

**Town of Perryville
Town Meeting Minutes
July 7, 2020**

ATTENDANCE: Mayor: Robert R. Ashby Jr., Commissioners: Robert Taylor, Timothy Snelling and Christina Aldridge, Assistant Town Administrator: Cathy McCardell, Planning and Zoning Director: Dianna Battaglia, Police Lieutenant; Robert Nitz, Town Clerk: Jackie Sample, Town Attorney: Fred Sussman.

Remote Participation: Town Administrator: Denise Breder, Finance Director: Debra Laubach.

Absent: Commissioner Linkey

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 7:05 p.m. by Mayor Ashby.

There was a brief delay in the beginning of the meeting due to the webinar service timing not in sync with ours, so it was not live yet.

Pledge of Allegiance

Mayor Ashby stated that we may have remote participation from Commissioner Linkey at some point but that she is not on-line presently.

Approval of the Town Meeting Agenda

Motion was made by Commissioner Taylor and seconded by Commissioner Aldridge to approve the Agenda as written. **All in Favor: Motion Carried.**

Approval of the Consent Agenda Items

Motion was made by Commissioner Taylor and seconded by Commissioner Snelling to approve the June 2nd Town Meeting Minutes as written. **All in Favor: Motion Carried.**

Motion was made by Commissioner Taylor and seconded by Commissioner Aldridge to approve the June 16th Work Session Minutes as written. **All in Favor: Motion Carried.**

Commissioner Reports

Commissioner Taylor's Report –

Commissioner Taylor reported that we are in full compliance with the NPDES Discharge Permit at both the Water and Wastewater Plants tests to date. A water valve is being replaced under warranty. There were some issues with cloudy water throughout town and in speaking to

Aaron, he stated that we are overdue with the hydrant flushing due to the recent cutbacks in staffing and hours.

Ms. McCardell responded that she spoke to Aaron today and he plans on getting that together so that it can be advertised when it is to be done.

Commissioner Snelling's Report -

Commissioner Snelling reported that he attended the Virtual Planning Commission Meeting on June 15th, three new Planning Commission members, Julie Rachel, Tim Myers, and Jim Baxendell were introduced. Last month, he along with the Planning and Zoning Director, Ms. Battaglia and Mayor Ashby met Greg, the supervisor at Lee's Marina. Greg answered some questions about an area near the compost that had been used in the past as a dumping ground and he is wanting to get it cleaned up and he was advised to submit a plan. Commissioner Snelling met with Ms. Battaglia yesterday regarding some planning issues and we determined that we will meet once a month.

Commissioner Aldridge's Report -

Commissioner Aldridge reported that in response to COVID-19 safety measurements the plexiglass has been installed at the front counter, the vent cleaning has been completed, and the front door new system was installed July 6th at the Town Hall office. The new caseworker has been hired and officially started yesterday. The Code Enforcement position is still open and the job description is being worked on. The CCR report regarding the Water Quality results for 2019 was mailed out on June 26th and the advertisement for the CCR report was on June 24th.

Mayor Ashby stated that former Commissioner Pete Reich was here to address the town and give his thanks and goodbye.

Former Commissioner Reich thanked the Mayor for allowing him to speak tonight. He stated that the Mayor had taken his resignation over the phone because he was under quarantine for twenty some days, so he has brought his official letter. He thanked Commissioner Taylor for his kind words. He was happy with all of the people that showed up for the Election. He wanted to thank all of the employees of the town for their hard work and dedication to the town and all of the residents that elected him onto office and for allowing him to serve the past few years. He would like the town to continue with what he was working on trying to accomplish by getting the word out to people to sign up and provide their email information to be included on any important updates that the town may have. He still intends to stay involved in the town, initially through outreach, but if the Mayor has any board or commissions that he thinks he could serve on he would be more than happy to do that.

Ms. McCardell stated that she has an opening on Ethics.

Former Commissioner Reich responded that he would be open to that, to send him what he needs to fill out. He would like to stay involved with the Outreach Program and volunteered to help run the Golf Tournament, whether it be in October, or put it off until April of next year.

Mayor Ashby deferred to Lieutenant Nitz, who stated that there was a discussion about that earlier and that due to the corona virus that more than likely it will be April of next year.

Former Commissioner Reich once again thanked the Mayor and the board.

Mayor's Report -

Mayor Ashby reported that there have been numerous phone call meetings that he has been a part of since the coronavirus. He provided a report that provides an overview of some of the highlights of his first two years in Perryville as the Mayor. The coronavirus pandemic has interrupted most of our daily lives and we have had to make adjustments. The business of running the town has continued without interruption, but a multitude of cost reductions had to be implemented. He stated that he has learned a lot about how things work in the town and applied his business knowledge for all of his decisions he has made throughout the years. Investment in infrastructure remains high on the priority list for repairs and improvements, together with long-range plans for the future. He remains excited by the new development proceeding through the site plan process and anticipate many projects will start construction in 2020. Great Wolf Lodge has received site plan approvals and are working on their financing and building packages to bring a vacation destination to Perryville. We are waiting for the ground-breaking ceremony to be scheduled soon... stay tuned. The Little League ballfield with concession building was completed and everyone is looking forward to opening day. Another priority of his during his tenure has been bringing visibility to the town by the Susquehanna River. Redevelopment of the marina docks will bring boaters from other regions of Maryland to visit and see what we have to offer. Rodgers Tavern, a waterfront restaurant, the microbrewery, and community events will provide much to do for residents and visitors. Opening new businesses and creating local jobs are great for our economy but he doesn't want to lose sight of our town as a great place to call home. Planning and complementing new uses with existing uses is a balancing act to ensure the right things are put in the right places, and not lose sight of who we are as a whole. He is also paying particular attention to the town's infrastructure to keep water and sewer lines, storm drains and roads functioning properly by maintaining and improving when necessary. He is excited by all of these plans and will continue working hard to see that new and positive development comes to our town.

Ms. Breder was having some issues with hearing through the phone system, so they redialed in at that point.

Town Administrators Report - Denise Breder

Ms. Breder reported that we finally received the contract approval letter from the State of Maryland for the contractor to construct a Pennsylvania Railroad Monument Sign, which is now substantially complete. In regard to the Fire Station 16 water tie-in, she along with Ralph Ryan have had several emails with Charles Huester of USDA regarding the ECWAG Grant application submitted. We have replied to those emails to provide clarifications and updates to the application as requested by USDA. As of now, we are just waiting to find out if the USDA funding has been approved. Ralph Ryan prepared an RFP for survey services so that Perryville can get Metes and Bounds and Legal Descriptions for the needed easements. After the bidding process was complete the contract was awarded to Stephens Environmental. We are working on the fiscal year 21

contract with KCI for the MS4 permit, which will be forthcoming in the next few days. Our triathlon agreement expired, this year is the last year for it, so a revised agreement has been sent to Fred Sussman for review and he has already provided comments on it. It will be a multi-year agreement for the next five years and will be put on a Work Session agenda for consideration and Town Meeting for approval. There has also been a lot of work on the coronavirus response. The rest of the report will be available on-line, she asked if anyone had any questions.

Commissioner Taylor noted that in her report he read that she had received an update from Mr. Kane regarding the opioid lawsuit, he asked if she could provide any more detail on that.

Ms. Breder responded that he really did not provide a lot of detail but that more information was forthcoming.

Treasurer's Report - Debra Laubach

Ms. Laubach reported that her full report will be on-line but she wanted to highlight a few things. Our boat ramp honor box has really taken off this year since the quarantine and doubled from what we had the year before. A preliminary year end closing was done in the Finance Department. In reviewing the worksheets as an estimate when we look at our projected revenue shortfalls and our expenditure savings, we try to determine whether it was true savings or just a timing delay. If it is a timing delay, the expenditure will probably have to be brought into the FY21 budget with a Budget Amendment Ordinance. It appears that at this point we are almost at a break even point. We did receive our last payment for the partial month of March when the casinos were still open, the amount was \$56,899.34. The Auditors are expected to be here on the 10th of this month for their pre-audit meeting and they will be back the last week in August to perform their on-site audit report. The LGIT Insurance Policy for FY21 was renewed and we are continuing to document expenses related to COVID-19.

Planning and Zoning Report - Dianna Battaglia

Ms. Battaglia stated that her report will be on line and she does not really have anything to highlight other than the Farmers Market at Lower Ferry Park is held every Friday from 3-6 p.m., and the 1st and 3rd Fridays from 5-8 p.m. a Car Cruise at Lower Ferry Park. We hope for that event to grow.

Police Report- Written Report Only

Engineers Report -Written Report Only

From the Floor - remote questions

Former Commissioner Pete Reich asked if we can give an explanation for the MOU with the Rising Sun Police Department when it comes up on the agenda.

Ms. Breder stated that there was a comment from earlier from Julie Rachel thanking Mr. Reich for his service to the town.

Ms. Breder stated that Ms. Kim Williams wanted to say something, however, was unable to unmute, so she asked her to type in her question to recite.

Ms. Breder stated that Ms. Williams typed that it was not a question it was a comment to make sure that the town is doing all that it can do to ensure equitable treatment of all residents and in governing those who exercise their right to Freedom of Speech peacefully as they did this past weekend.

Mayor Ashby responded that he is in agreement with everybody's First Amendment rights for a peaceful right to assemble, and he thanked her for her comment. Mayor Ashby asked if there were any other comments, to which Ms. Breder responded that there was not.

New Business

98 Mill Creek Road Water and Sewer Abatement Request - Cathy McCardell

Ms. McCardell stated that DPW was actually out today reading meters and we got Ms. Ruff's reading back today from them on what her usage is and what her bill would be for the quarter, which would be \$683.63, and the recommendation was to charge her the same amount for the last quarter.

Mayor Ashby asked if Ms. Ruff was on the line, which Ms. Breder responded that she was not.

Mayor Ashby asked what the amount of the abatement would be.

Ms. McCardell stated that she was billed \$6,064.25, so the adjustment would be \$5,380.62.

Motion was made by Commissioner Taylor and seconded by Commissioner Snelling to abate \$5,380.62 which leaves the total of \$683.63. **Roll Call Vote:** Commissioner Taylor: Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye. **All in Favor: Motion Carried.**

Emergency Ordinance 2020-06 – Mutual Aid Agreement between the Perryville Police Department and the Rising Sun Police Department.- Introduction

Former Commissioner Reich inquired what the reasoning was for this MOU in general and why with Rising Sun and not with Northeast or Port Deposit Police Departments.

Lieutenant Nitz responded that we do a good bit of firearm and other training with Rising Sun Police Department and there are times we are called to assist them with certain investigations that they are doing and likewise with us. This is just a step to make sure that we are legally covered if we have to take any kind of action.

Mayor Ashby noted that we were going to add the Town of Northeast to his but the Police Chief was in the process of retiring so we will more than likely be doing one with Northeast at some point when a new Police Chief is hired, we do have an MOU with the County.

Lieutenant Nitz stated that we do have one with the Sheriff's Office and the State Police too.

Commissioner Snelling asked for confirmation that we also have one with the Toll Facility Police as well, which Lieutenant Nitz stated that we do.

Commissioner Taylor read the introductory paragraph of Emergency Ordinance 2020-06 regarding a Mutual Aid Agreement between the Perryville Police Department and the Rising Sun Police Department on behalf of the Mayor as follows:

This is an Emergency Ordinance for the purpose of approving a Law Enforcement Mutual Aid Agreement between the Town of Perryville and the Rising Sun Police Department; waiving certain requirements for the adoption of this Emergency Ordinance; and generally related to providing certain authorization to Perryville Police Department law enforcement officers to exercise powers outside the corporate limits of the Town of Perryville.

Motion was made by Commissioner Taylor and seconded by Commissioner Aldridge to waive the prohibition in Section C4-1 of the Town Charter against passing an ordinance at the meeting at which it is introduced so that the Board may vote on Ordinance 2020-06 tonight as an Emergency Ordinance. **Roll Call Vote:** Commissioner Taylor: Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye. **All in Favor: Motion Carried.**

Motion was made by Commissioner Taylor and seconded by Commissioner Snelling to adopt Ordinance 2020-06 a Law Enforcement Mutual Aid Ordinance. **Roll Call Vote:** Commissioner Taylor: Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye. **All in Favor: Motion Carried.**

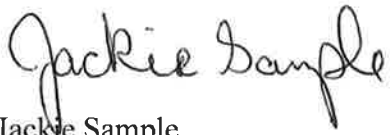
FY21 Budget and Services - Ms. Breder

Ms. Breder's recommendation was that we do not rehire the part-time employees right now and that we do some restructuring with the Planning and Zoning Department and that we cut the Highway User Capital road budget, resume with the full time work with the current employees, until we get a clearer picture of the revenues impact.

Motion was made by Commissioner Taylor and seconded by Commissioner Aldridge to adjourn the July 7, 2020 Town Meeting at 7:52 p.m. and go into a Closed Session after a 10 minute break to discuss 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; (7) To consult with counsel to obtain legal advice; (8) To consult with staff, consultants, or other individuals about pending or potential litigation: To discuss compensation and other issues that affect specific employees and all employees, to consult with counsel to obtain legal advice on a property dispute issue, to consult with staff regarding pending or potential property dispute litigation. **Roll Call Vote:** Commissioner Snelling, Aye, Commissioner Taylor, Aye, Commissioner Aldridge, Aye, Mayor Ashby, Aye. **All in Favor: Motion Carried.**

Town Meeting Minutes
July 7, 2020

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

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

Location: Town Hall Date: 7/7/2020 Time: 7:52 p.m.
Motion By: Taylor Seconded By: Aldridge

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commissioner Snelling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Aldridge	<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 discuss compensation and other issues that affect specific employees and all employees. To consult with counsel to obtain legal advice on a property dispute issue. To consult with staff regarding pending or potential property dispute litigation.

 7/7/2020
Signature of Presiding Officer