if all the lot owners were to grant a sidewalk easement to the town to maintain and repair the lot owners portion. He did say that this may be high, but he does not think that it is low. The other option would be to prepare a license of entry agreement for individual lot owners on a case-by-case basis and would be less expensive, he does not have a total cost associated with it but believes it would be about \$1,500.

Commissioner Linkey questioned whether this cost was just the cost period and not whether it is the town cost or the property owner cost.

Mr. Sussman responded that it is just the cost without consideration of who will be responsible for the maintenance, the town, the owner or the HOA or allocation between different parties. The other thing that was not accounted for was the administrative time for staff to coordinate all the work with the contractors and the lot owners to procure the agreements from them. He has no way of estimating what that cost might be. He recalled that about 10 years ago one of his clients needed to amend their condominium documents which required 75% approval of lot owners and the management company to work out a process in doing that and took the lead on that process and it took about a year before they finally got the 75% approval that they needed. It can be done but would not be an easy process to do for the entire community. The other thing not considered is your policy question of whether this is desirable for the community and desirable for the town in a group or individual setting.

Mayor Roath commented that it would not be desirable for the town to pay \$47,000 to take on 100's of thousands of dollars of potential costs. The question is whether we are legally and financially responsible, sounding as if we have some. This cost is \$47,000, which does not include the \$10,000 that this town has already put into this with your time and with the survey. He asked for clarification that he meant that if each property owner were to do request it individually the cost would be \$1,500 for each.

Mr. Sussman responded no, if it was to be done on an as requested basis and the property owner had a sidewalk that was in disrepair and part is on the property owners property and part of it is in the right of way and they come to the town and request the town to repair the joint sidewalk within our property lines then a process would start. We would start by preparing a right of entry agreement which we would have for every time a property owner comes, then another \$500 for preparing an actual agreement for that lot, plus \$150 or so for confirming ownership, once you get through the process of setting up the initial agreement of around \$750, on a case-by-case basis, you are probably looking at \$750 or so because that type of agreement does not have to be recorded in the land records.

Mayor Roath brought up existing sidewalk projects that we had outlined that have not been replaced for 75 years. He does not see a way to reasonably take on individual properties with sidewalk issues and bypassing the existing priority list and how that would be a legitimate option.

Mr. Sussman was not aware of the ranked sidewalk repairs that you are talking about, but the overall policy question would be for you.

Mr. Patchell stated that it will be placed on the Work Session on March 19th for further discussion.

Commissioner Linkey made note that it makes sense to make a list of priorities for option one, commenting that would only be if there was a 100% buy in.

Mr. Sussman responded that if they were to do it that way then that would give the town the right to go on to every property in the community and repair and maintain sidewalks throughout the community either all at one time or as needed. This would be a one-time shot at getting all of the permissions and easements that would be necessary to do that.

Commissioner Linkey assumes that we are putting this on another Work Session is to decide cost split or other.

Mr. Patchell responded that it would be to determine how you want to proceed from here. What he was trying to do was not have Mr. Sussman come to another Work Session and do the description that he just provided in order to save funds and have him provide the information at this meeting that he is already in attendance for that you had questions on at the Work Session. So, at the March meeting you would have to decide how you want to proceed moving forward.

A member of the audience asked how many sidewalks out of the 62 lots need repairs.

Mayor Roath responded that they already replaced their common areas, so chances are the rest of them will be failing as well.

Georgia Galicki, a resident in attendance asked why she could not just put in writing that she wanted the sidewalk done and not have to go through all of that paperwork.

Mayor Roath inquired what our purpose would be for replacing it.

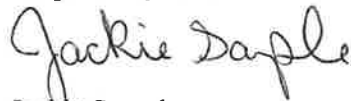
Ms. Galicki responded that it appears that you want to replace it right now.

Mayor Roath stated that is not the case he does not want to spend close to \$50,000 for the potential of \$200,000 worth of liability, which is a conversation we will continue to have.

Carolyn Brown, another resident in attendance stated that we have established through a survey which we paid half for that the town has responsibility for the sidewalk, so it now is just a matter of how we will proceed from here. It is not that we are asking to be put at the top of the list, we would be willing to go to the bottom of the list, but this clearly establishes legally that you have responsibility.

Motion was made by Commissioner Taylor and seconded by Commissioner Linkey to adjourn the March 5, 2024 Town Meeting at 8:25 p.m. and go into a closed session under General Provisions Article §3-305(b) to discuss a matter directly related to a negotiating strategy or the contents of a bid proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process after a five minute break. **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 of Perryville Date: 3/5/24 Time: 8:25

Motion By: Commissioner Taylor Seconded By: Commissioner Linkey

VOTE TO CLOSE SESSION:

	AYE	NAY	ABSTAIN	ABSENT
Mayor Roath	<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 Snelling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Aldridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commissioner Taylor	<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 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) To discuss, 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.

☐ (15) (Eff. 10/1/18) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to:

- (i) security assessments or deployments relating to information resources technology;
- (ii) network security information, including information that is: 1. Related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity; 2. Collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or 3. Related to an assessment, made by or for a governmental entity or maintained by a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or
- (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

FOR EACH CITATION CHECKED ABOVE, THE REASON FOR CLOSING AND THE TOPICS TO BE DISCUSSED:

To discuss, 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 regarding Amtrak project



Signature of Presiding Officer