

**Town of Perryville
Town Meeting Minutes
May 7, 2019**

ATTENDANCE: Mayor: Robert R. Ashby Jr., Commissioners: Michelle Linkey, Pete Reich, Robert Taylor, Town Administrator: Denise Breder, Assistant Town Administrator: Cathy McCardell, Financial Director: Debra Laubach, Planning and Zoning Director: Dianna Battaglia, Police Chief: Al Miller, Planning and Zoning Coordinator: Amanda Hickman, Outreach Director: Danielle Hemling, Town Clerk: Jackie Sample, Town Attorney: Fred Sussman.

Absent: Commissioner Raymond Ryan III

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. Commissioner Linkey was not in attendance at the very beginning of the meeting.

Pledge of Allegiance

Approval of Town Meeting Agenda

Mayor Ashby asked for a motion to approve the May 7, 2019 Town Meeting Agenda.

Motion was made by Commissioner Taylor and seconded by Commissioner Reich to approve the May 7, 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 12, 2019 FY 2020 Budget Work Session Minutes and the March 19, 2019 Work Session Minutes, March 19, 2019 Special Meeting Minutes, March 26, 2019 FY 2020 Budget Work Session Minutes, April 2, 2019 Town Meeting Minutes, April 2, 2019 Closed Session Minutes, April 4, 2019 FY 2020 Budget Work Session Minutes, April 16, 2019 Work Session Minutes, April 16, 2019 Special Meeting Minutes, April 17, 2019 Tax Rate Increase Public Hearing Minutes, April 17, 2019 FY 2020 Budget Work Session Minutes, April 23, 2019 2020 Budget Public Hearing Minutes, April 23, 2019 Special Meeting Minutes.

Motion was made by Commissioner Reich and seconded by Commissioner Taylor to approve the Consent Agenda Items as noted. **All in Favor: Motion Carried.**

Mayor Ashby's Report -

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

Commissioner Taylor -

Commissioner Taylor also bypassed his report due to the large agenda.

Commissioner Reich -

Commissioner Reich stated that his report will be on the website. He wanted to make note that he went to the Farmer's Market on Friday and commended Billy for the great job that he did on putting that together.

VA Update

Ms. Breder gave some information on a meeting that she and the Mayor had with the VA recently. HELP USA will be reaching out to us to give a presentation with information regarding Phase II of the village housing and they will be putting in 75 additional units. Their Water Treatment Plant is on-line, and they are re-scoping the community living center that they are going to build that is tied in with the bridge. They are reducing the number of beds and changing the layout from a family style layout to more of a hospital style layout.

Town Administrator Report - Denise Breder

Ms. Breder reported that the bond bill for the Pennsylvania Railroad sign that is going to be constructed at Lower Ferry Park was approved by the Board of Public Works for the State of MD. Also, in the Governor's budget was \$140,000 toward the Station 16 water tie-in project for the water at Station 16 located next to I-95 that was approved; however, we do not have all the information from the State on that yet. The Community Garden is well underway, and we have two plots that are presently being used and one more that is in process and there are a couple more available. For anyone interested in doing the Community Garden, it is located by the boat ramp and the information is on our website.

Commissioner Linkey arrived at this point of the meeting.

Treasurer's Report - Debra Laubach

Ms. Laubach stated that her full report will be on the website.

Outreach Report - Danielle Hemling

Trey, a member from the Outreach Program reported on their behalf. The members spent some time at the United Methodist Church as both of our buildings were under construction this month. Thanks to the hard work of many contractors and our DPW Department we were able to get our building on Otsego St up and running again. We will start mold remediation on the building on Elm St. May 13th. We have partnered

with the elementary school to start an afternoon transportation program for our members. We hope to implement the program at the middle school as well. We participated in River Sweep this month! This is an annual tradition for us, and we enjoy it very much. Jane Bellmyer visited us again this month to do a salt painting project with our members. We had an Easter party on Saturday where we dyed eggs and made snacks. Our staff participated in Read Across America at the Elementary School. We took our older members on a field trip to the go cart track. They had a blast and so did our staff. As usual all members were required to do community service and have good attendance in the program. We had two movies and pizza nights this month with our members. We watched Thor and Despicable Me 3. We received donation this month from our members, Local Girls Scouts, Perryville United Methodist Church, and some very special residents.

Ms. Hemling reported that there was an overall monthly attendance of 427 and 42 active members and they just received approval for a \$30,000 Grant from the Governors Office of Crime Prevention.

Commissioner Linkey wanted to report that Riversweep was well received and well attended and they were able to pick up 1,900 lbs. of trash and 720 lbs. of tires and she wanted to especially thank the Outreach participants and Conowingo Elementary because they have been coming every year. She is hoping that we can get Perryville Elementary and the Middle school involved because it is a really good program and we are hoping to have a town sweep some time in September and for them to be involved. She also wanted to thank DPW and Parks and Recs who were there to pick it up and take it to the dump.

Police Report - Chief Miller

Chief Miller stated that his full report will be on-line. He announced that this Thursday at 8:30 a.m. the Perryville Middle and Perryville Elementary schools will be hosting an ALICE training event. Chief Miller reported that Rustic Court residents had contacted him about a Neighborhood Watch Program which we are going to assist them with. We have hired a new Crossing Guard and Police Officer.

Commissioner Taylor questioned the jump that he saw in warnings that were issued compared to last month and what that was attributed to.

Chief Miller responded that they had received a lot of calls from Beacon Point residents regarding some issues that they had with stop sign violations, so we put a car out there at various times and in several other locations throughout town to address various traffic violations.

Commissioner Taylor inquired if now that we have gotten the State Highway Administration to put up no u-turn signs on Route 222 by the Royal Farms, if we have done any enforcement on that.

Chief Miller responded that they he has notified shift patrol officers and they should be out patrolling that area.

Mayor Ashby inquired if our new speed signs were up yet.

Chief Miller commented that they are not up yet, but he has talked to our DPW Supervisor who stated that his department can put them up, we do not have to hire a contractor.

Planning and Zoning - Dianna Battaglia

Ms. Battaglia reported that her entire report will be on the town's website. She wanted to remind everyone that a report on Rodgers Tavern is also included in the Planning and Zoning report. There will be a traveling exhibit at the Tavern called "The Many Faces of George Washington" from June 17, 2019-July 15, 2019.

Commissioner Taylor asked Ms. Battaglia if she had any updates on the Tiki Lee project, to which she did not.

Ms. Hickman responded that they had just received their demolition permit from the County last week.

Mayor Ashby asked what was going on with the outlet property.

Ms. Battaglia responded that the outlet property owners put in a request for rezoning, which was denied by the town and they have filed a Judicial review by the Circuit Court at Cecil County and all of the documents have been provided to the court and it is going through the process. She deferred to Mr. Sussman, the Town Attorney, for more information.

Mr. Sussman commented that the property owner's attorney probably had until the end of June to file a legal memorandum and then other parties will have a month after that to file any response. The property owners attorneys will have the final say and then that will get scheduled for a hearing in the Circuit Court probably sometime in the Fall.

From the Floor

Pat Stetina, from the Perryville Railroad Museum, wanted to thank the Chief for giving him a tour of the new Police Department last week. He also provided us with a donation to our museum, which was a wooden engine and tender. MARC is planning on replacing four windows in the Train Station. He does not have an exact start time yet, but it may cause the museum to be closed one weekend depending on when it gets started.

Kim Hadry, who resides at 1009 Frenchtown is concerned with vehicles and people that have been at the boat ramp vicinity late at night and with a recent incident

that occurred in which a woman was crying and appearing to be in distress asking for her to call 911 during what appeared to be an argument going on with a male subject. When she notified 911, she was told that the Cecil County Sheriff's Department was on patrol when Perryville was not on duty. A car did not show up until about a half hour later and the two had walked up the pathway and were gone by the time that the police arrived. She is getting very concerned with the activities that are going on behind her house and very seldom sees patrols in the area.

Chief Miller responded that his Police Department are on duty 24/7 every day, but he tells people to call 911, and they will dispatch accordingly to who is the closest police department available at that time. We have a Memorandum of Understanding with the Hatem Bridge police which gives us an additional 12 police officers if needed. He stated that she is more than welcome to call the station or stop by his office to talk to him about any other concerns that she has or leave her number with him.

Ms. Hadry indicated that people are starting to take advantage of that parking area in the back at the boat ramp at night and park in the area between the lights where they cannot be seen as well.

Mayor Ashby asked that they put an extra patrol in that area to keep this from happening.

Chief Miller thanked her for making us aware of this, he always asks if people see something that is not right to say something, so that they can address any issues that there may be.

Stephanie Cortez, who resides on Cecil Avenue extended, wanted an update on the status of stormwater management on their road.

Mayor Ashby deferred her to Denise or Dianna, and she responded that she already talked to them and has not gotten any new answers. Mayor Ashby then deferred her to our Town Attorney, Mr. Sussman.

Ms. Cortez commented that they have a serious water drainage issue coming from the road into her back yard and her neighbors' front yard. We do not have storm drains and are supposed to be privately owned but we have a water meter at the end of our street that everyone can connect into. The town is giving out permits to dig up our street to go to these new houses to be built and making upgrades in grading on properties without permits.

Ms. Breder stated the issue that she believes Mrs. Cortez is referring to is regarding another property owner on Aiken Avenue that was putting in a parking pad. Ms. Breder commented that as far as her having water on her property, that would be up to her to grade her property or take care of if you have water getting into your basement or something to that effect, you would need to take steps to remediate that problem. We

have had that with one of the town's properties with the Outreach Program, where we had to take steps to put in extra sump pumps and other things. If you have water on your property and your property is lower than the other properties, you would need to seek the process of getting grading or what you would need to do to fix your water issues. If you grade over 5,000 square feet you would need a permit, if it is under 5,000 square feet you don't. If you are putting in a driveway you need a permit. She stated that she can have one of her business cards and call her or set up an appointment with her if she wants to discuss this further.

Ms. Cortez inquired what is going to be done about Cecil Avenue, if it is part of the town or privately owned, and if so, why people are being allowed to tear it up.

Ms. Breder does not have an answer for that tonight, more information will follow as we get more information. A title search is in the draft budget for the next fiscal year, if needed, which is going to be voted on tonight. It appears that one of your neighbors has had some title work done, so we are waiting for that information.

New Business

Ethics Board Appointment

A request was made for the consideration of Tim Myers to be appointed to the Ethics Board.

Motion was made by Commissioner Taylor and seconded by Commissioner Reich to appoint Tim Myers to the Ethics Board. **All in Favor: Motion Carried**

Retainer Agreement for Opioid Lawsuit

Motion was made by Commissioner Reich that we join the retainer agreement for the Opioid Lawsuit and seconded by Commissioner Taylor. Discussion Ensued.

Commissioner Taylor asked if Mr. Sussman had reviewed this agreement and he responded that he had and provided some comments to the Town Administrator.

Ms. Breder responded that she did receive the comments and they were accepted by the Kane Law Group.

Commissioner Taylor responded that as he reads this his understanding is that there would be no circumstances that we would be required to outlay any funds for this legal action. He knows that in some states the winning party can't ask for legal costs from the other side, if that is the case does the law firm incur those fees.

Mr. Sussman responded that in his review of the agreement, the town would not be exposed at all to any of the expenses or fees. If there are any expenses, they would be recovered by the law firm out of any settlement or judgement.

Commissioner Taylor asked for clarification regarding the retainer fees and how it works.

Mr. Kane explained that how it works is that the more that they recover their fee goes down, so it starts at 25% and goes down to 5% of the total recovered.

The original motion was voted on. **All in Favor: Motion Carried.**

Chemical Bids for the Water and Wastewater Plants

Ms. Laubach commented that she had discussed these bids with both plant operators and the Supervisor and there were no issues with any of the vendors that submitted bids and recommended all the low bid vendors as submitted.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to accept the lowest bid for the chemical bids for FY 2020. **All in Favor: Motion Carried**

Resolution 2019-04 - FY 2020 Local Impact Budget Amendment

Ms. Laubach explained that this Resolution was introduced at a prior meeting and it is to reallocate expenditures paid by the Local Impact Fund, amending the original 3-year Local Impact Budget Resolution.

Motion was made by Commissioner Reich and seconded by Commissioner Taylor to approve Resolution 2019-04. **All in Favor: Motion Carried**

Ordinance 2019-11 FY 2020 Budget -

Ms. Laubach explained that his Ordinance is to adopt the FY 2020 budget, real and personal property tax rates for the taxable year beginning July 1, 2019 and ending June 30, 2020.

Motion was made by Commissioner Reich and seconded by Commissioner Taylor to approve Ordinance 2019-11 FY 2020 Budget. **All in Favor: Motion Carried.**

Resolution 2019-03 Sustainable Community Modification

Ms. Hickman commented that nothing has changed since the last meeting, this is just a change to the current boundaries to include a portion of Route 222 up to the High School and to the red light at St. Marks Church Road and the open space of Beacon Point.

Motion was made by Commissioner Linkey and seconded by Commissioner Taylor to approve Resolution 2019-03. **All in Favor: Motion Carried.**

Grant Modification Request for Chesapeake Feline

Ms. Hickman stated that she has Dawn and Donna from Chesapeake Feline here tonight if you had any questions. She announced that since the last meeting there has been one reimbursement made out of that grant, with a total of \$1,529, which is being deducted from the total award of \$4,900 taking them down to \$3,370 and some change and the modification would then be taken out of that leaving them a total of \$970.84 after the modification request amount. She stated that this was just a partial reimbursement, there are still going to be bills that are accounted in the original award that are still outstanding, such as waste management, water and sewer, and electricity for the rest of the season, and the \$970 is all that will be left to go toward those.

Commissioner Linkey asked if we still plan to go back and redo some of the grant programs.

Dawn Cowhey, a representative of Chesapeake Feline, commented that in the original grant request they put in for taxes, which do not come in until late July.

Commissioner Linkey questioned that it was for taxes.

Ms. Hickman explained that it is actually for their rent, they do not pay taxes.

Ms. Cowhey explained that since that does not come out until July and the grant ends then that portion would be appropriated to it. So, after a discussion with Dianna and Amanda, we determined that we would re-appropriate the amount of \$2,399.16, if you approve and move to other things that need to be done. The fence needs to be repaired and the landscaping needs to be done and the plants are being donated, that is just for labor to dig up the ground and get it prepped for the landscaping that is going in. There will be no money left when this is done, we are appropriating the additional money toward what was already approved, basically asking for a change of scope.

Commissioner Linkey commented that for future reference a lot of the daily operating expenses will no longer be covered in this grant once it is redone.

Motion was made by Commissioner Taylor and seconded by Commissioner Reich to approve the request for the Grant Modification request for Chesapeake Feline. **All in Favor: Motion Carried.**

Grant Extension for 239 Smith Lane

Motion was made by Commissioner Linkey and seconded by Commissioner Taylor to approve the Grant Extension request for 239 Smith Lane. **All in Favor: Motion Carried.**

Ordinance 2019-08- Utility Bill Adjustments

Ms. Breder stated that this Ordinance is an introduction for utility bill adjustments for the purpose of altering the criteria for providing certain adjustments to the Town water and sewer bills; and generally related to the adjustments of the Town water and sewer bills. Basically, it is stating that if a property owner has not had a repair completed within 30 days of when they received notice, they could jeopardize any abatement requests they may put in.

Ordinance 2019-09 Discharge in the Storm Drainage System

Ms. Breder stated that this is an introduction of an Ordinance concerning discharges into our stormwater drainage systems which we must regulate because of our MS4 permit requirements. It is for the purpose of regulating discharges into storm drainage systems in the Town; specifying certain prohibited practices and certain exemptions; prohibiting illicit discharges into the storm drainage system; providing for notices of violations; providing for penalties and remedies for violations; and generally related to discharges into storm sewers in the Town of Perryville. This will add Chapter 38, Sections 38-1 thru 38-7 to the Code of Perryville. Bruce Thompson, from KCI, who helped with getting this Ordinance written along with Mr. Sussman will be here at the Work Session to go over it in a little more detail of this Ordinance and the MS4 permit as a whole.

Ken Hadry inquired if that was going to be for the bridge that discharges all the water that just blows off it.

Commissioner Reich responded that anything that goes into our storm system must comply with our permit.

Mayor Ashby was under the impression with that being a State bridge that they remediate that.

Commissioner Reich responded that the Town and the State are collaborating with each other on the stormwater management, because there are some of their roads, such as Aiken Avenue and Route 222 that belong to the State.

Mr. Hadry commented that if you ever go under there you will see that it flows very freely from the bridge and goes right into the Susquehanna and the storm drains along Frenchtown road cannot take all of that.

Ms. Hadry inquired who is responsible for the storm drain that the train bridge leaks down into, it is oil coming down the wall and there is a drain right beside that bridge.

Ms. Breder believes that it is part of Norfolk Southern's storm drain system and we have been in contact with them about their storm drainage system, but this Ordinance is more about illicit discharges.

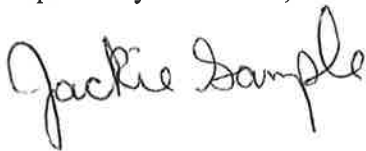
Mayor Ashby wanted to make note before closing as far as Economic and Community Development that between the Business Development Grants and the Revitalization Grants it has put over \$500,000 back into our community.

Commissioner Linkey wanted to remind everyone that next Tuesday is Election Day from 7 a.m.-7 p.m.

Motion was made by Commissioner Taylor and seconded by Commissioner Reich to adjourn the May 7, 2019 Town Meeting at 7:48 p.m. and go into a Closed Session under General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice regarding a letter received from another attorney and on Small Cell legislation after a 5-minute break.

All in Favor: Motion Carried.

Respectfully submitted,

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

Jackie Sample
Perryville Town Clerk

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

Location: Town Hall Date: 5/7/19 Time: 7:48p.m.
Motion By: Taylor Seconded By: Reich

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 obtain legal advice on a letter received from another Attorney.



Signature of Presiding Officer

**Statement Regarding April 2, 2019 Closed Meeting for Inclusion in Minutes of
May 7, 2019 Town Meeting**

On April 2, 2019, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:02 p.m. at the Town Hall meeting room in accordance with 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. In addition to the Mayor Ashby, Commissioners, Linkey, Ryan, Taylor, the Town Administrator, Denise Breder, Financial Director: Debra Laubach, Jackie Sample, and Town Attorney: Fred Sussman attended the entire closed session. Planning and Zoning Director: Dianna Battaglia, Commissioner Reich and Paul Beane, representing Waste Management Sector Sales Representatives also were in attendance but not the entire time. The Waste Management negotiations were the first topic and no motions were made on that; Mr. Beane left after that was discussed. The next topic discussed was a Petition for Judicial Review filed by a developer. **Motion** was made by Commissioner Taylor and seconded by Commissioner Linkey to authorize Mr. Sussman to file a request a motion to intervene in the Circuit Court to become a party to Judicial review. Ms. Battaglia and Commissioner Reich left at this point. The next topic was 1444 Perryville Road, and a request for reimbursement for costs involved with repairing damage to their property.

Motion was made by Mayor Ashby and seconded by Commissioner Linkey to adjourn the Closed Session at 8:55 p.m. **All in Favor: Motion Carried.**