

**Town of Perryville  
Town Meeting Minutes  
September 3, 2013**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, Michelle Linkey, Alan Fox, Ray Ryan, Administrator: Denise Breder and Police Chief Wernz.

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

**Pledge to the Flag**

The Town Meeting in its entirety can now be listened to on the Town's web site at [www.perryvillemd.org](http://www.perryvillemd.org).

**APPROVAL OF TOWN MEETING AGENDA**

**Motion** was made by Commissioner Brown and seconded by Commissioner Fox to approve the September 3, 2013 Town Meeting Agenda. **All in Favor: Motion Carried.**

**APPROVAL OF MINUTES**

Mayor Eberhardt asked for a motion for approval of the July 16, 2013 Work Session Minutes and Work Session Closed Session Minutes and the August 6, 2013 Town Meeting Minutes.

Commissioner Fox noted an error in the beginning time that was put on the Closed Work Session Meeting Minutes as 8:05 p.m. when the regular Work Session Meeting ended at 9:45 p.m.

**Motion** was made by Commissioner Brown and seconded by Commissioner Ryan to approve the July 16 Work Session Minutes, the July 16 Closed Session Work Session Minutes with the change as noted and the August 6 Town Meeting Minutes. **All in favor** for both sets of Work Session Minutes. **Four in Favor: 1 abstain**, (Mayor Eberhardt), for the Town Meeting Minutes: **Motion Carried.**

**Mayor's Report –**

Mayor Eberhardt presented a Certificate of Appreciation to the Perryville Middle School Assistant Principal, Holly Spangler, for allowing the use of the Middle School facility, and support from the staff and students for the Chautauqua event that was held on Friday, July 12, 2013. The Mayor also presented a commendation for Officer Choate for his outstanding service to the citizens of Perryville. Mayor Eberhardt also presented a Proclamation which designates September 17-23 as "Constitution Week."

**Commissioners' Reports –**

**Commissioner Fox's Report -**

Commissioner Fox reported that they are still looking into some distribution and production issues that they have had at the Water Plant. Commissioner Fox noted that we were recently notified from the Maryland Department of the Environment that our water supply tested high for Total Organic Carbons, which turned out to be a mistake in their data, after we had already sent out notice to residents. The Mayor sent an automatic message to the residents to make them aware that the water supply was in compliance.

Commissioner Linkey wanted to remind residents to notify us immediately if you have any issues with your water while it is still occurring so that we can try to determine the cause more effectively.

**Commissioner Brown's Report-**

Commissioner Brown encouraged residents to contact Town Hall if they see anyone taking water from a hydrant in town because that can cause a discoloration of the water.

Commissioner Brown reported on some ideas on the development of Ice House Park and Lower Ferry Park. Shoreline revetment at the Community Park has been very slow due to the impact of the current along with other factors. She also announced that Charles E. Hunt has been selected as the new Superintendent of the National Park Service Chesapeake Bay Office.

**Commissioner Ryan's Report-**

Commissioner Ryan reported that a Planning & Zoning meeting was held on August 19 where they reviewed the final site plan for Frenchman Land Company for a 50,000 square foot warehouse with office space, which was approved with conditions in finalizing outstanding items. The plan also included a pad site for a 12,600 square foot commercial/office building to be constructed at a later date.

**Commissioner Linkey's Report –**

Commissioner Linkey reported on the various meetings that she attended throughout the month along with the work performed by the Public Works Department.

**Town Administrator Report – Denise Breder**

Ms. Breder reported on various items that the town is working on and meetings that she attended throughout the month.

Concerns were discussed regarding the design for the VA truck route that had been relayed to Commissioner Brown which would cause part of the road to be closed causing us to have to detour around the mountable curb to allow their trucks to get through.

Ms. Breder stated that she would relay the concerns to the VA but is not sure that they will be able to change anything at this point due to stormwater management approved plans.

**Treasurer's Report – Rachel Deaner**

Ms. Deaner reported on the bank balances for the month of August and the Treasurer's Report and the Financial Summary for the month of June.

**Police Report – Chief Wernz**

Chief Wernz reported on the various meetings that he attended and the stats for the month of August.

**Outreach Report –**

Malik Perry reported on the overall attendance and events that the Outreach participants were involved in for the month of August.

Haley Hollister, the new case worker for the Outreach Program, introduced herself to the board and those in attendance.

Commissioner Linkey noted that the High Roads School wanted to be part of the Adopt - a - Highway program, which some of the other board members believe that they are already a part of, but there has been a number of staff changes so they may not be aware of it. She will let them know that they are already part of the program.

Jesse Lilly, the Outreach Director, commented that if they wanted to get involved with other community volunteer services that she could direct them to him and he could put them in contact with other organizations that may use their services.

**Planning and Zoning Report –Mary Ann Skilling**

Ms. Skilling reported on various items and meetings that were addressed by her department in the month of August and highlighted a couple. She reported that a public meeting was held in regards to Lower Ferry Park and she is working with a consultant to come up with a new concept for the park based on comments received, including a Comfort Station and a band shell. She also has prepared a map of the water lines and the fire hydrants in town for the Public Works Department. She is working with our new Economic Development person to bring her up to speed on what is going on and they are

currently seeking citizen members to be a part of their Revitalization & Community Legacy Façade Improvement Grant Committees. She asked for the names of a couple of people that were suggested by a couple of board members so that they could be presented at the next Work Session. It has been posted on Facebook and will be posted to the website, if not already, that they are looking for someone to serve on that committee.

#### **From the Floor**

Eric Donald, who resides on Cole Street, expressed concern over the rising crime rate in town, including two robberies on his street within the past year. He would like a way for the public to be made aware when those kinds of things occur for their own protection.

Chief Wernz replied that he would meet with him personally to discuss his general concerns without getting into the specifics of the cases.

#### **Old Business-**

Ordinance 2013-04- Floodplain Management Ordinance

**Motion** was made by Commissioner Linkey and seconded by Commissioner Brown to adopt Ordinance 2013-04. **All in Favor: Motion Carried.**

#### **New Business –**

Contract Amendment for the Police Department-

**Motion** was made by Commissioner Linkey and seconded by Commissioner Brown to amend the contract with Mann Associates to include the increase of \$20,500 for the additional design work. **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Linkey and seconded by Commissioner Brown to allot a 10% contingency to be managed by town staff for the Police Station. **All in Favor: Motion Carried.**

Perryville High School Cross Country Meet Event Request

**Motion** was made by Commissioner Brown and seconded by Commissioner Ryan to approve the event request form for the Perryville High School Cross Country Meet and the Pavilion use with no fees. **All in Favor: Motion Carried.**

Resolution 2013-25- Budget Amendment

Ms. Deaner summarized Budget Amendment Resolution 2013-25 which was to recognize FY14 grant received and donations for the Outreach Program and to move funds from salary to contractual for FY14 Janitorial Service.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Brown to approve Resolution 2013-25. **All in Favor: Motion Carried.**

#### Ordinance 2013-05 - Personnel Manual-Introduction

Mayor Eberhardt introduced Ordinance 2013-05 which amends the Town's current employee Personnel Manual as required by the Laws of Maryland of 2013, to include certain provisions relating to reasonable accommodations to be provided to employees with disabilities caused by or contributed by pregnancy.

#### Ordinance 2013-06 – Law Enforcement Mutual Aid Agreement - Introduction

Mayor Eberhardt introduced Ordinance 2013-05 which approves a Law Enforcement Mutual Aid Agreement between the Town of Perryville and the Cecil County Sheriff's Office; providing for use of Perryville Police Department resources outside the corporate limits of the Town of Perryville; and generally providing terms and conditions for mutual law enforcement support between the Town of Perryville Police Department and the Cecil County Sheriff's Office.

#### Open Meeting Appointees

Mr. Sussman commented that the Mayor and Commissioners can appoint members to meet the new State requirement for Open Meeting required training, but the other designees would be decided by the each body that they are a member of. So each individual board would have to designate their own person or people.

**Motion** was made by Commissioner Ryan and seconded by Commissioner Brown to designate Commissioner Linkey and Town Administrator Denise Breder to be the designees to take the Open Meetings Training as required by State law and that the Open Meetings Compliance Board be notified. **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Linkey and seconded by Commissioner Brown to adjourn the September 3, 2013 Town Meeting at 8:17 p.m. to go into a Closed Session after a 5 minute recess to consult with counsel to obtain legal advice on a legal matter. **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 C-1)

Location: Town Hall Mtg. Room Date: 9/3/13 Time: 8:17 p.m.  
Motion By: Commissioner Linkey Seconded By: Commissioner Brown

**VOTE TO CLOSE SESSION:**

	AYE	NAY	ABSTAIN	ABSENT
Mayor Eberhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Brown	<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 Fox	<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**

State Government Article §10-508(a):

(1) ☐ To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

☐ (ii) Any other personnel matter that affects one or more specific individuals.

(2) ☐ To protect the privacy or reputation of individuals 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 thereto.

(4) ☐ To consider a preliminary 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 services.

(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 discussions would constitute a risk to the public or public security, including:

(i) the deployment of fire and police services and staff; and

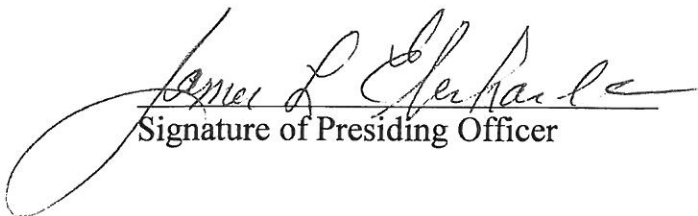
- (ii) the development and implementation of emergency plans.
- (11) ☐ To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) ☐ To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) ☐ To comply with a specific constitutional, 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, discuss a matter directly related to a negotiation 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.

**TOPICS TO BE DISCUSSED:**

Impact of an existing lease on the approved  
(~~tentatively~~ <sup>concept</sup>) of the Municipal complex.  
Governmental agencies request to connect to Perryville  
utilities.

**REASON FOR CLOSING:**

To consult with legal counsel #7 above

  
Signature of Presiding Officer