

**Town of Perryville  
Town Meeting Minutes  
August 11, 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 Chief: Robert Nitz, Police Corporal: Gerard Morgan, Police Officer: John Peer, Billing Clerk: Tara Blevins.

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

The Town Meeting in its entirety can be listened to on the Town's web site at [www.perryvillemd.org](http://www.perryvillemd.org).

**The August 11, 2020 Town Meeting was called to order at 7:00 p.m. by Mayor Ashby, which was rescheduled from August 4, 2020 due to the storm.**

**Pledge of Allegiance**

**Remote Participation Request**

Mayor Ashby inquired if Commissioner Linkey was attending remotely, it was determined that she was attending remotely and there was a delay in the beginning of the meeting due to the webinar service timing not in sync with ours, so it was not live yet, the meeting started at approximately 7:14 p.m.

**Approval of the Town Meeting Agenda**

**Motion** was made by Commissioner Taylor and seconded by Commissioner Aldridge to approve the August 11, 2020 Agenda as written. **Roll Call Vote:** Commissioner Taylor: Aye, Commissioner Linkey: Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **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 consent agenda items which include the July 7, 2020 Town Meeting Minutes, the July 7, 2020 Closed Session Minutes, the July 21, 2020 Work Session Minutes, the July 21, 2020 Special Meeting Minutes: **Roll Call Vote:** Commissioner Snelling: Aye, Commissioner Taylor: Aye, Commissioner Aldridge: Aye, Commissioner Linkey: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

Ms. Breder had questioned whether the remote participation process had been done earlier to which Mayor Ashby responded that it had.

### **Mayor's Report:**

Mayor Ashby asked that the swearing in ceremonies and promotions be done prior to the reports being done because of the time restraints and room space requirements. Mayor Ashby performed the Swearing in Ceremony on Robert Nitz as the new Town of Perryville Police Chief.

Chief Nitz stated that one of the last acts that Chief Miller wanted to do prior to resigning was to promote Gerard Morgan from the rank of Police Officer to Corporal. He came to us with 13 years with the Harford County Sheriff's Office as patrol deputy, 3 years with the Perryville Police Department, 2 times Officer of the year, and has been a County resident for the past 15 years and he participates in about every event that the Police Department has. Chief Nitz promoted Officer Morgan to the rank of Corporal.

Chief Nitz stated that our newest officer, John Peer came to us from the Baltimore City Police Department after retiring after 29 years with them and had several assignments during his tenure, and the bulk of his adult life he lived in Cecil County with his wife Tracy who is with us tonight.

Mayor Ashby performed the Swearing in Ceremony on John Peer as a Perryville Police Officer.

### **Commissioner Reports**

#### **Commissioner Taylor's Report -**

Commissioner Taylor reported that the Water and Wastewater Plant were both in compliance for the months of June and July with the July lab results received to date. On August 4<sup>th</sup> we received over 5 inches of rain beginning at 5 a.m. and the SBR system at the Wastewater Treatment Plant had to be put on bypass for 6 hours and 12 minutes, which resulted in an overflow of treated sewage past the filter part of the plant of about 105,000 gallons which was discharged into the reed beds. After the event the reed beds were inspected, and it was determined that there was some solid waste that was discharged, the area was hosed down and the report was submitted to MDE regarding the overflow. The Wastewater Superintendent had said that the last time that we had an overflow, we did receive a fine from MDE, although not very much, so we will be looking out for that.

#### **Commissioner Linkey's Report -**

Commissioner Linkey wanted to thank DPW for all of their work preparing for the storm, during the storm and after the storm, they did a great job. She just wanted to announce that hydrant flushing has been completed.

**Commissioner Aldridge's Report -**

Commissioner Aldridge reported that the Community Development/Code Enforcement position has been advertised, and the Park Maintenance Crewperson position has been advertised. Onsite Computers is currently installing ESET (antivirus software) to all computers owned by the Town. Our next project with Onsite will be preparing the Edmunds server for cloud system in support of our Information Systems Contingency Plan. Tara has mailed out 1,525 water bills on July 17 and July 20<sup>th</sup>, which are due August 20<sup>th</sup>. Due to the State of Emergency extended to August 1, 2020, we are unable to charge a late fee or shut off water.

**Commissioner Snelling's Report -**

Commissioner Snelling reported that he did have a monthly briefing with the Planning and Zoning Director on August 3<sup>rd</sup> and he does not have anything new to add from that meeting at this time.

Commissioner Linkey had a question regarding Commissioner Aldridge's report, she realizes that we cannot do the turnoff notices but inquired if we should send out notices reminding people that they are late.

Ms. McCardell reported that we do send out late notices, just not including the late fees.

**Mayor's Report -**

Mayor Ashby reported that he has had many reports and meetings regarding COVID-19. He had a meeting with Ms. Battaglia and the marina regarding updates on what they are doing. On August 3<sup>rd</sup> he had a meeting with the various department heads, George Smith from the Water and Wastewater Plant, PJ Meekins, from Public Works, Chief Nitz, along with Fire Chief Brad Willis from the Perryville Fire Department, Ms. Battaglia had floodplain maps and nuisance flooding were identified and possible flooding areas in preparation of the storm. Mayor Ashby reported that signs and equipment were put out in advance by DPW and the generators were full and ready to go along with other equipment. We did not anticipate the amount of rain that we got or that Mill Creek was going to overflow but he is very proud of the way that the team handled that occasion on Tuesday, so he wanted to thank all of the employees and the Department heads.

**Town Administrators Report - Denise Breder**

Ms. Breder highlighted on portions of her report, the full report will be on-line. Ms. Breder stated that we have been having monthly virtual leadership meetings with the senior staff. At the July leadership meeting we discussed updating the Emergency manual for the pandemic, racial equity improvements in our recruiting processes, and a new utility permit application along with an updated road closure form was distributed. Event cancellations and changes were also discussed along with discussion of the Departmental reports and review of the Town Meeting and Work Session. The next meeting will be scheduled for September and she will send out notices to the board members if they have any topics they would like to be included on that

agenda to be discussed. She has been working with Fred Sussman and town staff to update the Town's water and sewer code. She expects those updates to be presented at the August Work Session. The updates are comprehensive but primarily related to connection fees and what the connection fees are used for and changing responsibilities of who does what among the town staff for the water and sewer code. We signed a new agreement with KCI for the FY21 MS4 consulting work for the illicit discharge and elimination testing of outfalls, support with the Storm Water Pollution Prevention Program recently enacted for the Public Works Shop, developing 4 concept plans for BMP retrofit, impervious area baseline updates, restoration strategies and activity schedule, and the annual Phase II MS4 report to MDE. Ms. Breder stated that a couple of months ago we enacted a new code for small wireless facilities and instituted a new utility permit application. Ms. Breder stated that the sidewalks to the High School has been a long process with the State Highway Administration and unfortunately we received notice from State Highway on July 17<sup>th</sup> that the project is on indefinite hold, probably due to financial reasons due to the COVID expenditures.

Commissioner Linkey believes that she saw we had just renewed the webinar services annually and is concerned since there seems to have been consistent issues with it.

Ms. Breder responded that it was because she was under the impression that the problem was resolved by using the new computer, so she was surprised tonight that we had these problems. She will talk with Cathy next Monday or Tuesday when she is back in to find out what she is seeing on her screen.

Commissioner Linkey stated that she had to sign on through her phone and she does not want us paying for a service that is not working a majority of the time.

Mayor Ashby stated that he is going to jump past the Treasurer's report since Ms. Laubach is not physically here and Chief Nitz is so that he can give his report.

#### **Police Report - Chief Nitz**

Chief Nitz stated that his full report will be on-line, he just wanted to go over some highlights. Chief Nitz reported that since Chief Millers retirement he has been assessing the current operations of the Police Department to determine what the best moves are on serving the community. We have updated the mission statement of the department and expanded on the values of fairness and service. We have been working with Lexipol for upgrading the policy procedure management software and it works hand in hand with LGIT policy in the event there is any litigation and it constantly updates the State and Federal mandates.

Commissioner Taylor stated that he noticed that the assaults in July had doubled from May and were 3 times the amount from June, if it was specific things or spread out throughout the month.

Chief Nitz responded that it has been spread out throughout the month and probably attributed to the current climate that we are in, domestics and family issues, he does not have a complete breakdown with him but can probably get that for him if he is interested.

Commissioner Snelling inquired if he as the new Police Chief is anticipating any big changes at this time.

Chief Nitz responded that we are continuing with the community policing model and increasing the connection with the community and involving all of the departments in the Town to assure the proper treatment of its citizens.

Mayor Ashby inquired if the Chief can put a letter from the Chief and possibly a picture and the mission statement up on the Perryville website.

Chief Nitz responded that the mission statement and vision has been updated already, he does not have a picture up there yet and will have to work with someone at Town Hall on doing that.

Chief Nitz reported that the Outreach Director, Danielle, had asked him to report that the Outreach Program had carried over last year's grant which did not get used because of COVID in the amount of \$25,000 to \$30,000, that they were re-granted. The full report will be on-line.

#### **Planning and Zoning Report - Dianna Battaglia**

Ms. Battaglia responded that her full report will be on-line. She reminded everyone to come out and support the Farmers Market on Fridays and that the car cruise is there on the 1<sup>st</sup> and 3<sup>rd</sup> Fridays each month, WHGM radio will be live at the car cruise at Lower Ferry Park. We unfortunately had to cancel the Tap into the Tavern event scheduled this year with the virus still out there and the restrictions in place.

Commissioner Aldridge inquired if there were any updates on the former Perryville Outlet property.

Ms. Battaglia responded that the owners have reached out to a local attorney for options on what can be done there and we did have a meeting with the attorney to discuss the past and he will be reporting back to them the options. As far as she knows they still want a warehouse distribution center.

Commissioner Snelling asked if the 5<sup>th</sup> Brewing Company had given a target date yet. Ms. Battaglia responded that they had not given a target date yet.

Commissioner Snelling inquired if they were still up to date with the liquor board.

Ms. Battaglia responded that she is not sure about the liquor board she can check with them, she knows they were in the process of obtaining all of their permits and has seen them doing some work down there.

Mayor Ashby stated that in the conversation with the local attorney for the former Outlet property, which he also attended, he did ask us what we wanted to have up there and we had already stated numerous things of what we wanted up there but they are in the business of building warehouses. The Attorney was going to go back to the owners with information. They would need to come back with a totally revamped footprint of what they want to do up there and

they may possibly come back with a client that they want to have up there, with our code they can come back once a year and continue to come back until one of us gets wore down.

Commissioner Aldridge responded that she has had several people ask her lately, so she was wondering if there were any updates.

Mayor Ashby stated that there was a notice sent out for demolition and that there was a court date given but then the corona virus happened, he deferred to Ms. Battaglia to speak on that.

Ms. Battaglia stated that she spoke with the Director of Permits and Inspections, Bill Funk, and because the courts have been closed he was not sure how they were going to proceed, so he did give it to their Attorney because they were given 90 days to demolish it or make it secure and we have gone long past that.

#### **Treasurer's Report - Debra Laubach**

Ms. Laubach stated that the full report will be posted on-line. Ms. Laubach reported that the boat ramp honor box is doing very well, in the month of July alone we pulled in over \$1,700, and it was checked again today covering the last couple of weeks and it was around \$950 collected for that time period. It seems that we are on track once again for the Local Impact revenue, we received a payment for the partial month of June when the casino reopened in the amount of \$65,652.08, and we received notification on what the receipts were going to be in July and that is going to be \$133,346, a bit more than our normal draw on that. LGIT is offering free programs that we can join, one is the Deadly Weapon Insurance Program, a free program underwritten by Lloyds of London. It covers Crisis Management Services, Counseling, and Medical and Funeral Expenses that arise from events involving deadly weapons. She has looked into a voluntary retiree health program for our employees approaching retirement, which is a free program and would not cost the town anything offering retirees a group benefit of joining to get supplemental Medicare programs out there at a reduced cost.

#### **Engineers Report –**

Ms. Breder briefly reported that we are still working with the USDA to get the grant funding for the balance of the Station 16 water line project paid for and USDA is actively reviewing our application, so hopefully we will get that grant funding.

Commissioner Taylor asked what the heavy equipment and a bunch of piping was for at a house that was on Frenchtown Road going toward I-95, he inquired if it was for the sewer.

Mayor Ashby responded that it was not, it's not us.

Ms. Breder asked for clarification where this was and after Commissioner Taylor clarified she responded that it was not in town limits, she does not know what it is but it is not connecting to our system.

**From the Floor** - remote questions

Ms. Breder stated that someone had asked if we took pictures of the Chief getting sworn in.

Mayor Ashby responded that we had taken pictures and will forward them to Jane.

There were no other questions.

**New Business**

**Budget Amendment Ordinance 2020-08** - Debra Laubach

Ms. Laubach explained that this budget amendment was retroactive into the fiscal year 2020. The Introductory paragraph was read as follows: For the purpose of amending, retroactively, the adopted budget for the Town of Perryville for the fiscal year beginning July 1, 2019, and ending June 30, 2020, to appropriate for certain purposes certain funds and generally related to amendments of the Town's FY 2020 budget. There is only one amendment requested which was to pay for the survey that was done on the Reservoir property for the work that was actually done in FY2020 for \$7,200.

**Budget Amendment Ordinance 2020-09** - Debra Laubach

Ms. Laubach stated that this budget amendment was for FY2021. The introductory paragraph was read as follows: For the purpose of amending the adopted budget for the Town of Perryville for the fiscal year beginning July 1, 2020, and ending June 30, 2021, to appropriate for certain purposes certain funds and generally related to amendments of the Town's FY 2021 budget. One amendment is for additional funds to finish up the survey for the Reservoir in the amount of \$4,950, the highway user revenue has been reduced based on the latest notice from the State to the amount of \$20,886.00, which may be further adjusted throughout the fiscal year. Ms. Hemling had asked for funds that had not been used in fiscal year 2020 to be brought into this year's budget in the amount of \$1,050.00. Chief Nitz asked that we reclassify funds that are currently being held in the Police Seized fund account, items forfeited by the suspects, to be used for specific purposes that are allowed by law in the overall amount of \$2,700. Ms. Laubach stated that two department heads have asked for additional funding since this Ordinance has been prepared, so she was just going to do an amendment to be ready for the next time when we vote on it. One was from Chief Nitz regarding donations made from the American Legion and the Lady's Auxiliary two years ago, \$500 one time and \$200 another time, to wrap one of our vehicles for parade purposes and it was never done. We were not going to pursue that so we wanted to refund those donations, so there will be an additional amendment for the total of \$700, and Aaron Ashford had asked for the funding that came in from the train derailment that was to repair the boat ramp to be brought into the 2021 budget. It was postponed in last year's budget because of COVID and the boat ramp was getting so much use, which is approximately around \$30,000. Also, the Little League netting project had been postponed back in June and he wanted that money brought back into this FY budget.

Mayor Ashby asked what impact that Aarons request was going to have on last years budget if we move that money from last year to this year.

Ms. Laubach explained that when we go to close out FY20 if there is a surplus overall it would go to our unassigned Federal Fund reserve and we would just be pulling it right back out of there for this year, so it would not impact the prior year at all.

**Resolution 2020-08 Corporate Banking for Howard Bank - Debra Laubach**

Ms. Laubach explained that this is to recognize the signatures for the board members for Howard Bank, which was adding one Commissioner and removing another one and a motion is requested. The Resolution was read as follows: Be it hereby resolved on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Mayor and Commissioners of the Town of Perryville, that the attached Corporate Resolution, which allows the Howard Bank to recognize and deal with the Mayor and Commissioners as signers on the bank accounts of the Town of Perryville, be executed by a vote of \_\_\_\_ yeas and \_\_\_\_ nays.

**Motion** was made by Commissioner Snelling and seconded by Commissioner Taylor to approve Resolution 2020-08. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor: Aye, Commissioner Snelling: Aye, Commissioner Aldridge: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

**Resolution 2020-09 Corporate Banking for PNC Bank - Debra Laubach**

Ms. Laubach explained that this was the same as Corporate Banking Resolution except that it is for PNC Bank. The Resolution was read as follows: Be it hereby resolved on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Mayor and Commissioners of the Town of Perryville, that the attached Corporate Resolution, which allows the PNC Bank to recognize and deal with the Mayor and Commissioners as signers on the bank accounts of the Town of Perryville, be executed by a vote of \_\_\_\_ yeas and \_\_\_\_ nays.

**Motion** was made by Commissioner Snelling and seconded by Commissioner Aldridge to approve Resolution 2020-09. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor: Aye, Commissioner Snelling: Aye, Commissioner Aldridge: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

Ms. Laubach asked that arrangements be made for Commissioner Linkey to come in and sign the banking paperwork since she is not present tonight, it is only needed for Howard Bank. Commissioner Linkey stated that she will get in touch with the office and come in and sign it.

Ms. McCardell wanted clarification whether the no smoking Ordinance was to be on this agenda or not.

Ms. Breder responded that it was to be on the Work Session agenda not this one.



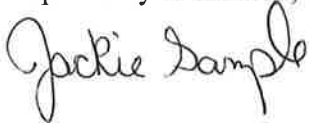
**Diamond in the Rough Triathlon Agreement - Denise Breder**

Ms. Breder stated that this is an agreement with Kinetic Endeavors for the Diamond in the Rough Triathlon for the next 5 years and we are asking for a motion on this.

**Motion** was made by Commissioner Taylor and seconded by Commissioner Aldridge to approve the agreement with Kinetic Endeavors for the annual Triathlon. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor: Aye, Commissioner Snelling: Aye, Commissioner Aldridge: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

**Motion** was made by Commissioner Taylor and seconded by Commissioner Snelling to adjourn the August 11, 2020 Town Meeting at 8:05 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,

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

Jackie Sample  
Perryville Town Clerk

**Statement Regarding July 7, 2020 Closed Meeting for Inclusion in Minutes of  
August 11, 2020 Town Meeting**

On July 7, 2020 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) (1) (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, to discuss the management and organization of a department. (7) To consult with counsel to obtain legal advice, regarding property ownership issues (8) To consult with staff, consultants, or other individuals about pending or potential litigation. In addition to Mayor Ashby, Commissioners: Taylor, Snelling, Aldridge, Assistant Town Administrator, Cathy McCardell, and Town Clerk: Jackie Sample attended the entire closed session and the Town Administrator, Denise Breder attended remotely. Town Attorney Fred Sussman left after his consultation regarding the property dispute at the beginning of the meeting. A motion was made by Commissioner Taylor and seconded by Commissioner Snelling to give Denise and Mr. Sussman the authorization to negotiate with the property surveyor on behalf of the final bill and payment, motion carried. A motion was made by Commissioner Snelling and seconded by Commissioner Aldridge to approve the recommendations by Ms. Breder for the Community Development/Code Enforcement position and all of her recommendations that were included in that memo. Another motion was made by Commissioner Snelling and seconded by Commissioner Aldridge to hire Lieutenant Nitz as the Police Chief to be effective as of July 19, 2020.

**Motion** was made by Commissioner Taylor and seconded by Commissioner Aldridge to adjourn the Closed Session at 8:49 p.m. **All in Favor: Motion Carried.**