

**Town of Perryville
Town Meeting Minutes
December 3, 2019**

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

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

The Town Meeting was called to order at 7:25 p.m. by Mayor Ashby.

Pledge of Allegiance

Approval of the Town Meeting Agenda

Motion was made by Commissioner Taylor and seconded by Commissioner Reich to approve the December 3, 2019 Town Meeting agenda. **All in Favor: Motion Carried.**

Consent Agenda Items: Motion was made by Commissioner Taylor and seconded by Commissioner Reich to approve the Consent Agenda items as written, which include the November 5, 2019 Town Meeting minutes, and the November 19, 2019 Work Session minutes, **All in Favor: Motion Carried.**

Commissioner Reich's Report -

Commissioner Reich reported that the Planning Commission work of the last month is posted on the website, we did not have a Planning Commission meeting, so he does not have anything to say about that.

Commissioner Taylor's Report -

Commissioner Taylor reported that both plants were in compliance for the month of October and November 2019, with November lab results received to date.

Commissioner Snelling's Report -

Commissioner Snelling reported that the Public Works and the Park position closed on November 22, 2019 and we will be setting up interviews. Cathy is continuing to work with IT to get faster internet service and purchasing space on the Cloud for Edmunds system to support our Information Systems Contingency Plan. Copies of the Emergency Manual have been completed and will be sent out to the Mayor and Commissioners and Department heads.

Commissioner Linkey's Report -

Commissioner Linkey wanted to thank the staff for the beautiful Holiday decorations and DPW for putting them up.

Commissioner Taylor wanted to congratulate the Perryville High School Football Team for reaching the quarter finals this year.

Mayor Ashby's Report -

Mayor Ashby reported that he had a busy month of meetings. He attended the LSHG meeting, a meeting with Rustic Court HOA, met with the Little League two times, the First Responders meeting, Local Business meeting, meeting with Senator Gallion, meeting with officials of Havre De Grace, meeting with the 5th Company Brewing, and a developer looking at the Woodlands, and community outreach.

FY 2019 Audit Presentation – Barbacane, Thornton & Company, LLP

Tim Sawyer presented the Audit Summary Report for FY 2019. They issued an unmodified opinion regarding the governmental activities, the business type activities, each major fund, and the aggregate fund information. Internal control systems surrounding the processing of transactions (cash receipts, cash disbursements, and payroll) are designed and operating effectively. There were no significant difficulties encountered during the audit and no new accounting standards implemented during the year, no uncorrected misstatements, no material weaknesses or significant deficiencies in internal controls, and no fraud or illegal acts discovered.

Mayor Ashby announced that the Perryville Elementary School PTO President was not going to be here tonight. He announced that Troop 555 out of Port Deposit with the Scoutmaster David in attendance tonight, he asked that they stand to be recognized, two of them are here for their communications badge, Michael and Ellis and five were present for their citizenship in the community badge, who are Connor, Seth, Tristan, Hunter, and Ryan.

Town Administrators Report - Denise Breder

Ms. Breder announced that the entire report will be on-line for those that want to read it, and she highlighted items from her full report. Ms. Breder reported that we are going to have to have some easements prepared to access private property for the sewer improvement project that we are having done. This will require hiring a surveyor to get some metes and bounds and legal description prepared for the easement area. Our Green Team meeting is here at 5:30 on January 8th.

Commissioner Linkey also wanted to remind everyone since the holidays are coming and if you do use your batteries, that we have battery recycling boxes both up here and downstairs.

Treasurer's Report - Debra Laubach

Ms. Laubach reported that her total report will be available on-line. Ms. Laubach reported that this month they finished up with the audit changes and put the necessary adjustments in as needed and the financials to date. We are continuing with our training for our staff through the Library. She is trying to restructure the financial information that are given every month and would appreciate any feedback from the board on what they would like to see on there.

Outreach Report - Danielle Hemling

Ms. Hemling reported that the overall monthly attendance was 580, active members were 87, number of new referrals were 0, number of new members were 5, total number of meals provided was 338.

Announcements

Ms. Hemling reported that we have started our Annual Thanksgiving and Christmas food drive as well as our Adopt a Child Christmas Toy Drive. We fed 31 families Thanksgiving dinners and are trying to fill 39 more Christmas dinner requests. We are adopting 142 children this Christmas for our toy drive. Thank you to those who have already signed up to help. Special thanks to our area churches who have adopted families for both food and toys. We still have children who need adopting for Christmas so please let us know if you can help! Our members participated in Town Sweep this month and had a blast cleaning up their community. Members have continued their lessons at the Rolling Hills Therapeutic Riding program and are having a great time. We attended the Therapeutic Riding Program annual fundraiser and the food was delicious. Thank you to our Mayor and Commissioners for support a program that has given us so much! This month we started our CATCH program that we get a \$1,000 grant for, this is the E- cigarette prevention program we receive grant money to perform with our Middle and High School children. As a reward for all the great work done this month, our members were treated with a trip to Main Event for a day of fun activities and relaxation. Mrs. Jane stopped by for some Thanksgiving crafts as well! Thanks to our continued help from our new volunteer staff, we could not help as many children as we do it if was not for you. Special thanks to Jane Bellmyer, Lynn Trumminello, Justin Wilson, Dashawn Marks, and Tammy Woodward.

Following the theme of October, we were given lots of "treats" this month from members of the community. We received donations from Ms. Marilyn and Good Sheppard Church, Tammy Woodard, the American Legion, Principio United Methodist Church, Lynn Trumminello, as well as other anonymous donors.

To stay updated on all activities, events, and donation information, please go over to Facebook and give our page a like: [facebook.com/PPDOP](https://www.facebook.com/PPDOP). There you can find our monthly schedule, events, and any activities we are currently up to.

Commissioner Reich asked when they would like to have the donations for the Christmas dinners in by.

Ms. Hemling responded that they plan on handing them out the week of the 16th so they would like to have them as well as the presents in by the 16th. We have 10 turkeys right now and a ham. She wanted to give a special thanks to Holly and the American Legion who donated 17 turkeys to us for Thanksgiving.

Police Report - Police Chief Al Miller

Chief Miller reported that the full police report will be on-line. Next month he will have a pie chart available for them with our trends and stats. Chief Miller wanted to commend the Police Administrative Assistant Kim Crew, Officer Leas and Officer Morgan who were recognized for their great work with the annual awards ceremony at the Rising Sun Fire Company this year. Outreach filled a police car for an event today from 3-5 p.m. for people to stop by and donate toys and gifts for Christmas.

Planning and Zoning Staff Report - Dianna Battaglia

Ms. Battaglia stated that her full report will be on the website. She wanted to remind everyone that Saturday is our Christmas event from 2-6, she encouraged everyone to come out and enjoy the festivities, all starting with a parade. The festivities start at the Perryville Fire Company who are sponsoring a Breakfast with Santa from 11-2 p.m. The parade will start at the Firehouse and proceed on Broad Street to Lower Ferry Park.

From the Floor

There were no comments from the floor.

Old Business

Charter Amendment Resolution 2019-01 Write in Candidates

Ms. Breder stated that we just had the Public Hearing regarding this Charter Amendment Resolution and you can decide whether you choose to take action and pass it or choose not to.

Commissioner Taylor asked what the differences were between this Charter Amendment for write-in-candidates, and the Ordinance that is under new business for write-in-candidates.

Ms. Breder responded that the Charter Amendment amends the Town Charter, but the Ordinance amends the Town Code, and the Town Code has two sections in it that that would need to be amended if you adopt this Charter Amendment Resolution, which would be Chapter 2 Elections and Election Districts, Section 2-1 and Chapter 8 Financial Disclosure and Ethics Section 8-5A.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve Charter Amendment 2019-01 regarding Write-in-Candidates. **3 in Favor, 2 nay** (Commissioner Taylor, Mayor Ashby), **Motion Carried.**

New Business

Enterprise Car Lease Program - Debra Laubach

Ms. Laubach presented a request from Enterprise Fleet Management for the Mayor and Commissioners to consider entering into one or more equity lease with Enterprise Fleet Management for town vehicles, contingent upon the Town's Attorney review and approval of the final lease documents drafted by Enterprise Fleet Management. The implementation of the program would be based on the Town Administrator and department heads evaluation of their vehicle equipment. She has been working with representatives from Enterprise Fleet this past month to get additional documents to see just what is involved if we move forward with them. Ms. Laubach had emailed a copy of the master lease to the Mayor and Commissioners and Mr. Sussman and after doing so, Mr. Sussman and I were concerned that it was not very clear on how we would get out of the lease if we went into an early termination. She went back to the management company and they were willing to amend it the way that we would need it to be worded. An equity lease is set up so that when you are paying for the property, the vehicle itself, you are building up equity. When you dispose of it there is a residual value that has not been paid to the lessor which would be Enterprise Fleet, if they go to sell it and it is worth more than what that value is that we still owe them, then we get that money, if it is less than the value, we would pay them the difference. They did send us back an amendment to the master lease along with a red lined version showing us where the changes are and how that would change the master lease agreement. It basically states that we have the option to take over ownership at the end of the lease term and whatever the differences are would be accounted for at that time. She forwarded the proposed amendments that she received late this afternoon to our Attorney who still had some concerns that we wanted to tweak, and they were still agreeable to change it around a bit. They provided some examples of their pricing, their manufacturers suggested listing is a special discounted Governmental rate, she explained their pricing and what the options are and potential fees or mileage overage charges if we chose to go with their maintenance plan.

Commissioner Reich asked how they would know what the cost of maintenance would be if we were doing it.

Ms. Laubach responded that Ritchie would be entering in any maintenance that he does and the cost of labor, we would have the records to keep our warranty intact.

Commissioner Reich responded that Ms. Laubach really hasn't given us a recommendation.

Ms. Laubach responded that her recommendation would be to move forward with it, we have no long-term commitment other than finish out whatever we sign for. She would like to at least see us try with the two Police vehicles that we had in the budget this year to save us some substantial cash flow and closely monitor it. She explained the process if we were to do early termination per Commissioner Linkey's request.

Motion was made by Commissioner Reich and seconded by Commissioner Taylor to enter into the lease agreement with Enterprise Car after the Town's lawyer has made sure all of the lease agreements are the way they should be. **4 in Favor, 1 nay** (Commissioner Linkey). **Motion Carried.**

Water Bill Abatement Request for 708 Susquehanna Avenue - Tara Blevins

Ms. Blevins stated that back in August there was a leak behind the area between 708 and 712 Susquehanna Avenue and the lines are required to be put in the front because we do not know how they were hooked up in the back. 712 Susquehanna was capped off and were required to hook up out front. 708 Susquehanna received their water bill and the usage was very high at 106,170 gallons, so that is where we are thinking the water went through for the leak that was happening behind the houses. An abatement is being requested for that bill and were requested to have them hook up in the front.

Mayor Ashby asked for confirmation that they were informed that they would have to run the lines from the back of the house to the front of the house and that this abatement money was going to help find that to make sure that it has been done that way, Ms. Blevins responded that they were.

Commissioner Taylor asked how much their bill was.

Ms. Blevins said it was \$2,232.70, and the quarter before was \$274.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve the abatement request for 708 Susquehanna Avenue. **All in Favor: Motion Carried.**

Subdivision Fee Waiver Request for 602 Richmond Street - Dianna Battaglia

Ms. Battaglia stated that there was a subdivision fee paid for 602 Richmond Street for reconfiguration of plat lines for two properties, and engineering and surveys were done and a Planning Commission meeting was held for review of the preliminary subdivision plat, and ultimately the subdivision plan did not go through. The property owner is requesting a refund of the subdivision fee that they paid.

Commissioner Linkey asked for clarification of what he paid, to which Ms. Battaglia responded that he paid the \$1,000 fee, plus whatever cost that he paid for the engineering and the survey. She put in the staff time that was spent on it, we did not have any outside cost related as far as advertising or the full review, so she estimated that cost to be around \$400.

Commissioner Snelling suggested refunding the fee paid minus the staff cost of \$400 that they put into it, refunding \$600.

Motion was made by Commissioner Snelling and seconded by Commissioner Linkey to grant the refund of \$600, less the \$400 of the staff work that had been done. **Four in Favor: 1 nay** (Commissioner Reich) **Motion Carried.**

Landlord-Tenant Board Appointments - Dianna Battaglia

Ms. Battaglia responded that we received applications from town residents for our volunteer boards, one was specifically requested the Landlord/Tenant board and the other applicant had a variety of boards. We need members of the Landlord/Tenant board, so she is requesting that we choose to vote for both to serve on the Landlord/Tenant board.

Commissioner Taylor inquired if it is for the Landlord or the Tenant.

Ms. Battaglia responded that the code is specific in that one must be a landlord, and one a tenant, and one must be a resident.

Commissioner Taylor inquired if you currently have any members, to which Ms. Battaglia responded that they do not.

The board asked which positions they would be filling.

Ms. Battaglia responded that it would be the resident and the tenant positions.

Motion was made by Commissioner Linkey and seconded by Commissioner Taylor to appoint Casey Hall and Julie Rachel to the Landlord/Tenant Board. **All in Favor: Motion Carried.**

Grant Recommendations - Dianna Battaglia

501(c) Grant Request for American Legion Post 135

Ms. Battaglia reported that the Grant Committee reviewed the Grant Request application for The American Legion Post 135 requesting funding to replace tile at the walkway entrance and made the recommendation to approve a portion of the cost for the grant request.

Motion was made by Commissioner Reich and seconded by Commissioner Linkey to approve the 501 (c) Grant Request for the American Legion Post 135. **All in Favor: Motion Carried.**

Revitalization Grant Request

Ms. Battaglia reported that there were some leftover funds from the Revitalization Grant Program and that amount was recommended to use toward the siding for 620 Otsego Street.

Motion was made by Commissioner Linkey and seconded by Commissioner Taylor to approve the Revitalization Grant Request for 620 Otsego Street. **All in Favor: Motion Carried.**

MD Department of Planning and Historical Trust Grant

Ms. Battaglia stated that we had received a letter from the MD Department of Planning Historical Trust that we were awarded a Grant for solar lights at Lower Ferry Park and the letter was sent with an agreement that required it to be signed within 30 days and returned to them to process. In the matter of time to get that back to them, the State had not awarded it for 8 months, causing a long delay from when it was applied for and now, they need it back within 30 days. In order to accommodate this the Mayor went ahead and signed it and it was sent back and was sent to all of you to review and give a heads up that this was done.

Commissioner Linkey inquired what kind of solar lights they were.

Ms. Battaglia responded that we are looking more for pathway lighting so that they will not be large, they will be closer to the sidewalk so that you can find the path.

Ms. Breder responded that if you don't confirm the grant then we can reject it.

Motion was made by Commissioner Linkey and seconded by Commissioner Reich to approve the MD Department of Planning and Historical Trust Grant Agreement for the project Light the Night for Lower Ferry Park. **All in Favor: Motion Carried.**

Ordinance 2019-19 Write -In-Voting

Ms. Breder stated that Ordinance 2019-19 is a companion Ordinance to Charter Amendment 2019-01 that you just voted on. The first is Chapter 2 Election and Election Districts. This Ordinance will make it clear in the Code that voters may not write on their ballot the name of any person other than printed on the ballot, and should any person write in a name on the ballot anyway that write-in-vote will not be counted. It also would amend Chapter 8, Financial Disclosure and Ethics. This Ordinance repeals section 8-5A of the chapter, which spells out the procedure for completing the financial disclosure statement that candidates elected through the write-in-process must comply with in order to take office. All candidates for elected office must file a financial disclosure statement. Candidates that file a certificate of nomination must submit their statement prior to the election and those elected by write-in must file the statement within a set time after the election in order to take office. If Charter Amendment 2019-01 is approved, then the recommendation is to approve Ordinance 2019-19 Write-in-voting. She read the introductory paragraph of Ordinance 2019-19 which will be voted on at a Special Meeting at the next Work Session and will become effective when Charter Amendment Resolution 2019-01 Write-in-Voting becomes effective.

Charter Amendments

Charter Amendment Resolution 2020-01 Term Transitions

Ms. Breder stated that Charter Amendment Resolution 2020-01 is to consider a Charter Amendment to change the terms of the Mayor and Commissioners to 3 years and to change the voting cycle. Ms. Breder stated that the Town Charter is the document by which the Town was founded, and its rights and authorities defined. In 2010 the Town undertook a full review of the charter; some changes were implemented, and some were not. At that time there was discussion of changing terms to 3 years or 4 years but due to lack of agreement on what changes were wanted, no changes were made to the term lengths. This particular Resolution would make term lengths 3 years, presently the Mayor and Commissioners are currently on 2-year terms and an Election is held every year. The Elections are staggered, so that one year the Mayor and 2 Commissioners are elected and the next year the other 2 Commissioners are elected with the cycle repeating itself. This proposal extends the term of the office for the Mayor and Commissioners to 3 years, Elections will still be held every year and the terms will be staggered. However, under this proposal the Mayor will be elected 1 year, two Commissioners the next year and the other two Commissioners following year, and the cycle would repeat with the Election of

the Mayor. In order to transition to the 3-year staggered terms described, the proposal is to extend the current Mayor's term by 1 year, the next Election for the Mayor would be in 2021 and the term would be 3 years until 2024. The Commissioner seats that were elected in 2018 or appointed to fill a vacancy left by a Commissioner elected in 2018 would have their seats up for re-election in 2020 and the term would be for 3 years until 2023. The Commissioners that were elected in 2019 would have their terms extended by 1 year until 2022, and their seats would be up for Election in 2022 for a 3-year term until 2025.

Ms. Breder commented that we would have to follow the legal process, we would have the Public Hearing on January 7, 2020 before the Town Meeting and it will be advertised 21 days prior to the Public Hearing in the local paper along with social media. Ms. Breder read the introductory paragraph of Charter Amendment Resolution 2020-01.

Charter Amendment Resolution 2020-02 No Challenger Elections

Ms. Breder commented that this is to consider an amendment to the Charter that no Election would be held on any given year if there is only one qualified candidate that files a certificate of nomination for Mayor and if the number of qualified candidates who file a certificate of nomination for Commissioner is less than or equal to the number of Commissioners to be elected for office. The cost to have an Election is approximately \$3,000. If the Charter Amendment to prohibit write-in-voting becomes effective, the Mayor and Commissioners may also consider changing the Charter so that if there are no challengers then there will be no Election. Ms. Breder read the introductory paragraph of Charter Amendment Resolution 2020-02. This will be the same Public Hearing date of January 7, 2020 with the same advertising requirements.

Commissioner Linkey asked the Boy Scouts that were present if they had any questions on anything that we have discussed tonight.

Michael Phillips, one of the Boy Scout members, asked for a little overview of the last item they discussed, Charter Amendment 2020-02 No Challenger Election.

Commissioner Taylor responded that if there is an Election and there are two Commissioner seats up for Election, and only two people are running for office, if this Charter Amendment goes through there would be no Election, because it was uncontested and they would be declared the winners.

A resident inquired since they are looking to do 3-year term limit if it gets approved, if a Commissioner can run for Mayor, if it's between their term.

Mayor Ashby and some of the other board members responded that they can, that was also one of the reasons for proposing the 3-year term.

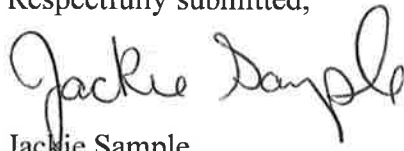
Another person from the audience asked if another alternative to Charter Amendment 2020-01 to still have the Election in 2020, but possibly just a 1 year term for the Mayor seat, then the other ones would be a 3 year term, that way you are not getting an extended term.

Commissioner Taylor responded that if you do it that way and a new Mayor gets elected that gives them no time at all to get up to speed on everything that is going on and he does not think that would be a good idea for the Town.

Ms. Breder responded that this was discussed at a Work Session as well and we did talk about many other ways to do it and the board felt that this was the best one to present for the Charter Amendment.

Motion was made by Commissioner Reich and seconded by Commissioner Taylor to adjourn the December 3, 2019 Town Meeting at 8:32 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Jackie Sample". The signature is written in dark ink and is positioned above the printed name and title.

Jackie Sample
Perryville Town Clerk