

**Town of Perryville
Town Meeting Minutes
April 2, 2019**

ATTENDANCE: Mayor: Robert R. Ashby Jr., Commissioners: Michelle Linkey, Raymond Ryan III, Pete Reich, Robert Taylor, Town Administrator: Denise Breder, Financial Director: Debra Laubach, Planning and Zoning Director: Dianna Battaglia, Planning and Zoning Coordinator: Amanda Hickman, Police Chief: Al Miller, Police Lieutenant: Keith Budnick, Police Sergeant: Robert Nitz, Outreach Activities Coordinator: Devon Catts, Outreach Caseworker: Rachel Mangione, Town Clerk: Jackie Sample, Town Attorney: Fred Sussman.

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

The Town Meeting was called to order at 7 p.m. by Mayor Ashby.

Pledge of Allegiance

Approval of Town Meeting Agenda

Mayor Ashby asked for a motion to approve the April 2, 2019 Town Meeting Agenda.

Motion was made by Commissioner Ryan and seconded by Commissioner Taylor to approve the April 2, 2019 Town Meeting Agenda. **All in Favor: Motion Carried.**

Consent Agenda Items: Mayor Ashby asked for a motion regarding the consent agenda items, which include the March 5, 2019 Town Meeting Minutes and the March 5, 2019 Closed Session Minutes.

Motion was made by Commissioner Ryan and seconded by Commissioner Taylor to approve the March 5, 2019 Town Meeting Minutes and the March 5, 2019 Closed Session Minutes. **All in Favor: Motion Carried.**

Mayor Ashby's Report -

Mayor Ashby bypassed his report due to the number of items on the agenda.

Commissioner Reich -

Commissioner Reich reported that we still have heavy flows going through the Wastewater Plant, over a million gallons a day. We had a heavy rain on the 22nd of March and both SBR Treatment Units overflowed and dropped a bunch of water on the ground and we did some testing at Mill Creek and everything seems to be ok. We are in

full compliance with State and Federal regulations for both the Water and Wastewater Plants.

Commissioner Ryan

Commissioner Ryan bypassed his Commissioner report but proceeded with his Fire Department report.

Commissioner Ryan reported that last month they had 49 responses. They spent two days, in the last week and a half, at the future Tiki Lees location on River Road, to use one of the buildings to conduct training. This Saturday they will start training at the former outlet mall, which he believes will be the first of 3 or 4 other training sessions. We received brand new hoses, from 2 separate grants, and they have all been put into service on all of our pieces, except for about 600 feet, for high rise buildings, which we will be training with. We recently ordered foam that gets used in various situations to replace what had to be used recently during a call and extra for training.

Mayor Ashby inquired if they are going to be using water at the outlets during their training with the hoses.

Commissioner Ryan responded that at some point they will be, initially they are using dry lines. The biggest thing that we will get out of this practice will be a large area search, which is something that we do not get to practice as much.

Commissioner Linkey

Commissioner Linkey wanted to remind everyone that Riversweep will be on April 27 and we have a new website that went live today.

Commissioner Taylor

Commissioner Taylor reported that he was in Dallas, Texas a couple of weeks ago on personal business and decided to check out the Great Wolf Lodge in Grapevine, Texas. He met with the City Manager who was there during the construction phase of the Great Wolf project, and he had nothing but good things to say about the project and the impact from the resort to their community has been nothing but positive. He then met with the Manager of the resort hotel who was very sharp and on top of everything. He got a behind the scene tour of their water handling and their chemical. They also said that they close four to five days a year to do intensive maintenance and train with the local Fire Company and Police Departments, things that cannot be done when customers are there. It was a very positive visit and makes him feel even more positive about our project moving forward then he already had felt.

Perryville Middle School Update - Michele McKay

Michele McKay stated that she is here tonight on behalf of the Principal who is attending a Teacher of the Year Ceremony in support of one of our teachers that was nominated. The Middle School is preparing for Lion King Jr. which will be held on May 5th, May 10th and May 11th at the High School. We started some new clubs, some of which include, an Archery Club, Keyboard Ukulele Club, Strange Things Club, Girls Club, and Crochet Club, and some other clubs to keep the students occupied after school. We started Middle School sports and Track and Field just started practicing yesterday. We have a very active Honor Society and Leo's Club, which is associated with the Lions Club, and is very active with community service. Our Leo's Club is helping with the Lion's Club 75th Anniversary event on April 27 from 2:00 p.m. – 5:00 p.m. at the Principio Methodist Church. She wanted to note that the Perryville Elementary School will be having their Green Globe Gala on April 17th and they would like the Town to set up a table there during their event, if possible.

Perryville Elementary School PTO Update- Christina Aldridge

Ms. Aldridge reported that the Green Globe Gala is coming to the Perryville Elementary School April 17th, this year's theme will be geared more toward a Green School. We will be having the Department of Natural Resources and other vendors there offering hands on experiences with the kids. The kids will be getting a passport at the beginning of the event and for every table that they go to they get a stamp and if they get all the stamps, they are entered in a raffle for a basket full of various gardening tools and stuff like that. They will have a live DJ, and they are trying to get Chick-Fil-A to come out and give out free food. The raffle baskets are going to be great this year, we have gotten items from Ace Hardware in Rising Sun and IKEA and other Perryville businesses that will be donating items as well. On April 8th at 6:30 p.m. the Perryville Elementary School PTO will present the Cecil Dance Centers Wizard of Oz. Also, food distribution will be at the Perryville Middle School on April 16, from 4 to 5:30 p.m. One of our Teachers was nominated for the Teacher of the Year Award. Pre-kindergarten and Kindergarten registration started yesterday, and applications are available at all the schools as well as cps.org. The PTO wanted to thank the anonymous donor of the Prize Wheel and they are excited to use it.

Ms. Breder commented that we have a Budget Meeting on the 17th of April.

Mayor Ashby responded that the Green Globe Gala may be something for one of our Green Team members to attend.

Ms. Breder commented that she has spoken to Ms. Hammer about that and she was going to try to get a Green Team meeting scheduled before then to possibly get some stuff together and someone to attend that.

Town Administrator Report - Denise Breder

Ms. Breder reported that the Green Team has determined a place for the community garden. It is going to be in the grassy area right next to the boat ramp by the Comfort Station. There was a tree planting that was supposed to go with part of the Police Department project that was not part of our contractor's contract, and we must do that now. The trees will be planted by Avenue G at the VA on the Town's property. The rest of the report will be on-line.

Treasurer's Report - Debra Laubach

Ms. Laubach reported that the Finance Department has been working on the budget and the rest of her report can be found on-line.

Outreach Report - Devon Catts

Ms. Catts, who is the Activities Coordinator for the Outreach Program, reported that overall monthly attendance was 468, 58 active members, 0 referrals, and 2 new members. This month, thanks to our newly formed partnership with Microsoft, our children were able to enjoy a coding field trip at the Christiana Mall. We were also able to enjoy a free trip to the blast game donated by Gianni Tumminello. The Blast graciously invited us to participate in the pre-game parade on the field! We also met the players after the game; they gave us free Blast bags and signed them. Jane Bellmyer visited us again this month to do a St. Patrick's Day craft with our members. She helped us make Leprechaun traps which our kids really enjoyed. Our staff participated in Read Across America at the Elementary School. We read our favorite Dr. Suess books. We have recently started working with our Police Department Officers to get our new Youth Advisory Council going this summer. Unfortunately, we ended our month with a disastrous flood in our basement, which forced us out of our home. Luckily the United Methodist Church graciously opened their doors at Hope's Place for us. We cannot thank them enough for their hospitality. We will continue to serve our youth at Hopes Place until our more permanent location has been renovated. However, we have suspended Saturday hours until we are in our new space. Renovations started this week on the Cifaldo building which will be our new home, unfortunately that was suspended due to mold being discovered in the building. Servpro is currently working on cleaning out our existing basement on Otsego street and we are having an engineer come and look at the building on April 1st. A claim has been submitted to insurance for the damage done to the old Outreach building.

Police Report - Chief Miller

Chief Miller reported that we received two Speed Limit warning signs, and he believes they will be placed on Aiken Avenue and Broad Street. The detectives are working on new ID cards for employees. He recently joined the SALT, which is Seniors and Law Enforcement Working Together and we held our first meeting this month and

we held it at the Perryvilla. May 9th, the Perryville Elementary School and the Perryville Middle School will conduct their ALICE drills. On the 11th of April we will be interviewing for our Crossing Guard position and will be interviewing for a Police Officer on April 18. On April 13 Restore Church asked for our assistance for traffic control for the annual Easter egg hunt that they have. Our drug take-back initiative is on April 27 at the Police Department from 10 am-2 pm. Mt. Airy Police Department are currently working out of a temporary building and the Police Chief and his Administrative Assistant, the Town Administrator and others from the town came and toured our building and will probably be working with Mann's and Woodward to construct their building.

Planning and Zoning - Dianna Battaglia

Ms. Battaglia stated that her staff report will be on the website she does not have anything to highlight tonight.

From the Floor

Shelly Ollis, from Penny Lane, saw on line about the developers appeal of the Towns decision regarding the former outlet property and that they might be having a meeting to discuss alternative options.

Ms. Battaglia responded that we do have a meeting scheduled with them to talk about some options.

Ms. Breder commented that there is nothing on the agenda during the open session to talk about the judicial appeal.

Ms. Ollis responded that some of them had received a letter about the appeal and if we wanted to oppose the judicial review to send a letter to the Clerk of Courts, but we have been getting our letters back saying we are not a party to the case. We want to know who to contact so that our concerns are heard because we felt that you did a great job of having multiple meetings and getting input from the public turnout and it can possibly get overturned by a judge without hearing all the things that were brought up.

Ms. Breder commented that she talked to the Clerk of the Court, along with our Town Attorney about that and said that this is confusing for people who are interested and the best that she can advise is that you would have to go to an Attorney to help you know how to navigate that in the court system.

Ms. Ollis responded that she also did not want to interfere with our case and get an Attorney and become a party to the case if that would somehow interfere with you.

Ms. Breder responded that she can't speak to that, she would have to get legal advice on that. She also mentioned that when she spoke to the Clerk of the Court, she

also asked them if they could at least let anyone that calls about this know that they would need to get legal counsel to help them through the process.

Todd Young, Penny Lane, also thought that he saw on line that the Commissioners would have to meet with their Attorney to decide if they were going to challenge the judicial review, he inquired if that has been decided.

Ms. Breder responded that it has not been decided, they will have a private discussion based on the closed meeting laws of the State that they can consult with counsel to obtain legal advice on a legal matter.

Mr. Young and Ms. Ollis inquired if it is not challenged, does it just get overturned.

Ms. Breder responded that we cannot answer that, that would be up to the court.

Howard Stevens, President of the board at Owens Landing Condominiums, stated that yesterday was the one - year Anniversary of the fire at condos. Mr. Stevens is here to thank the Fire Department, the Mayor, the Commissioners, the Town staff, especially Dianna and Denise, and the Police Department for allowing us to meet in their building during our reconstruction efforts, as well as the community for their support. We have hired a contractor, named Gary Gregg, out of Elkton, MD, he does home building and we have to re-build 18 units. We have eighteen-inch girders in place, which are welded and ready to go, needing approval of the various regulatory authorities to get going with the framing, then the siding, and the roofing, then restoring the 18 units. The sad news is that while everyone had their own private insurance, most of them had the additional living expense which has a time limit of 12 months and the clock is running on that. The contract is still in process, however his estimated time for the project is 12 to 15 months, and we are hoping to narrow that down to 12 months or a lot less, with some penalties in the contract, and that is what we are still negotiating.

New Business

1627 Greenspring Avenue Abatement Request - Denise Breder

Ms. Breder commented that at the Work Session, the resident of 1627 Greenspring was in here to request an abatement. Ms. Breder stated that we have had other who have had similar situations where they have used more water than what they thought they used, and you need to take that into consideration when you make your decision since it could be setting a precedence.

Motion was made by Mayor Ashby and seconded by Commissioner Reich to approve the abatement request for 1627 Greenspring Avenue. Commissioner Taylor asked for and received clarification on the amount being abated, which would be \$323.62. It was also

confirmed that no leaks, or any account problems were found, and that it appears to be in line with normal usage now. **All in Favor: Motion Carried.**

Business Development and Revitalization Grant Recommendations - Amanda Hickman

Ms. Hickman stated that there is a total amount of \$22,000 Grant Funding available for Business Development Grants, which this year does require a 10% cash match and we received 8 applications total. For the Revitalization Grant Funding, there is a total amount available of \$38,000, which also requires a 10% match and there are 10 applications.

Business Development Grant Requests

The first request for Business Development Grant funding is for Atlantic Auto, owned by Chris Karschner who is requesting the amount of \$2,400 for proper installation of a sign that has been sitting in the back of a truck currently, the amount recommended is \$2,160 full funding less the 10% match.

Commissioner Reich inquired if that goes against the size of our sign requirements.

Ms. Battaglia responded that they will have to go through the permitting process.

Ms. Hickman responded that he will have to go through the permitting process and if that sign is too large, then he will have to scale it back to meet the code.

Commissioner Reich inquired what happens with the cost on that then.

Ms. Hickman responded that it would be his burden, anything that is above and beyond what we were awarding, it would be his responsibility.

Ms. Hickman responded that the next one is for the Cedar Corner Business building for landscaping, for removal of old shrubbery, fencing and signage. Replacing shrubbery with more appropriate and colorful species, the total request was for \$5,760, and the committee recommended \$5,180.00, less the 10%. The next one is for the Colonial Business, which is in the same building that Atlantic Auto is housed at, however, this is a different business and the applicant is the owner of the building. He is planning on adding "Bldg." in block letters on two locations of the building beside Colonial, to establish the name of the building. The committee recommended \$1,575 based on the request of \$1,750. The next one was for 5th Company Brewing requesting \$30,000, which included a lot of equipment and work to the building. The recommendation is for \$13,085, which would finish the balance on the budget. There is a very specific list that the committee has approved for this, part of which is brewing equipment and related expenses including website development, and a mobile tap system.

Revitalization Grant Requests

The first request for the Revitalization Grant funding is for 416 Aiken Avenue, requesting \$3,620 for chimney removal and the amount recommended for funding is \$3,258. The other side of the duplex is 414 Aiken and they are requesting \$5,800 for chimney repair, the amount recommended is \$2,160. The next request is for 323 Aiken Avenue and they are requesting \$3,400 for replacement of a wooden fence with a vinyl fence, and the \$1,782 is the remainder of the funding for that program.

Commissioner Linkey questioned the reasoning for the difference of the amount recommended for this one versus the other one, since they received the same scoring.

Ms. Hickman was not sure, but believes it was a typo, the only one that did not receive full funding was the last one because the funding because of the balance remaining on our budget, she believes it is closer to \$5,000.

Commissioner Taylor responded that minus the 10% match it would be \$5,220.

Upon looking at her additional backup, Ms. Hickman responded that is correct, the amount awarded is \$5,220, it was a mistake on the Power Point presentation.

Owens Landing Condo request – Denise Breder

Ms. Breder stated that you heard earlier in the meeting that it is the one-year anniversary of the fire at the condos at Owens Landing, and they are not rebuilt yet and are obviously not able to reside there. They are asking for continued abatement of the water bills for those 18 units.

Commissioner Taylor questioned whether there is a specific day that this will end on, since they seem to have a range here from September to November 2019, so that he can make an appropriate motion, or make it contingent upon occupancy permit.

Motion was made by Commissioner Taylor and seconded by Commissioner Reich to extend the abatement until Owens Landing gets their occupancy license. **All in Favor: Motion Carried.**

Budget Amendment 2019-06 - Debra Laubach

Ms. Laubach stated that this budget amendment was introduced at the Special Meeting after the Work Session and she is asking for a vote on that. Ms. Laubach noted that the Mayor had asked at that meeting how much of the \$527,000 was coming from reserves, and after doing the calculations, she responded that \$350,100 is coming from the reserves, we are also bringing in new revenue of \$103,300, so the net of debt is actually \$246,800 that will come from our reserves, everything else is coming from the

contingency or it is grants that we are recognizing showing expenditures at the same time.

Motion was made by Commissioner Ryan and seconded by Commissioner Reich to approve Budget Amendment Ordinance 2019-06. **All in Favor: Motion Carried.**

Budget Amendment Ordinance 2019-07 -

Mayor Ashby asked Ms. Laubach to introduce Budget Amendment Ordinance 2019-07. This Ordinance is for the purpose of amending the adopted budget for the Town of Perryville for the fiscal year beginning July 1, 2018, and ending June 30, 2019, to appropriate for certain purposes certain funds and generally related to amendment of the Town's FY 2019 budget. Ms. Laubach stated that it was determined that an additional \$30,000 will be needed for the Cifaldo building renovation. \$32,000 is needed for engineering evaluation of the Waste Pump Station, \$5,000 is needed for water repair parts, pipe, repair saddles and service saddles, \$40,000 for funds required to purchase a special Encoder meter and a meter for Owens Landing I. An additional amount of \$25,000 has been requested from DPW to be pulled from the contingency fund to purchase a tractor so he does not have to use funds from next year.

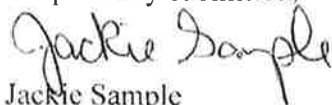
Ms. Breder wanted to make them aware that the mold remediation for the Cifaldo building was not included on this budget amendment either because that was just discovered, and we do not have that cost estimate yet, so that will also need to be added to the amendment.

Mayor Ashby requested that the board go into the back room for a closed session to discuss items F and G, 1444 Perryville Road and the trash recycling contract.

Motion was made by Commissioner Ryan and seconded by Commissioner Taylor to adjourn the April 2, 2019 Town Meeting at 8:00 p.m. and go into a Closed Session under General Provisions Article §3-305(b) (14) 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. (7) To consult with counsel to obtain legal advice, to discuss potential litigation and advise on a contract (8) To consult with staff, consultants, or other individuals about pending or potential litigation. The open meeting will reconvene once the closed meeting is finished.

All in Favor: Motion Carried.

Respectfully submitted,



Jackie Sample

Perryville Town Clerk

**Statement Regarding March 5, 2019 Closed Meeting for Inclusion in Minutes of
April 2, 2019 Town Meeting**

On March 5, 2019, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:45 p.m. at the Town Hall meeting room in accordance with General Provisions Article, §3-305(b)(8) To consult with staff, consultants, or other individuals about pending or potential litigation, (7) To consult with counsel to obtain legal advice, to discuss potential litigation. In addition to the Mayor and Commissioners, the Town Administrator, Denise Breder, Jackie Sample, and Town Attorney: Fred Sussman attended the entire closed session. During the meeting they discussed potential litigation from various residents in town regarding water and sewer billing and an upcoming meeting with Beacon Point residents. There were no motions made during this meeting.

Motion was made by Commissioner Ryan and seconded by Commissioner Taylor to adjourn the Closed Session at 9:07 p.m. **All in Favor: Motion Carried.**

TOWN OF PERRYVILLE
FORM OF STATEMENT FOR CLOSING A MEETING
(FROM OPEN MEETINGS MANUAL - APPENDIX C)

Location: Town Hall Date: 4/2/19 Time: 8 p.m.
Motion By: Ryan Seconded By: Taylor

VOTE TO CLOSE SESSION:

	AYE	NAY	ABSTAIN	ABSENT
Mayor Ashby	<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 Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Reich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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):

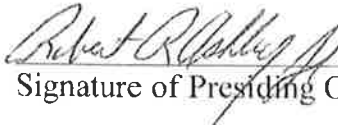
- ☐ (1) To discuss:
- (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or
 - (ii) any other personnel matter that affects one 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) 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.

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

To consult with counsel to discuss negotiations with an existing contract with Waste Management that allows an extension of renewal of the contract.

To consult with counsel regarding potential litigation regarding^a judicial review request.


Signature of Presiding Officer