

**Town of Perryville
Town Meeting Minutes
January 7, 2014**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Michelle Linkey, 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 Ryan and seconded by Commissioner Linkey to approve the January 7, 2014 Town Meeting Agenda. **All in Favor: Motion Carried.**

APPROVAL OF MINUTES

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the November 19, 2013 Work Session Minutes. **Three in Favor, 1 abstain** (Commissioner Fox): **Motion Carried.**

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the November 19, 2013 Closed Work Session Minutes. **Three in Favor, 1 abstain** (Commissioner Fox): **Motion Carried.**

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the Local Impact Budget Public Hearing Meeting Minutes. **Three in Favor, 1 abstain** (Commissioner Fox): **Motion Carried.**

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the December 3, 2013 Town Meeting Minutes. **Three in Favor, 1 abstain** (Commissioner Linkey): **Motion Carried.**

Motion was made by Commissioner Ryan and seconded by Commissioner Linkey to approve the December 3, 2013 Closed Session Town Meeting Minutes. **Three in Favor, 1 abstain** (Commissioner Linkey): **Motion Carried.**

Mayor's Report –

Mayor Eberhardt thanked the Perryville Fire Department along with the Perryville Elementary School, Middle School, and High School for their participation in the Christmas Tree Lighting Ceremony that took place in December. He announced the various meetings that he attended throughout the month.

Commissioners' Reports –

Commissioner Linkey's Report-

Commissioner Linkey reported on the various meetings attended throughout the month and that she assisted in reviewing the RFP's for the website update and DPW is still looking into traffic calming devices, which may have to be discussed at a Work Session.

Commissioner Ryan's Report-

Commissioner Ryan attended the regular Town Meetings last month and noted that there was no Planning and Zoning Meeting last month.

Commissioner Fox's Report –

Commissioner Fox also attended the regular Town Meetings last month along with the Christmas Tree Lighting Ceremony and the Employees Christmas luncheon. He attended that Perryville Chamber of Commerce Meeting in which he met the new Chamber President.

Ms. Breder gave Commissioner Brown's report on her behalf in her absence, noting several meetings and events that she attended last month. The Parks Department removed the floating dock at the boat ramp and they expect to replace it in March, and some other winterizing has occurred as well. It appears that the VA Truck Route is complete and waiting inspection on our end. Commissioner Brown had been asked by Sandy Turner, from the Tourism Office, if the Town would be interested in participating in this coming year's Chautauqua event. The event would be similar to last year's and the cost would be anywhere from \$220 to \$1,000 depending on sponsors. She had told Ms. Turner that she would present it to the board and get back to her by the end of the week with their response.

Mayor Eberhardt stated that last year's Chautauqua was a great program with a nice turnout and he would be open to sponsoring that again this year.

Ms. Breder suggested that we may want to double check with the Middle School because they did a tremendous amount of work on the event. She asked that the board get back to Commissioner Brown with their thoughts on the Chautauqua event.

Town Administrator Report – Denise Breder

Ms. Breder asked that the board get back to her with their three top changes they have for the Charter. She also wanted to remind everyone that the Christmas tree pickup is going to be on Saturday, January 18th. The trash company asked that the trees be put out the night before with all of the lights and ornaments removed since they will begin picking them up at 6:00 a.m.

Treasurer's Report – Rachel Deaner

Ms. Deaner reminded the board that the Budget season will be starting again. The Local Impact Spending Plan has been sent to LDC for their comments and recommendations.

Mayor Eberhardt inquired how long that has been with the LDC, to which Ms. Deaner responded, since December 16. He inquired if we had heard back from the County budget Officer regarding our different interpretations of the table gaming revenue, to which Ms. Deaner had not, but has confirmed with the State that we will be getting a portion of that revenue. Mayor Eberhardt commented that we need to think about a replacement for Mr. Reinhart to send to the County for consideration to serve on the LDC.

Commissioner Linkey would like to have an optional meeting added to the Budget Meeting Schedule towards the end since the scheduling is still being worked on in the event that something comes up that may still need to be discussed.

Mayor Eberhardt inquired about the CDARS account and if there was a time limitation on it. Ms. Deaner stated that it is in February and is suggesting that we may want to discuss adding more to it.

Police Report –Chief Wernz

Chief Wernz wanted to add a couple of items that were not a part of his report. The department recovered about \$10,000 in stolen property last month from vehicles which he had reported on last month that had been occurring in town. They currently have a lot of property at the Police Department who they do not know who the owners are. Two suspects have confessed to it and will be charged soon. He also stated that the person responsible for the armed robbery in the Ercole's parking lot in February of last year and had also commented a burglary of copper in the downtown area, pleading guilty to both. He was sentenced to 20 years with three years suspended.

Outreach Report – Jessie Lilly

Mr. Lilly reported that the Outreach Program through the Toys – For - Tots program served 42 families with a total of 114 children. Participants of the Outreach

Program also visited with Veterans at Perry Point during the holidays. He also reminded everyone about the breakfast buffet held at the Perryville Fire Company Minker Hall on the fourth Sunday of each month.

Mayor Eberhardt asked where we were on the landlord rental renewals, to which Commissioner Ryan responded that currently 597 rental applications have been approved, with 6 new units applying and 591 are renewals, there are currently 93 units past due for renewal and 23 units that are no longer renting.

Old Business –

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

The Garbage, Rubbish, Refuse and Recyclables Ordinance introduced last month which repeals and reenacts with amendments the existing Chapter 50 of the Code was presented for the board to vote on.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve Ordinance 2013-08 Garbage, Rubbish, Refuse and Recyclables. **All in Favor: Motion Approved.**

Resolution 2014-02 – Drug Task Force Participation

A request was made to formalize the board's decision made at the December 3, 2013 Town Meeting to designate members to serve on the County's Drug Task Force in the form of a Resolution.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to approve Resolution 2014-02. **All in Favor: Motion Carried.**

New Business –

Event Form - Good Shepherd 5K Run/Walk

A request was made on behalf of the Good Shepherd School for them to hold their 5K Run/Walk event at the Perryville Park with use of the large pavilion on May 10, 2014. They are also requesting that the fees be waived since it is a fundraising event.

Motion was made by Commissioner Linkey and seconded by Commissioner Ryan to approve the event form for Good Shepherd waiving fees. **All in Favor: Motion Approved.**

Civil Site Engineering Town Center

Commissioner Fox was concerned on the restrictions on the number of meetings that the low bidder would allow if awarded the contract and how serious of an issue that may be.

Ralph Ryan, the Town's Engineer, noted that we may be able to negotiate more meetings with an addendum to the bid package.

Commissioner Ryan asked Mr. Ryan, the Town's Engineer, if after putting together the background experience of the bidders that the board requested; there were any changes on who he would recommend.

Mr. Ryan noted that the only thing that he was concerned about was ARRO Consulting's prior jobs being further west then he would like to see, working with different jurisdictions, which is really minor. He also noted that the low bidder, KCI, seemed to be very precise with their time lines.

Commissioner Linkey feels that the low bidder does not want to take the time and effort to do what we want and were also the ones who did not want to do more than two meetings.

Mayor Eberhardt inquired if we had something in the bid request regarding time lines.

Mr. Ryan commented that we he asked for the contractors to provide a time line in their bid packets.

Commissioner Linkey noted that Landmark appears to have experience with the College site design and sports complexes but she questions the overall experience that some of the other contractors have with all aspects of the complex that is being proposed.

Mr. Ryan noted that they are also in charge of Phase I of the Civil Engineering of the Police Station.

Ms. Breder stated that ARRO also had experience with a 12-acre municipal park in the Town of Myersville that included some ball fields.

Ralph Ryan, the Town's Engineer, reminded the board that the 90 day expiration for these bids will expire next month and it would be in our best interest to vote on them tonight or no later than the end of the month. They were submitted on November 5th.

Motion was made by Commissioner Linkey to go with Landmark Engineering; there was no second to the motion.

Further discussion ensued regarding the bidders experience and two of the bidders representing two different companies were in attendance and spoke briefly.

Mayor Eberhardt suggested that this be put on the Work Session Agenda, which will be on the 16th this month and in the meantime check with each bidder to see if they will extend the bids for a short period of time. If the answer is 'no' then when we have the Work Session on the 16th, we will have an emergency vote on this project because of the bid expiration deadline.

Mr. Sussman, the Town Attorney, stated that what can be done is to schedule a special meeting of the board at the same time concurrently with the Work Session.

Mayor Eberhardt asked the board to get any additional information and concerns to staff prior to the meeting so that they can gather the requested additional information from the bidders and a decision can be made.

Triathlon Contract Amendment

An amendment to the existing contract, dated January 11, 2011 between Piranha Sports and the Town of Perryville was presented to the board for consideration.

Ms. Breder noted that it allows for after 90 days of the agreement execution, for the Town staff to provide a parking layout of where parking shall be allowed.

Mayor Eberhardt, noted that one of things that we were going to have done was have Harvey and Ralph meet and come up with a parking plan to provide to them within the 90 day period of the contract signing.

Ms. Breder stated that there was a second provision under 3d which has been removed and now Piranha Sports is now going to provide \$1,000 refundable deposit to the Town at least 90 days prior to the event.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve the amendment to the agreement between the Town of Perryville and Piranha Sports, LLC. **All in Favor: Motion Approved.**

Resolution 2014-01 Budget Amendments

Ms. Deaner presented the budget amendment and stated that the only thing that has changed since the Work Session was having to use some of the money from the Reed Bed cleanup to be used for legal fees related to MDE fines.

Discussion ensued regarding the fund balances which they will need to discuss at the Work Session.

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to approve Resolution 2014-01. **All in Favor: Motion Carried.**

Mayor Eberhardt wanted to remind the board that they as of today they are halfway through their snow removal budget, not counting the salt.

Tail Insurance Policy

Ms. Breder explained that at this time if we choose to purchase gap insurance the maximum amount of years that could be purchased would be a 2 year policy.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to agree to purchase the 2 year Tail - End policy. **3 in Favor: 1 opposed** (Commissioner Linkey) **Motion Approved.**

Ordinance 2014-01 Ethics Procurement Exemptions

Ms. Breder presented the proposed amendment to the Ethics Code and stated that this would allow for more flexibility to the Town in using a firm to help prepare specifications, then under certain parameters using the same firm later on to be involved in the design aspect. She stated that the language that we picked up is almost verbatim to what is in the State Code; they exempted it from the models that they gave to the Town.

Mr. Sussman stated that he discussed it with Counsel of the State Ethics Commission because it will have to be approved by the State Ethics Commission if the board approves it and was advised that because this exemption is already in the State laws for State Agencies it is more than likely that the State Ethics Commission will approve this amendment for the Town's Ordinance.

Ms. Breder read the introductory paragraph summarizing the Ordinance.

MDE Settlement Agreement –

A Consent Agreement between the MD Dept. of the Environment and the Town of Perryville to resolve alleged violations stemming from effluent discharges from the Town's Wastewater Treatment Plant was presented.

Motion was made by Commissioner Fox and seconded by Commissioner Ryan to approve the settlement agreement between the Town of Perryville and MDE. **All in Favor: Motion Approved.**

Motion was made by Commissioner Ryan and seconded by Commissioner Fox to adjourn the January 7, 2014 Town Meeting.

Before the motion was carried, Chief Wernz announced that he was contacted by Father Jay from the Good Shepherd School. Father Jay advised him that if anyone needs a place to keep warm for a period of time, not overnight, they will open up the meeting room to accommodate them.

The motion to adjourn was carried forward and all were in favor to adjourn the meeting at 8:18 p.m.

Respectfully submitted,

Jackie Sample,
Town Clerk

**Statement Regarding November 19, 2013 Closed Meeting for Inclusion in Minutes
of January 7, 2014 Town Meeting**

On November 19, 2013, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:17 p.m. in accordance with State Government Article, Sec. 10-508(a)(7) & (8), to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation. Mayor Eberhardt and Commissioners Brown, Linkey, and Ryan all voted in favor of conducting the closed meeting; Commissioner Fox was absent. In addition to the Mayor and Commissioners, the Town Administrator Denise Breder and Clerk Michelle Walters attended the entire closed meeting. Legal Counsel Sue Ford attended the initial portion of the meeting. The topics of discussion included advice on fines proposed by MDE for wastewater treatment violations that stemmed from an unanticipated influx of a toxic substance to the wastewater plant and to discuss potential litigation arising out of a town contract. The Mayor and Commissioners advised Ms. Breder to send a letter to the other party to the contract and other than that, they took no action during the closed meeting. The meeting was adjourned at 10:05 p.m.

**Statement Regarding December 3, 2013 Closed Meeting for Inclusion in Minutes of
January 7, 2014 Town Meeting**

On December 3, 2013, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:40 p.m. in accordance with State Government Article, Sec. 10-508(a)(7), to consult with counsel to obtain legal advice on a legal matter. Mayor Eberhardt and Commissioners Brown, Ryan and Fox all voted in favor of conducting the closed meeting. In addition to the Mayor and Commissioners, the Town Administrator Denise Breder, Town Attorney Frederick C. Sussman and attorney, Susan T. Ford (via conference call) attended the entire meeting. The topic of discussion was Maryland Department of the Environment (MDE) proposed penalties related to wastewater plant violations. During the closed meeting, the Mayor and Commissioners approved the payment of mandatory penalties without further appeal, they authorized Ms. Ford to have continued discussions with MDE's counsel to resolve discretionary penalties and they authorized Mayor Eberhardt to release information about the closed session to a Delegate Rudolph. The meeting was adjourned at 9:30 p.m.