

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

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

APPROVAL OF TOWN MEETING AGENDA

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

APPROVAL OF MINUTES

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve the October 15, 2013 Work Session Minutes, October 14, 2013 Closed Work Session Minutes, October 26, 2013 Strategic Planning Minutes, and November 5, 2013 Town Meeting Minutes. **All in Favor: Motion Carried.**

Mayor's Report –

Mayor Eberhardt read a Proclamation in recognition and remembrance of Fire Police Captain David Barr who was a member of the Perryville Fire Department for over 13 years and asked for a moment of silence. Mayor Eberhardt announced that the Town will be sponsoring their Annual Christmas Tree Lighting Ceremony on December 14 from 4- 5:30 p.m., there will be entertainment from the Perryville Elementary, Perryville Middle, and Perryville High School choirs, along with light refreshments, crafts, and a visit from Santa Clause, who will be arriving on the Fire Truck. The Town also is sponsoring a home outdoor decorating contest for residents within town limits, the prizes are \$100 for 1st prize, \$75 for 2nd prize, \$25 for 3rd prize. You are to call Town Hall at 410-642-6066 to be put on the list and they will be judged the night of December 20th from 6-8 p.m.

Commissioners' Reports –

Commissioner Fox's Report -

Commissioner Fox reported on an issue that they had with a check valve in the water distribution building, causing the chlorine tanks to overflow, work was performed to repair the issue and they are looking into solutions to further prevent this from happening.

Commissioner Ryan's Report-

Commissioner Ryan reported that he attended a training session for Planning and Zoning board members where they received useful information that will assist them with their procedures and processes to make sure that they are following within their training guidelines.

Commissioner Brown's Report-

Commissioner Brown reported on the various meetings that she attended for the month. She is continuing to work on getting the sign for the War of 1812 to be placed at Rodgers Tavern. There is no Greenway meeting this month.

Lower Susquehanna Heritage Greenway Presentation - Delegate Rudolph, Allen Fair, and Brigitte Carty

Delegate Rudolph who put a bond bill in to the State along with Allen Fair and Brigitte Carty representing the Lower Susquehanna Heritage Greenway presented a check in the amount of \$150,000 which will wrap up the funding to the Town's pier project which has been completed.

Auditors Report – Rager, Lehman & Houck, P.C. – Samuel Miller

Mr. Miller stated that their audits are performed in accordance with Generally Accepted Auditing Standards. Some 2013 Financial Highlights included an overall increase of just over \$1.3 million dollars in cash and investments of the Town. Increase in the Town's equity position of a little over \$1.2 million. In the 2013 Operational Trend Analysis the General Fund-Local Grants and Tax Revenue Consistency have a fund balance of just under \$9 million dollars, some of the funding represents Local Impact funding for pending projects that have not been utilized yet. The Operational Trend over the last 4 years for the Water Fund shows an average loss of approximately (\$123,600) annually; the Operational Trend for the Sewer Fund shows an annual average operating loss of (\$358,500). The Fund Balance breakdown for the General Fund Restricted Fund Balance is \$1,908,494 and the Assigned Fund Balance is \$27,217, the General Fund unassigned balance is \$7,037,775. The Water Fund Net Position is \$5,008,524 and the Sewer Fund Net Position is \$15,661,396.

Mayor Eberhardt gave his summarization of what he gathered from the Audit was that it was a clean audit in regards to our process and procedures being solid in accordance with accounting standards. The General Fund is in very good financial

health, the Water and Sewer Enterprise Funds need some work and have some deficits, which we were aware of and will have to make some tough decisions on that.

Mayor Eberhardt asked Ms. Breder if she had anything to report on behalf of Commissioner Linkey, who is not in attendance tonight, in regards to the Public Works Department.

Ms. Breder reported that traffic calming has been a big issue in town and some of the projects that Public Works have implemented or been working on to resolve this issue include installing crosswalks and installing detectable warning surfaces for pedestrian safety at the crosswalks. Roadway striping has been completed on numerous roads in Town. Public Works is investigating costs associated with other traffic calming devices such as speed humps, speed bumps, and rumble strips that may be used in other areas of Town to reduce speed. They also installed stop bars at some intersections. Some staff members were sent for training and Public Works also started installing the Christmas Lights on December 2nd.

Town Administrator Report – Denise Breder

Ms. Breder reported that 6 of the 7 designees for the Open Meeting Training have completed their training and that the remaining person has until late December to complete their training. The website design, hosting and support request for proposals was prepared and advertised in several local papers along with the town website and the bids are due on December 9th. There was a pre-bid meeting in regards to the website design proposals that attendance was not mandatory for and there are some addenda posted on the website. On November 14th a staff meeting was held in preparation for the Local Impact Spending Budget Meeting that was held on November 21st.

Treasurer's Report – Rachel Deaner

Ms. Deaner reported that the heating and propane contract will be voted on this evening. Other bids that will be coming forward in the coming months will be portable toilets in March, snow removal in April and trash removal and chemical bids in May.

Police Report –Chief Wernz

Chief Wernz reported that he is still working with Mann's Woodward for the new police building and that they should have something back to us late January, early February. They will be participating with the Northeast Police Department this Saturday in their Town's Christmas parade. On December 14 they will be participating with the MD State Police and Northeast Police Department with the Shop with a Cop Program. The Drug Awareness Program assigned to Officer Choate for the Perryville Middle School has now been expanded to the Perryville Elementary School. Chief Wernz reported that there have been 12 thefts between November and December and out of that 12, 9 of them were out of vehicles, mostly in Beacon Point and Chesapeake Landing and

from unlocked vehicles. He stressed for residents to remove any valuables from their vehicles and bring them inside the house and to lock your vehicle at all times.

Mayor Eberhardt noted that he had just learned that the Perryville Elementary School was going to be closing before the next school year for the next couple of years for renovations. The students will be going to Bainbridge or Charlestown Elementary during that time.

Outreach Report – Emily Pierce

Ms. Pierce thanked those who contributed to their Thanksgiving food drive. She announced that as of now they have over 31 families and 97 children throughout the Perryville and Port Deposit area who are signed up for Toys-4-Tots through Outreach. If you have any new unwrapped toys toward the cause please drop them off at the Outreach building Monday thru Friday, 10 am to 7 pm. They encourage everyone to join the Outreach by attending the Perryville Fire Departments monthly breakfast buffet which is the fourth Sunday of each month. The Outreach Program participants will be visiting the Veterans at Perry Point on December 23rd from 9:30 am to 12 pm. with holiday cards and candy cane sleighs that they will be making, along with snow globes for those that cannot eat sweets. If you are interested in making the gifts or participating in the visit, let them know.

From the Floor - There were no comments from the floor.

Old Business –

Ordinance 2013-07 – Town Employee Retirement Plan

Ms. Breder summarized Ordinance 2013-07 which authorizes the termination of the use of Simple IRAs as the retirement income program for Town employees and authorizes the Town's sponsorship and participation in a 457B retirement program amending the Town's Personnel Manual to reflect the change in the retirement program for Town employees.

Motion was made by Commissioner Brown and seconded by Commissioner Ryan to accept Ordinance 2013-07. **All in Favor: Motion Carried.**

New Business –

Ordinance 2013-08 – Garbage, Rubbish, Refuse and Recyclables

Ms. Breder read the opening paragraph of Ordinance introducing 2013-08 pertaining to Garbage which should be voted on at the January Town Meeting.

Board of Appeals

Mayor Eberhardt presented a request by two existing Board Members, Priscilla Turgon on the Planning and Zoning Board and Larry Souder from the Board of Appeals. Mr. Souder expressed interest in serving on the Planning and Zoning Board and Ms. Turgon is requesting to switch to the Board of Appeals. So the request is for the two of them to switch the boards that they are on.

Motion was made by Commissioner Brown and seconded by Commissioner Ryan permission for the two members to switch boards to make it work. **All in Favor: Motion Carried.**

Resolution 2013-30 Retired Employees Health Benefits – Mayor Eberhardt

Mayor Eberhardt summarized Resolution 2013-30 which would change existing Resolution 2005-01 allowing eligible retired employees to receive direct payment for health insurance retirement benefit versus payment directly to the provider after providing proof that they have paid the provider directly.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to approve Resolution 2013-30 as presented. **All in Favor: Motion Carried.**

Retirement Plan Eligibility Age – Mayor Eberhardt

Mayor Eberhardt presented a request to allow the eligibility age to participate in the 457 (b) Retirement Plan to be 18 instead of 21.

Motion was made by Commissioner Ryan and seconded by Commissioner Brown to allow the age to be 18 instead of 21 to participate in the 457 b Retirement Plan. **All in Favor: Motion Carried.**

Heating and Fuel Bids – Rachel Deaner

Ms. Deaner presented two proposals that were received for heating and fuel bids, the fixed mark-up price only was given for Ferrell Fuel which was 3.449/gal., Alger Oil cost is 3.267/gal., with fluctuating supplier cost, currently at 2.9675. The propane cost was 1.79 for Alger Oil versus 2.05 for Ferrell Fuel.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to approve the bid by Alger Oil for the Heating, Oil and Propane and Maintenance. **All in Favor: Motion Carried.**

Fire Department Grant Agreement –

Town staff presented a letter to the Perryville Fire Company requesting additional information from them in regards to some questions that the Town has pertaining to their Grant Funding.

Ms. Deaner noted that she would just need to update the letter based on some information already received from them and entering the new date on the letter.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to send the letter as updated to the Perryville Fire Company.

Commissioner Ryan inquired what additional financial information we were looking at obtaining.

Ms. Deaner replied that it would be things like the how many EMS vehicles there are and what the depreciation is on the vehicles and some other things that would paint a clearer picture for us.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to send the letter as updated to the Perryville Fire Company. **All in Favor: Motion Carried.**

EnerNoc Contract

Currently the Town has a contract with EnerNoc for the Town's Water and Wastewater Plant's to go to generator power under certain conditions, during peak electricity use times, and in doing that the Town would receive financial compensation. There were concerns brought up pertaining to equipment faults causing us to consider the need to cancel the contract. There is only one season left on the contract and it is not a huge revenue for our Water and Wastewater funds.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to send a letter to EnerNoc to terminate the contract for the last year. **All in Favor: Motion Carried.**

Resolution 2013-31 – Commissioner Meeting Remote Participation Policy –

Ms. Breder noted that the marked up version of the Resolution shows the changes that have been made based on comments at the Work Session pertaining to limiting the amount of remote participation to no more than 3 times in a 12 month period. If a request would exceed that amount of times then it would be approved by the Mayor and Commissioners on a case to case basis; military service was also taken out as a permissible reason to participate remotely in the event that it may cause a problem for the military person.

Mayor Eberhardt noted that Commissioner Linkey did an excellent job with this but he believes that it just makes it too easy for board members to not show up for the

meetings. He does not want it to come to residents showing up to meetings and seeing 3 telephones or computers sitting up front.

Commissioner Brown concurred with Mayor Eberhardt and noted that when you are elected she feels that you are committed to being here to be face to face with your constituents.

There was no motion brought forward for Resolution 2013-31.

Local Government Insurance Trust Agreement

Mayor Eberhardt stated that the Local Government Insurance Trust is the Town's new Insurance carrier and this is a standard agreement that they require be signed by new participants in their insurance plan.

Mr. Sussman, The Town Attorney, stated that the Local Government Insurance Trust is a membership based organization and that this agreement establishes how the Trust is set up and governed and the rights of its members and guidelines; once signed it formalizes the membership into the Trust. The motion would be to approve membership in the Trust and authorize the Mayor to execute the Trust Agreement on behalf of the Town.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to approve membership in the Trust and authorize the Mayor to execute the agreement on behalf of the Town. **All in Favor: Motion Carried.**

Approval to participate in a Drug Task Force –

Mayor Eberhardt commented that this Task Force was spearheaded by Mayor Fisona of Elkton to form a committee with the other Mayors in the County along with the Chiefs of Police to further address substance abuse among the youth in our County.

Motion was made by Commissioner Brown and seconded by Commissioner Fox to participate in the Drug Task Force with the Mayor being our representative along with the Chief of Police. **All in Favor: Motion Carried.**

Motion was made by Commissioner Brown and seconded by Commissioner Ryan to adjourn the December 3, 2013 Town Meeting at 8:34 p.m. to a closed session 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 Date: 12/3/13 Time: 8:34 p.m.

Motion By: Barbara A. Brown Seconded By: Raymond Ryan

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

MDE proposed penalties related to wastewater plant violations

REASON FOR CLOSING:

7 above (to consult with counsel to obtain legal advice on a legal matter).


Signature of Presiding Officer

**Statement Regarding October 15, 2013 Closed Meeting for Inclusion in Minutes of
December 3, 2013 Town Meeting**

On October 15, 2013, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:50 p.m. in accordance with State Government Article, Sec. 10-508(a)(4) & (14), to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State and 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. Mayor Eberhardt and Commissioners Brown, Linkey, Ryan and Fox all voted in favor of conducting the closed meeting. In addition to the Mayor and Commissioners, the Town Administrator Denise Breder and Clerk Michelle Walters attended the entire closed meeting. Two representatives from the Local Government Insurance Trust, Ellen Nudd and Michelle Keplinger, attended the initial part of the closed meeting. The topics of discussion were review of a proposal for insurance coverage for the Town and to discuss possible impacts of an industrial facility to be constructed just outside of Town limits, and the related request to connect to town utilities. The Mayor and Commissioners took no action during the closed meeting. The meeting was adjourned at 9:50 p.m.