

**Town of Perryville
Town Meeting Minutes
October 1, 2013**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, Michelle Linkey, Alan Fox, Ray Ryan, Town Administrator: Denise Breder and Police Lieutenant: Al Miller.

The Town of Perryville Town Meeting was called to order at 7:00 p.m. by Mayor Eberhardt.

Pledge to the Flag

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

APPROVAL OF TOWN MEETING AGENDA

Commissioner Linkey was not present for the approval of the Agenda or the minutes

Motion was made by Commissioner Brown and seconded by Commissioner Ryan to approve the October 1, 2013 Town Meeting Agenda. **Four in Favor: Motion Carried.**

APPROVAL OF MINUTES

Motion was made by Commissioner Ryan and seconded by Commissioner Brown to approve the August 20 Work Session Minutes, the September 3 Town Meeting Minutes and the September 30 Closed Session Minutes. **Four in Favor:** for the Sept 3 Town Meeting and Closed Session Minutes. **Motion Carried. Three in Favor: 1 abstain,** (Mayor Eberhardt), for the Work Session Minutes: **Motion Carried.**

Mayor's Report –

Mayor Eberhardt read two Proclamations, one proclaiming September 30 – October 4, 2013 as Economic Development week and the other proclaiming October as Breast Cancer Awareness month. He also announced that the town would be sponsoring a Halloween party, in the lot adjacent to Rodgers Tavern on October 25 from 5-7 p.m., with games, treats, DJ, and a costume contest for kids 12 and under. He also announced that in following with Cecil County, Trick or Treat will be on October 31 from 6-8 p.m.

Commissioners' Reports –

Commissioner Fox's Report -

Commissioner Fox reported that a GE contractor was hired to come to the Water Plant for a few days to review and make recommendations on issues that we have had

with our Water Filtration System. The visit was quite successful and we are looking into the possibility of having them come here more routinely, possibly every six months. They also made the recommendation for our staff to visit a plant that has the same system as we do, which he believes is in Lancaster, to observe their process and possibly share and gather some information that may be useful to us.

Commissioner Brown's Report-

Commissioner Brown reported on various meetings that she attended throughout the month. Commissioner Brown reported that Cecil County submitted a Bikeways Program Grant for practically all of the towns in two separate submissions. The Town of Perryville is lumped in with North East, Chesapeake City, Charlestown and Elkton, and the award was for \$33,290 which will go towards plans that we have for improving bike paths that we have throughout town.

Commissioner Linkey arrived at 7:12 p.m. during Commissioner Brown's report.

Commissioner Ryan's Report-

Commissioner Ryan reported on various meetings that he attended throughout the month and that there was no Planning & Zoning meeting for the month of September.

Commissioner Linkey's Report –

Commissioner Linkey reported on the meetings and other events attended throughout the month. She also gave the Public Works report for the month of September and announced that hydrants will be flushed beginning October 7 – October 11.

Town Administrator Report – Denise Breder

Ms. Breder reported on various issues that she has been working on throughout the month. She also announced that there will be an informational meeting for the Façade Improvement, 501(c), and Revitalization Grant Programs on Monday, October 14 at 6:00 p.m. at the Town Hall Meeting room. Her full report is available if anyone is interested in seeing it.

Commissioner Linkey requested that the process of updating the Charter gets revisited again, realizing that other things have become higher priorities, she offered her assistance if needed.

Ms. Breder thanked her for that and noted that there are some things that will need to be discussed at their Strategic Planning Session on October 26 in determining some goals and that there has been a lot of competing priorities right now, some of which are mandates.

Commissioner Linkey thanked Ms. Breder for her follow up letter to the State Highway Administration in regards to the dangerous conditions of the crosswalks during the construction process.

Mayor Eberhardt stated that Delegate Rudolph has set up a meeting with the State Highway Administration and the towns for October 9th to discuss concerns with the sidewalk repairs. He also stated that there is a Tour Meeting of the highway projects scheduled with the Secretary of Transportation on October 17 and another one scheduled on November 1st.

Commissioner Brown inquired if there were two separate contractors that are performing the construction work at the Route 40 intersection versus the work on Route 222. Mayor Eberhardt believes that it is two separate contractors, one that is working on the sidewalk intersections all along Route 40 for multiple towns, and a different contractor for Route 222.

Treasurer's Report – Rachel Deaner

Ms. Deaner reported on the bank balances and the Treasurer's Report for the month of September and has received a draft statement from the auditors which she and Ms. Breder are reviewing.

Mayor Eberhardt inquired about the CDAR's account to which Ms. Deaner responded is doing well, it goes into a revenue interest income account which is not recognized until the end of its term, which was a two year term and they are encouraging us to put more into it.

Police Report – Police Lieutenant Al Miller, on behalf of Chief Wernz

Lieutenant Miller reported on the various meetings that the Chief or he had attended in the month of September and current projects or programs that are going on.

Commissioner Fox asked for some information about the Bicycle registration program that they are about to initiate.

Lieutenant Miller responded that it is a program in which bicycle owners would fill out a form with their bicycle serial number listed on it and then would receive a sticker for their bicycle and the information would be stored in a data base as a tracking device in the event that the bike gets lost or stolen.

Mayor Eberhardt inquired how this program was getting advertised, to which Lieutenant Miller replied, through word of mouth and the Town website and the Police Department website. Mayor Eberhardt suggested asking the schools if they would be

able to put something out about the program, and Ms. Deaner suggested that our Halloween event on October 25th may be a good place to advertise too.

Outreach Report – Jesse Lilly

Mr. Lilly reported on the overall attendance and various appointments and classes that were held for the month of September. He also announced that they have a trip scheduled for November 1 to the Outward Bound Facility in Baltimore where they will be involved in various outdoor activities involving teamwork and trust. They hope to continue to work with this organization and to allow the opportunity for a future partnership with them for services that they have to offer and services that we could provide for them in return.

Planning and Zoning Report –Mary Ann Skilling

Ms. Skilling reported on the various meetings that she attended throughout the month and projects and other work that has been done by the different departments that she oversees. Ms. Skilling stated that the County had received blanket approval from the State Highway Administration for the various bus projects throughout the County but would not sign it because of various conditions that were placed on them but they are working that out. In the meantime, we are going to move forward on some of our bus shelters. Frenchman Land Company, at the corner of Route 7 and IKEA Way agreed to do the sidewalk and the pad for a bus shelter; there are four bus shelters for the town which should be delivered at any time. Another potential bus shelter is at Principio Health, which may be on their property or could be along 40. Another one is the Post Office, which is in our right-of-way, and Cedar Corner and Route 40. There will also be a new bench put in at Lindy's.

From the Floor

There were no comments from the floor.

Old Business-

Mayor Eberhardt presented Ordinance 2013-05, which was introduced at last month's meeting which amends the Town's current employee manual to comply with the Laws of Maryland of 2013. It is to include certain provisions relating to reasonable accommodations to be provided to employees with disabilities caused by or contributed to by pregnancy.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve Ordinance 2013-05. **All in Favor: Motion Carried.**

Mayor Eberhardt presented Ordinance 2013-06, which was introduced last month which allows the renewal of a Mutual Aid Agreement between the Perryville Police

Department and the Cecil County Sheriff's office allowing for use of the Perryville Police Department's resources outside the corporate limits of the Town of Perryville.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to approve Ordinance 2013-05. **All in Favor: Motion Carried.**

New Business –

Request to allow 5439 Pulaski Highway ingress and egress to Aiken Avenue Extended

A request was received from Rex Burkins, the new owner of property located at 5439 Pulaski Highway, to have an entrance to his property from Aiken Avenue Extended. A carpet and flooring showroom, along with a carpet and vinyl warehouse and office area is planned for one portion and the garage area is slated to be leased by Atlantic Service and Glass for the other part of it. Concerns were expressed regarding the truck traffic and customer traffic that would be accessing the property through a residential neighborhood. It was recommended that if the request was approved that it would be conditioned on approval of a design, drainage and road improvements to accommodate truck usage on Aiken Avenue Extended approved by the Town Engineer and should also address truck circulation, and measures to be taken to circumvent other access to the site.

Motion was made by Commissioner Ryan to allow Mr. Burkins to continue on and we have a study done by our Town Engineer in reference to Aiken Avenue Extended and the design and drainage and road improvements and also include the intersection at 222 and Franklin Street with a traffic study.

Ms. Breder noted that the studies would actually be done by Mr. Burkins for our Engineer to review to which Commissioner Ryan concurred with for the motion.

The motion was seconded by Commissioner Fox. 4 in Favor. 1 opposed (Commissioner Linkey). **Motion Carried.**

Façade and Revitalization Grant Committee Appointment

Motion was made by Commissioner Brown and seconded by Commissioner Linkey to appoint Eric Morsicato to serve on the Façade and Revitalization Grant Committee. **All in Favor: Motion Carried.**

Resolution 2013-26 Budget Amendment

Ms. Deaner summarized the proposed budget amendments, #14-10, was to recognize FY13 Local Impact Spending for 501 and Revitalization Grant to be spent in FY14, #14-11, to recognize FY13 Local Impact Spending for Manns-Woodward amendment & 10% contingency. Item #14-12, funds needed to purchase 10 picnic tables

at Ice House Park and other parks in the amount of \$10,000, and #14-13, funds needed to purchase items to be archived as requested by Commissioner Fox in the amount of \$1,000 and #14-14, funds needed for emergency repair of water leak at the Water Plant for \$7,500.

Discussion ensued in regards to finding funds for the picnic tables from somewhere else other than the Mayor and Commissioner contingency. The other option is to purchase what was necessary to replace those stolen or damaged at the Community Park at this time and revisit the options purchasing some for Ice House Park in the Spring season when there is a better idea of what is left in the budget.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve Resolution 2013-26 with budget amendment 14-12 cut to \$5,000. **Four in Favor, One opposed.** (Commissioner Brown): **Motion Carried.**

Retirement Plan Options

A lengthy discussion was held regarding the proposed retirement plan change which can be heard in its entirety on the Towns website

The representative was going to look into when the percentage of participants Salary Deferral contribution could be changed, she believes that it is annually. She also noted that if this is an issue and you decide to go with the 457B retirement plan you can change the percentage of participants Salary Deferral contribution up until December of this year before it would go into effect on January 1st. The filing before November 1st is a regulation that is required to let them know that you will be cancelling the Simple Plan and starting a 457B on January 1st.

Motion was made by Commissioner Linkey and seconded by Commissioner Fox to approve the options as discussed going to a 457B plan which include, using a minimum age requirement of 21, service requirement of 1 year, entry date monthly, Fixed formula 100% of the first 3% of participants Salary Deferral contribution, De Minimus Exception, Unforeseeable Emergency, In-Service Distribution at age 70 ½, Loans. **Four in Favor, 1 Opposed,** (Commissioner Ryan). **Motion Carried.**

Resolution 2013-27

Mr. Sussman stated that Resolution 2013-27 will authorize the termination of the Simple Plan and participation in the 457B plan according to the contract with the options that were just described and approved.

Motion was made by Commissioner Linkey and seconded by Commissioner Brown to adopt Resolution 2013-27. **All in Favor: Motion Carried.**

The Town Attorney commented that when the Resolution is signed and memorialized the form of Nationwide Trust Company Agreement should be attached to it along with the options that were just approved.

Motion was made by Commissioner Brown and seconded by Commissioner Ryan to adjourn the October 1, 2013 Town Meeting at 9:13 p.m. **All in Favor: Motion Carried.**

Respectfully submitted,

Jackie Sample,
Town Clerk

**Statement Regarding September 3, 2013 Closed Meeting for Inclusion in Minutes of
October 1, 2013 Town Meeting**

On September 3, 2013, the Mayor and Commissioners of Perryville conducted a closed meeting at 8:22 p.m. in accordance with State Government Article, Sec. 10-508(a)(7), to consult with counsel to obtain legal advice on a legal matter. Mayor Eberhardt and Commissioners Brown, Linkey, Ryan and Fox all voted in favor of conducting the closed meeting. In addition to the Mayor and Commissioners, the Town Attorney and the Town Administrator attended the entire closed meeting. The topics of discussion were the Municipal Complex concept site plan and how that plan impacts an existing lease and a possible request by other government agencies to connect to Perryville's water and wastewater facilities. The Mayor and Commissioners took no action during the closed meeting. The meeting was adjourned at 9:13 p.m.