

**Town of Perryville
Town Charter Review Meeting #4 Minutes
October 13, 2022**

ATTENDANCE: Mayor: Matthew Roath, Commissioners, Michelle Linkey, Timothy Snelling, Christina Aldridge, Town Administrator: George Patchell, Town Clerk: Jackie Sample.

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

The October 13, 2022, Charter Review Meeting was called to order at 6:00 p.m. by Mayor Roath.

Remote Participation: Commissioner: Robert Taylor

Mayor Roath announced that we have a request for remote participation from Commissioner Taylor who will be attending via electronic means. Mayor Roath confirmed that Commissioner Taylor could hear him and that the board and those present could hear Commissioner Taylor. All votes taken during any meeting in which the Mayor and Commissioners participates remotely shall be by roll call vote. The presiding officer shall ask the remote participant for any comments after each motion or agenda item. The remote participant can also request to be verbally recognized in the same manner as any person present in person.

Motion was made by Commissioner Linkey and seconded by Commissioner Aldridge to approve the remote participation request. **Roll Call Vote:** Commissioner Aldridge, Aye, Commissioner Snelling, Aye, Commissioner Linkey, Aye, Commissioner Taylor, Aye, Mayor Roath, Aye. **All in Favor: Motion Carried.**

Approval of the Town Meeting Agenda

Mayor Roath asked for a motion for approval of the October 13, 2022, Town Charter Review Meeting #4 Agenda.

Motion was made by Commissioner Aldridge and seconded by Commissioner Snelling to approve the October 13, 2022, Charter Review Meeting Agenda. **Roll Call Vote:** Commissioner Aldridge, Aye, Commissioner Snelling, Aye, Commissioner Linkey, Aye, Commissioner Taylor, Aye, Mayor Roath, Aye. **All in Favor: Motion Carried.**

Recommendation Article I

Mr. Patchell stated that the recommendations that you have before you today are those that were informally voted on to the final review stage and the recommendations are outlined according to each Article. He stated that he had the Town Attorney, Fred Sussman, review these recommendations since the last meeting for verification that they were legally sound, so before you are the byproduct of those recommendations with the input from Fred. The next step in the

process after today would be for the recommended Articles to move forward in terms of a Resolution and then moved to a Public Hearing and then to a Town Meeting for introduction.

Commissioner Linkey inquired if we will be doing this as a whole or an ordinance for each Article.

Mr. Patchell commented that it will be a Resolution for each Article, each change will need to be listed under one Resolution.

Commissioner Aldridge mentioned that at the MML conference she just attended a meeting regarding updating the Charter. The Attorneys that gave the presentation noted that when you are updating the Charter you should also be updating the code so that it is cohesive. She inquired if we are doing that.

Mr. Patchell responded that we are in the areas where necessary an ordinance will be presented and become part of the Town Code, but not every section of the Charter needs an ordinance.

Mr. Patchell noted that we will be looking at the sections as highlighted regarding the changes, the first highlighted area just indicates broad terms throughout the entire Charter.

Mr. Patchell stated that in Article I General Corporate Powers, Section §C1-2 Powers of the Mayor and Commissioners enumerated will be added in its entirety to the Charter. There was a question on having a term more than just dogs on item 17 and suggested replacing that with domestic animals rather than just dogs.

Commissioner Linkey inquired if there was going to be a definition section.

Mr. Patchell responded if it is required it will, in our code what is considered non-domestic is discussed. Mr. Patchell responded if it is not, he will go back and make that correction and provide something that gives more specifics.

Mayor Roath inquired if Commissioner Taylor had any comments regarding item 17. There were no other comments.

Recommendation Article III

Mr. Patchell commented that Section §C3-1 Compensation; terms, elections was suggested to be changed to be more current. One of the highlighted areas includes changing the term of two years to three years and replacing with what is listed as replacements.

Commissioner Linkey inquired if we have to keep the historical reference in there.

Mr. Patchell commented that in discussion with Fred a lot of times it is left in there for historical reference, but it could be up to the board.

Mayor Roath asked Commissioner Taylor for any feedback, he had no preference whether keeping the old or replacing it.

Commissioner Snelling would not be opposed to keeping it in there for historical record to be easily accessed by the public.

Commissioner Linkey commented that it does not matter to her.

The board concurred to remove the portions of the term change references.

§C3-3 Compensation.

Mr. Patchell stated that in the current Charter, the Mayor or Commissioners do not receive compensation for their services unless an ordinance is adopted providing for compensation. There were two different proposals if you chose to be compensated, one was to be compensated with annual salaries specified by Resolution passed from time to time, and adjustments to the salary of the Mayor or Commissioners not to apply during their respective term of office. The other option is to receive an annual salary as set forth from time to time by ordinance passed by the Mayor and Commissioners. Any ordinance approving a change to the salary of the Mayor and Commissioners require approval at a regular Town election and is effective at the beginning of the next fiscal year after approval by the voters of the Town. Mr. Patchell provided some examples of some other similar municipalities. The City of Aberdeen the mayor receives a \$24,000 annual salary and the commissioners receive a \$12,000 annual salary. The Town of Bel Air, the mayor receives \$6,000, and the commissioners receive \$4,800. The Town of Elkton is \$10,800 for the mayor and \$9,720 for the commissioners. Havre De Grace is \$7,800 for the mayor and \$6,200 for the commissioners, Havre De Grace adopted a policy for the voters to decide for salary increases.

Mayor Roath was not favorable to putting it to a vote, believing it should be part of the budget process where salaries are included as part of that process, with public input and the elected officials making the ultimate decision.

Commissioner Linkey concurred with not putting it to a vote, having it be part of the budget process.

Commissioner Taylor is not in favor of adding salaries to the positions.

Commissioner Aldridge responded that she feels that there should be compensation since it is hard to find volunteers these days but is also concerned with us struggling with the budget each year.

Commissioner Taylor reminded them that at the last election we had four qualified candidates for two commissioner spots.

Commissioner Snelling is also not in favor of receiving salaries.

Mayor Roath asked if we had any comparisons from Northeast or Rising Sun.

Mr. Patchell responded that Northeast gives them a reduced water bill and he could not find anything for Rising Sun.

Commissioner Linkey believes that the Town of Rising Sun officials were paid per meetings they attended.

Commissioner Taylor suggested that if they did choose to offer compensations that it not be in the form of a reduced water bill because we are already receiving enough complaints about the price of the water bills.

Commissioner Linkey commented that her understanding of when they were getting paid to attend meetings, they were attending everything to receive the compensation which can be difficult to budget for, she does not think that is a good idea either. Commissioner Linkey inquired what Mayor Roath's suggestion was for compensation.

Mayor Roath responded that originally it was \$10,000 for the mayor and \$6,000 for the commissioners, but after hearing the other comparisons, would bump the commissioner salary up to \$7,500.

Discussion ensued.

Mr. Patchell reminded the board that if you decide to get this to the next stage, there will still need to be a Public Hearing and a final vote on any Resolution so the public has time to weigh in and you will have time to cast the vote at future meetings.

Commissioner Taylor suggested this being done as a separate item so the public could weigh in specifically on that at the Public Hearing than trying to slide it into a budget amendment.

Mr. Patchell inquired if they are suggesting that this gets moved to the next phase where it is put into a Resolution for a Public Hearing, then ultimately for a vote.

Commissioner Linkey believes that we should be compensated but is not sure that our budget can handle it right now, she would say no at this point.

Mayor Roath responded that it appears to be three no's at this point.

Commissioner Aldridge commented that it appears that we are not looking to do anything until the next election.

Commissioner Linkey commented that we are already into October and by the time this gets pushed forward the next budget will be starting, and Great Wolf will be coming on-line.

Mr. Patchell commented that you would not be eligible for compensation until your next election. If this passes prior to the election of next year, then those that are elected in 2023 would be the first eligible for compensation in the way that it is written.

Commissioner Snelling brought up concerns that if the budget was to be really tight and we have to raise taxes, how are they going to feel about us raising taxes on them and we are granting ourselves a salary.

Discussion ensued.

Commissioner Aldridge made note that she would be ok with moving it forward for public feedback before we officially vote on it.

Mr. Patchell stated that every change that we have you are going to have to vote on, so there is time before you make an official vote if you change your mind, this is just advancing it to the next stage of putting it before the public.

Commissioner Linkey would be ok with moving it forward knowing where we all stand.

Mr. Patchell commented that it appears that we have three votes for this and two against, he inquired if there is a consensus if they are for the first proposed example that was provided.

Mayor Roath still feels that it should not be part of the election for a vote, it should be a basic line item in our budget process with our responsibilities becoming more significant as things start coming on-line.

Commissioner Linkey inquired if this moves forward if the salary is set in the Charter, or if it during the budget.

Mr. Patchell responded that he will have to check with Fred on that because it may need to be part of the code rather than the Charter regarding the exact compensation, the Charter may be broad stating that you will be compensated monetarily but the code may monitor the amount. He asked for clarification if it was to be moved forward with the first proposal.

Mayor Roath summarized that we have three votes to move it forward for public comment, the next part is which proposal you would be in favor of, he would be in favor of the first proposal with it being part of the budget process.

Four of the commissioners were ok with moving forward for public comment and going with the first proposed paragraph, Commissioner Taylor was not in favor of it moving forward.

Mayor Roath asked for a consensus on his recommendation for \$10,000 for the mayor and \$7,500 for the Commissioners.

Commissioner Linkey looked into some of the populations of the other municipalities, Bel Air is 10,000, Elkton is 15,000, Aberdeen is 15,000, and Havre De Grace is 13,000, and ours is around 4,600.

Mayor Roath responded that the population and size does not commiserate with the amount of work and the importance of work that we put in.

Commissioner Taylor responded that with them having three times the population reduces the amount that each citizen is paying for their salary.

Mayor Roath responded that you also need to consider that these other municipalities also have significant resources that this Town does not. He asked for feedback on the salary suggested.

Commissioner Snelling did not have a suggestion on the salary since he was opposed to it.

Commissioner Aldridge would be ok with \$10,000 and \$7,500.

Commissioner Linkey was thinking more like \$7,500 and \$5,000.

Mayor Roath inquired that it appears that we are deadlocked on the amount at this point, we may not have to reach a decision on this quite yet.

Mr. Patchell commented that he may have to reach out to you individually if he finds out that it is to be included as part of a Charter Amendment, with the two amounts that were recommended.

Commissioner Aldridge inquired if we could put in there that the Mayor and Commissioners have the right to change or lessen the amount at any time during the budget session.

Mr. Patchell commented that you may have to do that in the Charter amendment because it is voluntary compensation, so if you are eliminating the compensation during the budget cycle you may have to amend the Charter too.

Mayor Roath inquired if we could put in a part in the code after the fact with this, that the Mayor or Commissioner has the option of declining the compensation.

Mr. Patchell commented that you can donate your salary back.

Mayor Roath responded that you would have to deal with taxes and those types of things after that.

Mr. Patchell is going to get more clarification then reach out to everyone.

§C3-4 Meetings.

Mr. Patchell stated that Commissioner Linkey suggested that Work Sessions be listed under the meetings portion of the Charter, there was brief discussion, the board concurred with the replacement.

§C3-5 Meetings Judgement of Qualifications.

Mr. Patchell stated that this is just adding the mayor to the sentence, the board concurred.

§C3-6 Duties of Mayor and Commissioners.

Mr. Patchell commented that this is section is updating some current language, beginning with adding mayor to sections not currently indicated, along with removing reference to a Secretary and Treasurer that we do not have.

The board concurred with the changes.

§C3-9 Vacancies.

Mr. Patchell commented that the only thing that is added to this section is that the removal of office is based on the Recall Vote as provided in Section C3-11. At this point we are ahead of ourselves since we have not determined whether the Recall Vote is going to move forward to the next stage or not, but this is where this would be referenced based on how it was originally set up.

Commissioner Taylor commented to leave this in contingent upon if the recall election does not go through then this does not either, the board concurred.

§C3-10 Code of Conduct for the Mayor and Commissioners.

Commissioner Linkey brought up item 3. Policies and Procedures, A. that stated that elected officials shall deal with Town employees solely through the Town Administrator. She inquired if that is meaning that we do not talk to our prospective department heads.

Mr. Patchell stated that he spoke to Mr. Sussman about this section regarding the code and conduct of the Mayor and Commissioners. One of the changes that you will notice is the italics portion of the descriptions are no longer added to this section, that Fred feels is not necessary. Mr. Sussman also suggested that we use general terminology referring to the code, which will also be suggested for the poll watcher section, as well. This would lead the specifics

Charter Review Meeting #4 Minutes
October 13, 2022

being included in an ordinance to become part of the Town code if we decide to move forward with this. He gave a summary of the poll watcher section as an example of language that can be used as a reference to the code.

Commissioner Linkey was still wanting her question addressed regarding the section that listed that the elected officials shall deal with Town employees solely through the Town Administrator, appearing to indicate that we cannot talk to our department heads that we are liaisons with.

Mr. Patchell responded that may need to be an adjustment that we can make as part of the code to be more specific, because that is not the intent.

Mayor Roaths understanding based on previous conversations is that the four commissioners seemed to agree to was to castrate the power of this board by saying that we cannot talk to employees.

Commissioner Linkey responded that what we were trying to do was to go through the proper channels and not directly go to an employee to tell them to do something because we are not their supervisors. If she was to have a concern with something, then it would be communicated to their liaison and/or George who is the Town Administrator to be communicated through their supervisor.

Commissioner Taylor's understanding from the discussions at the last meeting was that we can meet with them and ask them for information or suggestions, but refrain from directing employees to do specific work, which should be directed through the Town Administrator.

Mr. Patchell inquired if the board wanted to move the Code of Conduct forward as part of the Charter, also if you want the Code of Conduct to be more general and have an ordinance that lays out more specifics as part of the Town Code.

Mayor Roath feels that it does not belong in the Charter or the Town Code, agreeing that we should have one, but it should be an agreement among the five board members.

Commissioner Linkey asked for clarification that he was suggesting that it not be in the Town Charter or the Code of Perryville, Mayor Roath responded that is what he is suggesting, it should be its own entity.

Mr. Patchell inquired if there was a consensus on whether this should move forward as part of the Charter or not.

Commissioner Linkey agrees that we should have one and it does not matter where it is as long as there is one and it is a usable document.

Mr. Patchell commented that the third option is that §C3-10 is not added as part of the Charter, that it is an ordinance as part of the Town Code and not in the Charter.

Mayor Roath stated that it could be a separate document because there is not an existing one now, Mr. Patchell concurred.

Mr. Patchell mentioned that you could use A & B of number 1 in general terms for the Charter and number 2 and beyond as an ordinance so that you are referencing it in the Charter, the ordinance being what codifies it.

Commissioner Aldridge agrees with that.

Mr. Patchell commented that this was drafted for the rest of §C3-10, so the verbiage in A&B may have to be reworded but would be similar with general terms that would reference you to the Town Code where the Code of Conduct would be spelled out.

Further discussion ensued.

Mayor Roath still maintained that it should not be part of the Charter or the Town Code.

Commissioner Linkey stated that she would not have a problem with having the Code of Conduct in the Charter, but just having the references and then having it as part of the Code.

Commissioner Snelling and Commissioner Taylor concurred with Commissioner Linkey's suggestion.

§C3-11 Removal from Office.

Mr. Patchell stated that Commissioner Linkey had suggested adding Work Sessions to §C3-11, A. where it references that an elected official by vote of the Mayor and Commissioners may be removed from office for failure to attend 3 consecutive Town Meetings; upon which an immediate vacancy will be declared and filled as described in §C3-9 above. Item B. references a recall vote in itself.

Commissioner Linkey suggested leaving the recall in here as we did for the compensation to see what the public has to say about that.

Mr. Patchell responded that you could move it forward to see what feedback the public provides, or at such time when it is introduced.

Mayor Roath does not believe that a recall election should be part of this document, it should not politized. He commented that if someone on this board was to do something so egregious to get recalled we should be able to get rid of them ourselves.

Commissioner Taylor disagrees with that, feeling that this board should not have any part of voting a member of the board off because we were elected by the people of this Town, so he believes that the people of the Town should have a say if somebody needs to be removed. He had suggested raising the bar to 20% of the registered voter's signatures so that it would not be

politicized. The biggest election that this town has had since he has been here was a 20% turnout, which was almost split between the two candidates, he believes that 20% of the registered voter's signatures should be required for a petition for recall if the Town believes that a board member needs to be removed from office for egregious behavior.

Commissioner Snelling and Commissioner Aldridge agreed with Commissioner Taylor

The Recall Election process was summarized, requiring a 20% of town registered voters signatures on a petition for a recall, the signatures would be verified by the Town Clerk and if they meet the requirements a Special Election would occur with the question of removal of office on there, it would be a majority vote based on the voter turnout, regardless of whether it is 20% turnout or not and they do not have to have signed the petition to vote.

Mayor Roath is against this, it sets us up for people that disagree with us on various issues going door to door every quarter suggesting someone goes, a manipulation of what the Town is supposed to do.

Mr. Patchell asked Commissioner Linkey what her thoughts were.

Commissioner Linkey commented that she had suggested at the beginning to move it forward to see what the public had to say, she is still on the fence about it.

The consensus was that 3 of the board members suggested moving it forward for the public to weigh in on.

§C4-5 Enforcement.

Mr. Patchell stated that there was a question on whether the dollar amount or the imprisonment not exceeding 6 months as part of this Article should be lowered or eliminated. In speaking to Fred, he recommended keeping the language in there because it is standard language by the State that is utilized.

Commissioner Aldridge asked for an explanation of what it means that the mayor and commissioners shall have the power to provide that violation thereof shall be a misdemeanor and have the power to affix penalties.

Mr. Patchell responded that it allows them to enforce the code of the Town, for someone that is issued a code enforcement violation. There are more specifics in the Town Code on what those penalties are in terms of monetary increments, etc.

Commissioner Taylor was agreeable to the fine aspect of it, he has an issue with the imprisonment aspect of it, not believing that the Town has the right to establish a code violation that would call for a jail sentence.

Mr. Patchell responded that we currently do not have any code violations that include imprisonment.

Commissioner Taylor does not want it as part of the Charter that we can add violations that would.

Commissioner Aldridge believes that is also standard language across the board.

Commissioner Snelling inquired if this would be considered a civil matter, Mr. Patchell responded that it would initially be considered a civil matter.

Mayor Roath inquired if there were any other comments on this matter or moving it forward.

Mr. Patchell commented that this Article would not be included because it is already in our Charter and there would be no change. Four board members voted to move it forward, Commissioner Taylor wanted to take the imprisonment section out of it.

Article V Registration, Nominations, and Elections.

Mr. Patchell commented that it was brought forth that we have a specific time period for those seeking an elected office to receive the information and file, beginning from February 1 and ending the second Monday in April. The board agreed with adding February 1st filing time period to the Charter.

§C5-9 Conduct of Elections

Mr. Patchell stated that the current Charter is using the word observer instead of poll watchers, so the word observer will be replaced with poll watcher. The capitalized language will be added to the Charter and specifics will be put in an ordinance and codified. The board agreed with that.

§C5-15 Campaign Finance and Campaign Materials.

Mr. Patchell stated that this section will be added and placed where Violation and Penalties used to be, and the Violations and Penalties will be in section §C5-16. The board agreed to this.

§C5-16 Violations and Penalties.

Mr. Patchell stated that this section is being switched from §C5-15 to §C5-16. The board concurred with this.

Commissioner Linkey asked if we could take a five-minute break since we still have more items to go over.

Motion was made by Commissioner Linkey and seconded by Commissioner Snelling to take a 5- minute break at 7:24 p.m. **Roll Call Vote:** Commissioner Aldridge, Aye, Commissioner Snelling, Aye, Commissioner Linkey, Aye, Commissioner Taylor, Aye, Mayor Roath, Aye. **All in Favor: Motion Carried.**

The meeting resumed at 7:47 pm.

Article VI Finance

§C6-3 Adoption of Budget.

Mr. Patchell stated that section §C6-3 is adding the mayor and adding the word proposed in front of budget and adding up to the time the budget is adopted instead of until adoption of the budget. The board concurred with the changes.

§C6-5 Transfer of Funds.

Mr. Patchell stated that this is adding mayor and adding by ordinance to the section, along with the paragraph that explains what transfer of fund line items can be done without an ordinance. The board agreed with the change.

§C6-6 Over Expenditures Prohibited.

Mr. Patchell commented that this is leaving in most of what is currently there and adding for repayment of other debt service, nor for the making, where nor the making was originally. The board agreed with the change.

§C6-7 Lapse of Appropriations.

Mr. Patchell made note that this section adds the words and reserves after anticipated revenues for the next succeeding budget year. The board agreed with this change.

§C6-8 Issuance and signing of checks.

Mr. Patchell stated that this is eliminating Secretary and adding Commissioners along with the mayor and replacing the existing paragraph to read: All checks issued in payment of salaries or other municipal obligations shall be issued and signed by either the Mayor or Commissioners. At least two (2) signatures shall be required for each check. Notwithstanding the foregoing, the Town may process payroll salaries and associated deductions, payment for other Town obligations, through the use of direct deposits/ACH or other electronic technology. The board concurred with the changes.

§C6-11 Notice of tax levy, assessments.

Mr. Patchell stated that this changes where the posting of notifications can go, by adding to §C6-11A- making of the levy by posting a notice thereof and the adopted budget on the Town's website and Town Hall. The Town shall provide for the preparation and mail or deliver in person to each taxpayer or their agent at his last known address a bill or account of the taxes due from them to replace some existing verbiage. Also, in §C6-11B adding All real and personal property taxes shall be levied by the Mayor and Commissioners in place of the existing verbiage. The board members were in favor of this.

§C6-13 Sale of tax delinquent property.

Mr. Patchell stated that this changes the wording of Town Clerk to the Town. The board concurred with the change.

§C6-16 Authorization to borrow.

Mr. Patchell stated that this change is to add or evidence after the word certificates in the first sentence and Town to replace municipal corporation in the second sentence. Also adding or evidence after certificate further down in the document. At the end adding two additional sentences as follows: Nothing in the Section shall prohibit or preclude the Town from borrowing money for a public purpose as part of a local government borrowing program maintained by the State and Federal Agencies. Bonds may be part of a public offering through a state agency. Verify the wording allows for borrowing/leasing in a form other than bonds. The board concurred with the change.

§C6-19 Purchasing Procedures.

Mr. Patchell stated that the existing verbiage in the Charter in this section is to be replaced with: The Mayor and Commissioners shall provide by ordinance for rules and regulations regarding purchasing procedures such as authority for the making of purchases and the use of competitive bids. The board all concurred with the change.

Article VII Personnel

§C7-2 Authority to employ personnel.

Mr. Patchell stated that the mayor is added to the beginning of the sentence in the existing Charter and a new paragraph is added at the end that states as follows: The Mayor and Commissioners shall appoint a Town Administrator, and the membership of all boards and commissions of the Town. All employees subordinate to the Town Administrator shall be employed and removed from employment consistent with law and in accordance with the rules and regulations of any personnel management system which may be adopted by the Mayor and Commissioners.

§C7-3 Merit system for appointments and promotions.

Mr. Patchell stated that this section is changed to add the word mayor and to renumerate it to §C7-4 and replace §C7-3 with Town Administrator, functions, powers, and duties. The board was agreeable to the changes.

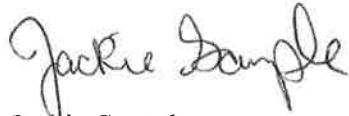
Article XII General Provisions

§C12-5 Word Usage.

Mr. Patchell stated that the change to this section is to replace the current sentence involving gender with: All future reference of gender in this Charter shall be gender neutral. The board members were in agreement with the change.

Motion was made by Commissioner Linkey and seconded by Commissioner Snelling to adjourn the October 13, 2022, Town Meeting at 7:42 p.m. **Roll Call Vote:** Commissioner Aldridge, Aye, Commissioner Snelling, Aye, Commissioner Linkey, Aye, Commissioner Taylor, Aye, Mayor Roath, Aye. **All in Favor: Motion Carried.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Jackie Sample".

Jackie Sample
Perryville Town Clerk