

**Town of Perryville  
Town Meeting Minutes  
September 1, 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, Town Clerk, Jackie Sample  
Billing Clerk: Tara Blevins.

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

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 September 1, 2020 Town Meeting was called to order at 6:46 p.m. by Mayor Ashby.**

**Pledge of Allegiance**

**Remote Participation Request**

Mayor Ashby commented that since this meeting is running concurrent with the Public Hearing, we have established that there is remote participation by Commissioner Linkey, he also confirmed that she could still hear us.

**Approval of the Town Meeting Agenda**

**Motion** was made by Commissioner Linkey and seconded by Commissioner Snelling to approve the September 1, 2020 Agenda as written. **Roll Call Vote:** 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 Snelling and seconded by Commissioner Aldridge to approve the consent agenda items which include the August 11, 2020 Town Meeting Minutes, the August 18, 2020 Work Session Minutes, and the August 18, 2020 Closed Session Minutes as written: **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

Commissioner Taylor arrived at 6:50 p.m. he was not present for the first two votes.

**Commissioner Reports**

**Commissioner Linkey's Report -**

Commissioner Linkey reported that there was a vacancy in the Public Works Department because an existing employee from that department filled a vacancy at the park, hopefully the position will be filled quickly.

**Commissioner Aldridge's Report -**

Commissioner Aldridge reported that 2 payrolls were completed along with all tax payments, retirement payments and A/P checks. Onsite Computers is currently installing ESET (antivirus software) to all computers owned by the Town. Our next project with On-Site will be preparing the Edmunds server for cloud system in support of our Information Systems Contingency Plan. The server must be updated then the process for the cloud system can be started.

**Commissioner Snelling's Report -**

Commissioner Snelling reported that he attended a Planning Commission meeting via webinar on August 17th, which was an informational meeting where the annexation of the Perryville Community Park was discussed. He met with Ms. Battaglia yesterday for his monthly briefing.

**Commissioner Taylor's Report -**

Commissioner Taylor reported that the both the Water and Wastewater Plant were both in full compliance with MDE regulations. As far as discharge from the plant we did have a spill and we are waiting to hear back from the State as to what the results of that spill were.

**Mayor Ashby's Report -**

Mayor Ashby reported that he had numerous meetings this month with Attorneys and the marina about the Martha Lewis. The Chamber of Commerce had a great turnout for their golf tournament. Governor Hogan spoke today at 4:30 and we are moving into Stage 3A, not completely wide open yet. In his speech he reported that all key health metrics are continuing to decline, today's State positivity rate was 3.39, a decline of more than 87% since its peak on April 17<sup>th</sup>. All Maryland businesses can open, including movie theaters and live entertainment venues at 50% capacity or 100 people indoors or 250 outdoors. Churches can increase capacity from 50% to 75%. The State School Board voted that all local schools must re-evaluate their plans for in-person instruction to evaluate the readiness for returning to in-person instruction before the end of the calendar year.

**Town Administrators Report - Denise Breder**

Ms. Breder highlighted parts of her report, the full report will be available on-line. Ms. Breder reported that she held a virtual meeting with Senior Staff which included discussion of departmental reports, review of Town Meeting and Work Sessions, diversity, and inclusion improvements, recruiting and other ideas, and employee picnic options. She noted that all supervisors and senior leaders of the Town will be taking Implicit Bias training. The next

Leadership Meeting is scheduled for September 15, 2020 at 10:30 a.m., she asked the Mayor and Commissioners to please let her know by September 8, 2020 at 4:00 p.m. if you have any topics of discussion for the meeting. Ms. Breder reported that every year it is renewal time for our commercial liability insurance and our insurer LGIT asked us to complete a loss control credit survey, which we do, and have gotten a credit by the answers that we provide for that survey on our insurance policy premium. Based on that LGIT has recommended two things for the Town, one is that we create a Risk Management/ Safety Coordinator Policy, which has been written and has been implemented and sent to the Department Heads, and the Risk Manager is Cathy McCardell. Ms. Breder is also coordinating with Cathy to write an Accident Investigation Policy, which was the other recommendation from LGIT, this one is in process. KCI is working on our annual report for our MS4 permit that is due in October and they are also going to be doing some outfall screening at the beginning of November.

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

Ms. Laubach stated that her full report will be on-line but wanted to point out a few things. Ms. Laubach reported that the Auditors are in-house doing their audit, they have been here since last Monday and it is proceeding very smoothly, and at this point there have been no negative issues that have been disclosed. They plan to wrap up their on-site audit by Friday and may have some questions, but at this point it appears that the report should be on time this year, meaning that it will be out before October 31<sup>st</sup>. Ms. Laubach also wanted to note that this year is the first time that the Town is offering a First Responders tax rebate and Deb Hill designed the application form for that credit and did a great job on it. We have already had our first applicant apply and applications have been sent to our Volunteer Fire Department and the Police Department for distribution.

Commissioner Linkey inquired if we received another payment from the casino yet. Ms. Laubach reported that we had not.

Commissioner Taylor inquired if Ms. Laubach had a plan in place for the Payroll Tax Holiday that the Executive Order has initiated.

Ms. Laubach responded that Ms. McCardell could also respond to that, but they have both been keeping an eye out for any information or news articles on that explaining what is involved. We would expect our software company, Edmunds to do the conversions so that it should be automatic, at this point the guidelines are very scarce.

Commissioner Taylor responded that the guidelines are very sketchy but one thing to make note of is that it would be a holiday for the last four months of the year where the employees would not have to pay the payroll tax, but they will have to pay double the payroll tax the first four months of next year to make that up. He responded that we may not want to do that and just pay the payroll tax, which he believes is an option, so the employees are not socked with twice the amount of taxes for the first four months of next year.

Mayor Ashby stated that it is a deferment and he concurs with Commissioner Taylor that it is our option to express this if we wanted to rather than put the liability on the employees.

Commissioner Taylor stated that an additional issue would be if we have an employee that works until the end of the year than quits, the town would be liable for reimbursing that payroll tax for the first four months of the year after the employee has gone.

Ms. Laubach responded that normally when there is a shortfall in Social Security and Medicare that is the mandatory tax, the shortfall would come out of any withholdings being done during the year for Federal, so they would not be getting as much tax back for the end of the year.

Commissioner Taylor responded that this is still a problem then, to which the Mayor concurred although he does not want to think for the employees because he does not know their financial problems.

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

Chief Nitz stated that his full report will be on-line. Chief Nitz reported that the Implicit Bias training that was assigned to all the employees through LGIT has been completed by all the Police employees including our Secretary. He met with Pastor Sheppard of New Victory Church regarding community issues with things that he is seeing and things that we can convey to him regarding the community. He had also offered him to be our Department Chaplain, and he has accepted the offer, he would like to possibly bring him to the next Town Meeting to do a formal introduction to the Mayor and Commissioners. Pastor Sheppard is a Veteran from the military and was also a Chaplain with the Veteran's Administration, so he has plenty of experience when it comes to that and he looks forward to welcoming him aboard.

#### **Outreach Report -**

Chief Nitz stated that Ms. Hemling's report will also be on-line. She wanted me to report that she had applied for a Grant for approximately \$23,000 through the GOOCP, which is labeled a Coronavirus Emergency Services Grant, to cover police and youth related functions as well as e-learning during the coronavirus pandemic, which would allow the purchase of chrome books to use during this unusual time that we are in.

Commissioner Linkey asked if has been approved yet, to which Chief Nitz responded that it has not, she has just applied for it.

Commissioner Taylor stated that he dropped off his basket on Monday for the car drive raffle for the Outreach Program and looks forward to getting some bids on it.

Commissioner Aldridge ask for clarification if the Pastor at the church that he met with was with the church across the street from the Police Department, to which Chief Nitz confirmed that it was.

Mayor Ashby asked if they still plan to have the National Night Out, whether it was in September or pushed back to October.

Chief Nitz responded that originally it was supposed to be the first Tuesday in August, then it got pushed until October, we are going to re-evaluate and check back on the website for National Night Out to see if they are going to allow us to continue it, or leave it up to the individual States, because it is a national event. With Governor Hogan's announcement, maybe that will change things.

Mayor Ashby provided Chief Nitz a copy of Governor Hogan's announcement.

**Engineers Report** - (written report only)

Ms. Breder did not have anything to highlight for his report.

**Planning and Zoning Report** - Dianna Battaglia

Ms. Battaglia stated that her full report will be on-line. She got an email from Habitat for Humanity today that they are ready to submit the permit for the second house on Richmond Street, so look for some activity at 526 Richmond Street shortly. She also wanted to remind everyone that the Car Cruisers is this Friday, and the last time we had 45 cars that showed up. WHGM will be broadcasting live and some of the cars that showed up the last time were because of hearing it on the live broadcast. She encouraged everyone to come and look at the cars or just show up with your car.

Commissioner Taylor asked if work was still proceeding at 5<sup>th</sup> Company Brewery.

Ms. Battaglia responded that they are still proceeding. Ms. Battaglia stated that if you have driven by the old building he has constructed a tower on the opposite corner of the original tower, so it is starting to balance out and that is where the entrance is going to be. It is moving slowly, and we hope that it starts picking up.

Mayor Ashby responded that in his conversations with him he has ordered the tanks.

Commissioner Aldridge asked if we had any updates on Great Wolf.

Ms. Battaglia responded that there was not.

Mayor Ashby responded that the last time he talked to Mr. Jacobsen, they are still planning on starting in October and four banks are involved and that he commented that 90% of the loans in the United States are in foreclosure and the commercial banking industry is amending those loans so they do not default and as soon as the banks open back up for commercial lending this will take off, so we are looking at the fourth quarter in October or November.

Mayor Ashby asked if we had heard anything on Charles Street, to which Ms. Battaglia responded that she had not.

**From the Floor** - remote questions

April Wilson, who resides at 104 Hawkins Court and is new to the area, was wondering where the reports are that you are referencing can be found on-line and if you send out welcome

packages for new residents or brochures on what is going on when the next meetings are and about the Mayor and Commissioners in Perryville. She was wondering where she could find the reports that are being talked about today or be sent some brochures.

Ms. Breder responded if you go on the Town's website and click on Town Meetings it will take you to the a site called boarddocs which shows the reports and topics and you can see the meetings as they show up on our screen right now. Our Town Meeting is the 1<sup>st</sup> Tuesday of each month at 7 p.m. and our Work Sessions are on the 3<sup>rd</sup> Tuesday of each month which starts at 6:30 p.m. We have not gotten to the point where we are sending out welcome packets, but she thinks it is a great idea and something that we should do, but we have not gotten to that place yet. If you send us an email, we can mail you some of our brochures.

Ms. Breder provided her with her email address.

Mayor Ashby responded that previous reports are also on the Town's website as well.

### **Old Business**

#### **Resolution 2020-06 Annexation of the Perryville Community Park**

Ms. Battaglia stated that a vote is needed for this Annexation Resolution 2020-06, which is to enlarge the corporate boundaries of the Town of Perryville by annexing the land owned by the Town of Perryville known as the "Community Park" consisting of 148.616 acres.

**Motion** was made by Commissioner Snelling and seconded by Commissioner Aldridge to approve Resolution 2020-06. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor, Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

#### **Resolution 2020-07 Annexation Plan for the Perryville Community Park**

Ms. Battaglia stated that a vote is needed for this Annexation Plan Resolution 2020-07, associated with the annexation of 148.616 acres of land known as the "Community Park" into the corporate limits of the Town of Perryville.

**Motion** was made by Commissioner Taylor and seconded by Commissioner Snelling to adopt Resolution 2020-07, the annexation plan for the Perryville Community Park. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor, Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

#### **Ordinance 2020-07 Open Space Zoning District**

Ms. Battaglia stated that a vote is needed for this Ordinance, which is to create an Open Space Zoning Space Zoning District.

**Motion** was made by Commissioner Snelling and seconded by Commissioner Taylor to approve Ordinance 2020-07. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor, Aye,

Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

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

Ms. Laubach explained that this is a request for a motion to be made regarding Budget Amendment Ordinance 2020-08, which is a retroactive budget amendment into FY 2020 for \$7,200 to pay for the survey that was already performed by the end of the fiscal year for the Reservoir property.

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

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

Ms. Laubach explained that she will be looking for two motions for this ordinance, one for the original ordinance that was introduced and there were a couple of additions since then, so the second motion would be for the new one with the changes. Those items are an increase for \$9,960 that would be transferred from last year's budget, to go ahead and do the repairs at the boat ramp and repair damage in the parking lot area from where the cars fell off the railroad track. The second item was in the amount of \$700 for two donations that the American Legion had given the Town a few years ago to wrap one of the cars for parade purposes which did not happen, so we wanted to give those funds back.

Mr. Sussman corrected her regarding the motions, one would be for the approval of the amendments and the second would be for the Ordinance with the amendments.

**Motion** was made by Commissioner Taylor and seconded by Commissioner Snelling to approve the amendments to Budget Amendment Ordinance 2020-09. **Roll Call Vote:** Commissioner Linkey: Aye, 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 Aldridge to adopt Budget Amendment Ordinance 2020-09 with amendments. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor, Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

**New Business**

**Ordinance 2020-10 Water and Sewer Connection charge alterations - Denise Breder**

Ms. Breder responded that this ordinance is to redefine the connection fees. As of now the connection fees, primarily for infill development, the way the code is currently written, the connection fees are collected and put towards the cost of making a physical connection to the

water and/or sewer main of the Town. This is a problem because our collection fees are \$11,000 and making that physical connection can cost upwards of \$25,000 and the Town should not be subsidizing the cost for the developer to install these water and sewer lines. The primary purpose of this ordinance is to amend the use of the connection fees, which would allow connection fees to be used for current and future expansions and capital projects and to be able to use funds for debt service. The amendment will require the developer or property owner to make the physical connection to the water or sewer main at their cost and expense and we have also redefined some of the responsibilities of who does what departmentally. She is recommending that it be introduced tonight so that it can be voted on at the Special Meeting after the next Work Session.

Mayor Ashby asked if the board had any comments.

Commissioner Taylor wanted to make note that at this time we are trying not to increase any expenses on current towns people, but commented that this is for new construction in our town and agrees with Ms. Breder that the town should not be subsidizing the cost as we currently are.

The remaining board had no further comment.

Ordinance 2020-10 was introduced by Ms. Breder on behalf of the Mayor as follows:

For the purpose of altering the method of imposing certain water and sewer usage and connection charges upon owners of properties and others; imposing and clarifying certain obligations of owners of properties and others to connect to the Town's water and sewer systems; redefining and reallocating among Town staff certain duties and responsibilities relating to the Town water and sewer systems; altering certain Town water systems fees and charges; and generally relating to the water and sewer systems of the Town of Perryville.

**BY** repealing and reenacting, with amendments  
Chapter 82, Water and Sewer  
Article 1, Transitional Provisions; Charges; Disposition of Revenue  
Sections 82-1 and 82-2, inclusive  
Code of the Town of Perryville

**BY** repealing and reenacting, with amendments  
Chapter 82, Water and Sewer  
Article II, Rules and Regulations  
Sections 82-4, 82-5, 82-6.H., I., J., and K., and 82-7  
Code of the Town of Perryville

#### **207 Thomas Point Way - Tara Blevins**

Ms. Blevins stated that she is aware that the homeowner was on the line at the last Work Session and the video was shown and that there were some questions brought up.

Mayor Ashby asked if there were any questions.

Commissioner Taylor asked for clarification that we are abating the amount of \$329.28, leaving a total bill of \$754.35.

Ms. Blevins replied that this was correct.

Commissioner Taylor wanted to confirm that those were the final numbers because we did not have them at the Work Session.

Ms. McCardell stated that we did have them at the Work Session, these are the same numbers that we had at the Work Session.

Mayor Ashby had asked for all of the numbers originally, what the total bill and the average bill and how bad this really was on these people, and how you got the amount for the abatement.

Ms. Blevins responded that the total bill with the leak was \$1,032.76, and the average bill is \$308.38, and the sewer portion was what was requested for abatement was an average of the last four quarters.

**Motion** was made by Commissioner Taylor and seconded by Commissioner Snelling to approve the abatement of \$329.28 for 207 Thomas Point Way. **Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor, Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

**Request to Serve on the Ethics Board - Cathy McCardell**

Ms. McCardell stated that former Town Commissioner Reich expressed interest to still volunteer for the Town and had submitted an application to serve on the Ethics Board which had a vacancy, so she is requesting that a motion is made for appointment of Pete Reich to serve on the Ethics Board.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Taylor to appoint Pete Reich to the Ethics Board.

**Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor, Aye, Commissioner Aldridge: Aye, Commissioner Snelling: Aye, Mayor Ashby: Aye, **All in Favor: Motion Carried.**

**Resolution 2020-10 No Smoking at the Perryville Park Fishing Pier - Denise Breder**

Ms. Breder stated that this was discussed at a previous Work Sessions and a Resolution was formed based on that discussion and she is requesting that a motion be made on this Resolution to not allow smoking at the Fishing Pier at the Perryville Community Park.

**Motion** was made by Commissioner Linkey and seconded by Commissioner Taylor to approve Resolution 2020-10; discussion ensued.

Commissioner Linkey added that she thought that this was already prohibited so she is glad that we are considering this for approval.

Commissioner Snelling looked at that pier very closely and because it is a small, confined area and he does not like the fact that kids may be out there fishing and breathing in secondhand smoke from other people fishing on the pier so he will be voting in favor of it.

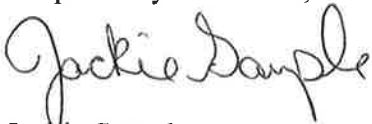
Commissioner Aldridge inquired if this has to be a unanimous vote, in which Mayor Ashby responded that it does not, she still did not agree with the fact that we are creating this Resolution after just one single complaint and will be voting against it.

Mayor Ashby commented that if he chose to vote for this it would be as far as he went as far as smoking.

**Roll Call Vote:** Commissioner Linkey: Aye, Commissioner Taylor, Aye, Commissioner Snelling: Aye, Commissioner Aldridge: Nay, Mayor Ashby: Nay, **Three in Favor, 2 Nays** (Commission Aldridge and Mayor Ashby): **Motion Carried.**

**Motion** was made by Commissioner Taylor and seconded by Commissioner Snelling to adjourn the September 1, 2020 Town Meeting at 7:35 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,



Jackie Sample  
Perryville Town Clerk

**Statement Regarding August 18, 2020 Closed Meeting for Inclusion in Minutes of  
September 1, 2020 Town Meeting**

On August 18, 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 employee compensation. 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 Commissioner Linkey attended remotely. Discussion was to discuss employee compensation for their service. No motions were made during the Closed Session; however, the board was agreeable with the board members to have another discussion in January of next year once some time had passed to assess the financial impact on the Town's budget because of the pandemic.

**Motion** was made by Commissioner Snelling and seconded by Commissioner Taylor to adjourn the Closed Session at 7:23 p.m. **All in Favor: Motion Carried.**