

**Town of Perryville
Meeting Minutes
July 1, 2008**

ATTENDANCE: Mayor: James Eberhardt, Commissioners: Barbara Brown, James Hansen, Gary Tennis and Alan Fox; Town Administrator: Denise Breder, Financial Coordinator: Peggy Rice, and Police Chief Chris Daly.

The Town Meeting was called to order at 7:00 p.m.

Pledge to the Flag

APPROVAL OF THE MINUTES

MOTION was made by Commissioner Brown and seconded by Commissioner Fox to approve the June 3, 2008 Town Meeting Minutes. **All in favor; motion carried.**

MOTION was made by Commissioner Brown and seconded by Commissioner Fox to approve the May 29, 2008 Susquehanna Overlook Public Hearing Minutes. **All in favor; motion carried**

MAYOR'S REPORT-

Mayor Eberhardt attended the Maryland Municipal League Convention along with the rest of the board. The Town of Perryville was once again recognized as a Banner City, one of 16 out of 157 in the State of Maryland. Mayor Eberhardt thanked Pat Stetina and his wife along with Jack McClune from the Railroad Museum for manning the booth at the MML Convention for the Town since the theme was railroad oriented this year. The YMCA reported that they have 47 kids signed up for their summer program. Mayor Eberhardt made some contact with the State Highway Administration in regards to borrowing the Speed limit flashing sign that shows the rate you are going for streets in the Town of Perryville. Mayor Eberhardt reported that the Town settled on 5 acres of waterfront property along the river during the past month and that he had contacted the Maryland Fisheries to start a process to make that a fishing free area like they do in Havre De Grace. Contact was made with the MARC train representatives on the continuing parking issues. The Fire Department has expressed interest in an agreement with MARC for overflow parking similar to what the Methodist Church had done. That may involve shuttling passengers to the train station and we are currently looking into the schedule of the PT Cruiser service for Perryville. Mayor Eberhardt reported that Ms. Breder made her TV debut on Channel 11 news regarding the parking issues at the MARC train station. Mayor Eberhardt wanted to inform the residents that with the upcoming Fourth of July holiday if the fireworks leave the ground they are illegal.

Mayor Eberhardt performed the swearing in ceremony for two new officers for the Perryville Police Department. The two officers were Danielle Follosco and Mark Choate who were both graduates of the Delaware County Police Academy. They are currently attending comparative compliance training to help familiarize them with Maryland Law. They are both natives of Pennsylvania and have both relocated to Cecil County.

COMMISSIONER TENNIS' REPORT-

Public Works Report-

The Public Works Department patched a hole by the entrance to the Police Department. A new handicapped swing seat was installed at the Mini Park and bulk trash was picked up on June 9th. The County was contacted on 6/9/08 to have the brush along Frenchtown Road and Sumpter Drive cut, the County stated that the mower had broken and that it will be mowed before the Triathlon. The grills at the Community Park were painted and the painting of the picnic tables at the Community Park was finished. Broken benches and bleachers at the Community Park were repaired and painted. Water shutoffs were performed for non payment of bills. The scraping was finished and a new coat of paint was applied to the front porch of Rodgers Tavern. Commissioner Tennis also attended the MML Convention in Ocean City. The Garrett Island petition was taken to the convention and some signatures were obtained from the local Municipalities. Commissioner Tennis also thanked Pat and Jack for their assistance with the booth. Commissioner Tennis stated that with the new Comfort Station at the Boat Ramp and the additional property that we obtained it would be a perfect place for a kiosk for Garrett Island. He was asked to speak at Port Deposit's meeting tonight but could not because of the conflict with our meeting. They would still like me to speak so I am hoping to reschedule with them and go to their meeting in two weeks.

Mayor Eberhardt noticed that Harford Street was paved, he inquired on the status of Elm Street.

Ms. Breder indicated that Elm Street would get paved once the project gets more underway.

COMMISSIONER'S REPORTS –

COMMISSIONER FOX'S REPORT-

On June 17th I toured the united Water Treatment Facility at Hummelstown, PA, along with Larry Frazier and three of our water facility's employees. A United Water spokesman briefed us on the operation and conducted the tour. This is a new privately owned plant that features the Zenon water treatment technology that is similar to the system being installed in our new water plant. It is automated to a high degree and the treatment process can be monitored and adjusted at multiple sites and locations by computer.

From July 22-25 I attended the Maryland Municipal League Convention in Ocean City, MD. I was enrolled in the Academy for Excellence in Local Government sponsored by the University of Maryland and I attended workshops in Ethics, Police and Elected Official Interaction, Hiring Practices, The Open Meetings Act, and Municipal and Personal ID Theft.

On July 30 I met with Kevin Pampuch and Mark Prouty of URS and Mike Caldwell of DPW to tour and be briefed on the Town's water distribution system including the new water tower that is very close to going in operation. Afterward I toured our wastewater facility with Mark Prouty and Andrew Faschnaught and was briefed on the plans as to how the new facility was to be constructed while keeping the plant in full operation. Both the tours and the briefing were very informative, and I appreciate the time and attention given to me by these gentlemen.

From the Water Treatment Plant in June:

Progress on the construction is moving along and the move into the new control building is scheduled this week.

A problem with the sluice gates is ongoing. A source for repair parts is being sought and URS is searching for model numbers for the parts.

Justin Fain recently passed his Class 4 Water Operator's Exam. This gives us 3 licensed operators. Superintendent Frazier notes the Justin is a dedicated, hard working employee and an asset to the Town, so my congratulations to Justin.

The new generator is up and running and the rental unit should be able to be returned presently.

From the Wastewater Facility in June:

Screw Pump #1 was put back into service on June 2. We are now alternating operation between screw pumps. #1 Secondary has been out of service from June 3 to present. The gear box is with

KRS for repair. Despite heavy rainfall and only one secondary in operation, plant has been discharging good effluent.

On June 5, 6, 9 and 10, MDE site inspection and records review were held. There was a noticeable difference in the plant from the last inspection. Plant effluent discharge parameters are meeting levels much lower than the permit requirements. MDE appeared pleased with what they saw, however May and June 07 we exceeded the MDE ammonia parameter.

On June 9, a staff member was injured on the job (lost balance and dislocated shoulder) and has not returned to work.

Superintendent Faschnaught has noted a marked improvement in moral and a positive change in attitude in the majority of the staff. Several staff members have informed him that they now enjoy coming to work. The staff is also being encouraged to be preventative in action rather than reactive or inactive.

A sludge management plan has been instituted.

Visitors to the site have commented on the overall improvement of the plant appearance and operation.

Mayor Eberhardt inquired if the issue with the sluice gates is with a screw that opens and raises the gates.

Mr. Pampuch indicated that he believes that it was a problem with a nut that that the screw goes into keeps popping out.

COMMISSIONER HANSEN'S REPORT-

PLANNING & ZONING UPDATE

July 2008

PLANNING & ZONING MEETING

No applications were received for the June Planning and Zoning meeting. However, the Planning Commission held a worksession to discuss a text amendment to the Residential Marine apartment regulations, Residential-2 townhome regulations and the comprehensive plan. Last evening (6/30) the Planning Commission held a public hearing for amendments to the Residential Marine apartment regulations. Mr. Snee, attorney representing Robert Wilson who is the property owner where the next condo building is to be constructed, suggested additional language to be inserted in the amendments to reference Section 11-101 *et seq.* of the Real Property Article of the Annotated Code of

Maryland, add “rental” after words “multi-family apartments”, a height restriction of 55 feet, and “open space requirements do not apply to multi-family apartments/condominium”. The Planning Commission decided to table the discussion until the next meeting so additional information could be obtained such as height of current buildings in the waterfront area.

The issue of Townhouses being permitted in the R-2 Zone was discussed. The issue started with the recent proposal of townhouses on the Easton Diocese property (Honaker Woods) at the end of Honaker Street. The issues are:

Townhouses are permitted with conditions in the R2 zone in the Table of Permissible Uses.

Section 205.2. clearly mentions the R2 zone when describing those conditions. However, the Schedule of Zone Regulations, Section 238 (table that provides for setbacks, lot sizes, etc.,) does not have a category for townhouses in the R2 zone.

Alternatives addressed after the Public Hearing were to either delete reference of townhouses all together or add townhouses in the R2 district with conditions such as number of units, width, etc. Chris and Keith said it seemed that townhouses were allowed in the old zoning ordinance. It was decided to discuss the topic further at the next scheduled meeting.

The next Planning and Zoning meeting will be held on July 21st at 6:30pm. New business to discuss:

Principio Health Center Phase I -- the applicant has submitted their Final Plan for the second building of the Health Center, along with a copy of their Landscaping Plan. Property Owner Deborah Ingram has submitted a Zoning Certificate for approval of a home based child care center. Per Section 180 Child Care Center is a permitted use in the R1 zone serving no more than seven children and subject to other conditions. The applicant will explain the operation of the proposed child care center for additional conditions if necessary and approval to operate.

BOARD OF APPEALS:

No Board of Appeals meetings were held in June.

Commissioner Hansen also attended the MML Convention and spoke to a representative from the MTA about the parking issues at the MARC Train Station. They stated that they had problems with other stations regarding parking all the way to Baltimore and are working to resolve those issues.

Mayor Eberhardt thought that the Principio Health Center Phase I was for the first building, but the way it sounds it's like they submitted their final plan for the second building under Phase I.

Ms. Breder thought that the first building was Phase I too.

Commissioner Hansen stated that he would look into that.

Mayor Eberhardt stated that one of the items on the agenda was introduction of the Ordinance regarding the Zoning height restrictions. He believes that we would be ok in introducing it but has some concerns that were brought up at the Planning and Zoning meeting.

Commissioner Brown wanted to make sure that we were not held to anything if it is introduced and changes would be made prior to the vote on it at the next meeting.

Mr. Baynes, the Town Attorney, indicated that it can be introduced tonight and if things go as planned the Planning Commission would meet on July 21st to review it and make their recommendations to you to have for your August meeting. At that meeting you can make any changes and vote on it with the changes that night if you choose after a Public Hearing. The proposed Ordinance has forty feet height to remain consistent with all of the zones within your Zoning Ordinance. The property owner came in last night stating that because of the flood plain the first living area will have to be 12 or 13 feet above and they are going to have underground parking. The property owner stated that they could not have three floors and ground level parking and meet that height requirement. This is where the fifty five foot request came from, which they indicated is what is down there now. This is why the planning commission tabled it to investigate further to determine what is down there.

COMMISSIONER BROWN'S REPORT-

ANNOUNCEMENTS:

July 4, 2008 Have a safe and happy July 4th celebration.

July 5, 2008 Community Block Party, adjacent to Rodgers Tavern, 6-9 p.m., compliments of the First Baptist Church of Perryville, food, entertainment, games, etc.

July 12, 2008 Diamond in the Rough Triathlon, Community Park and other parts of Western Cecil County, 8 a.m. - 1 p.m.

July 24, 2008 Perryville Greenway Committee Meeting, 10 a.m., Administrators office.

PROJECT UPDATES:

1. I participated in settlement on the waterfront property that took place on June 16. The Town now officially owns the property which will insure the end to the water front blockage by development. However, we have a lot of work to do to prepare the property for public access. Two grants have already been submitted to start the process.
2. The restroom/concession building arrived on Friday, June 20, 2008. There were a couple of problems internally and we are awaiting their resolution so that final installation can be accomplished. It was inspected on Friday, June 27, 2008 by DNR who is funding the cost of the building.
3. The new walks in the Community Park and additional paving are nearly complete. Visitors are still parking on the grass on the water side of the park road. Due to the unstable conditions of the banks and the newly repaired area, we will be posting no parking signs and taking measures to stop this practice.
4. The dead trees in last month's report have been taken down. I am glad that is done and don't have to hold my breath that they came down before we could get them down.
5. Plans for Rodgers Tavern restoration are close to being completed and we are hoping to move forward with submission to the MD Historical Trust for their blessing by the end of July.

MEETINGS I ATTENDED:

June 9, 2008 Attended the Cecil County Economic Development Ag Advisory Board meeting at the County Office Building to hear a presentation on the equine industry, the slots referendum and the potential benefits to the State and Cecil County. It was very informative.

June 10, 2008 Met with Mr. and Mrs. Pat Stetina and Mr. Jack McClune of the Railroad Museum to discuss their exhibit and assistance with our Main Street booth at the MML convention in Ocean City. I want to express my sincere thanks to all three of them for doing an excellent job of representing the Town of Perryville. The board was supposed to assist and help man the Booth in shifts, but that did not happen. Our volunteers would not relinquish this task which gave us more time to participate in the

meetings and exhibits.

June 11, 2008 I attended and participated in the Ribbon Cutting Ceremony and Open House for the Tourism Center at the Perryville Outlets.

June 12, 2008 The Council of Governments meeting was cancelled for this evening and all were encouraged to attend the Cecil County Comprehensive Plan Oversight Committee on Agriculture, Preservation & Minerals Subcommittee meeting held at Cecil Community College. The topic was The "Green Infrastructure Plan" presented by the Conservation Fund. It very informative meeting showing the relationship of development within the growth corridor and the impacts to the green space and agriculture.

June 22-25 Attended the MML Convention in Ocean City

June 26, 2008 Chaired the Perryville Greenway Committee Meeting.

Met with Eric Grubb, Brian Goudy, Peter Pearre, and Nelson Campbell to go over additional information on the restoration of Rodgers Tavern.

Commissioner Brown introduced Eric Grubb who is the project manager of the Rodgers Tavern restoration project who gave an overview on the project. They are close to submitting this restoration to the Maryland Historic Trust for approval.

Mr. Grubb stated that the mechanical engineers have substantially completed the design for the mechanical and electrical system designs. They have shown the replacement of the existing electrical service coming into the building, the electric distribution and lighting and power. The air condition and heating system was designed to be replaced with a gas powered boiler with exchanges from the ground floor and the attic which was recommended by the engineers and the architects.

Commissioner Brown indicated that it was designed for what we wanted to do with the building but it was also designed with the Trust's guidance on what could and could not be torn up.

Mayor Eberhardt inquired what the amp of the electrical service is that is in there now.

Mr. Grubb believes that it is a 200 amp service.

Commissioner Brown indicated that nothing down there now would pass code so they basically have to start over. The process going forward is to have the Maryland

Historic Trust approve the design so that they could move forward with the bid process to get construction started on it. Commissioner Brown indicated that one of the problems that they have had was getting an archaeologist on site. Commissioner Brown indicated that we now have a contact with an archaeologist who we can call to be on site when the time comes for the outside work to take place. This is a requirement of the MD Historic Trust.

Mayor Eberhardt thought that there was an issue with a wall that needed to be addressed as well.

Commissioner Brown indicated that after a final review of the wall they determined that there was no danger of the wall collapsing so there was no structural compromise. Commissioner Brown wanted to get the Board's blessing to submit it to the Historic Trust when the time comes. She thanked Mr. Grubb and also wanted to thank Nelson Campbell for her assistance with this project and getting the people together that need to be a part of the project.

Mayor Eberhardt indicated that MDE had requested that the fencing be removed from the shoreline project. Mayor Eberhardt indicated that he noticed that the fence had been removed but the posts were still there. They also did not remove the webbed fencing on the top it was blowing across the road; he inquired whose responsibility that would be.

Ms. Breder indicated that it would be Tidewater's responsibility to remove the post, they did not have the proper equipment at the time but are supposed to come back and take care of that and our Public Works Department will be removing the webbed fence.

Water Distribution Progress Report-URS- Kevin Pampuch

Mr. Pampuch reported that the exterior paint is complete on the tower and the Town of Perryville logo has been put on and is facing I-95 and the Town seal is facing Rt. 222. The project is 99% complete the only remaining items are to fill the tank and disinfect it and test it. Also involved is turning things on to activate valves that are already installed that just need brought into service and the demolition of the old tank once this is accomplished.

Mr. Pampuch recommended a request for payment number 14 in the amount of \$26,193.10.

MOTION was made by Commissioner Fox and seconded by Commissioner Brown to approve the partial payment number 14 for the Water Distribution improvement. **All in favor; motion carried.**

Water Distribution System -request for reduction in retainage-Kevin Pampuch

Mr. Pampuch summarized a letter that URS submitted to the Town on behalf of Greensburg Environmental who was requesting a reduction in the retainage for the Water Distribution System Improvement project. We are presently holding 5% of the total contract amount and they are requesting that it be reduced to 2.5% of the total contract because they feel that they have completed as much of the work as possible until water is available from the new distribution pumps at the water treatment plant.

Mayor Eberhardt looks at the retainage as protection against the work that they have completed since there are no guarantees that everything will work properly once they are finished.

Mr. Pampuch stated that it is money that you are holding for your protection and you are not obligated to reduce the retainage the request was made by the contractor to URS and he is here to present their request.

Mayor Eberhardt inquired if we choose to not do anything what is the expected date that we are looking to have things turned on and to fill and disinfect the tank.

Mr. Pampuch indicated that they have told the contractor all along that it will be August or September when we expect that to happen.

Mayor Eberhardt inquired if that was still true.

Mr. Pampuch stated that JLW is a little behind on the finish work.

Mayor Eberhardt stated that we may be only 60 days out then.

Mr. Pampuch indicated that it could be longer because they have a time associated with their change orders in which we had a meeting with them about and they have already taken some actions to try to speed up that process.

Commissioner Brown inquired what would happen if they did not come back and finish, this is a bid price what would be the cost if we had to get another contractor.

Mr. Pampuch indicated that they have shown that on their cost breakdown sheet, the balance to finish is \$46,000.00 it would be estimated at \$92,208.00 for a new

contractor to finish the work with the current market and another contractor finishing a previous contractor's work. Mr. Pampuch indicated that it would also be additional cost associated with bid assistance from URS and other coordination needed.

Commissioner Tennis suggested holding the retainage at the 5% for 60 days and reconsider in September if circumstances are still preventing them from being able to fill and test the tank.

MOTION was made by Commissioner Tennis and seconded by Commissioner Brown to table the consideration for the request for the retainage reduction until the September meeting. **All in favor; motion carried.**

Water Plant Project Progress Report-URS- Kevin Pampuch

Mr. Pampuch commented that the main focus recently has been to get the operators into the new operations building, there were some punch list items that were created that the contractor has been working on. Once the operators move into the new building this will allow JLW to move into the other area to start the demolition work and the finished water and filter control components. Delmarva Power delivered the transformer and energized the permanent power to the site on May 28, 2008. There were a couple of change orders, one involving the installation of PVC piping for a recirculation line in the filter tanks. The other change order includes the installation of louvers and dampers at the filter building and an exhaust louver mounted to the existing ceiling. Photographs represent the Flocculation Tank foundation, generator testing, and installing piping at the Raw Water Pump Station.

Mayor Eberhardt inquired how the levels of the Flocculation Tanks are tested.

Mr. Pampuch stated that it is done with a water test, filled to the top and are expected to hold for a certain amount of time with no leaks.

Mayor Eberhardt inquired if that was done the first time when it was rejected.

Mr. Pampuch indicated that it was quite obvious that time so they did not get to that point.

Mayor Eberhardt inquired if we still need a boat to get to the intake infrastructure to inspect something.

Ms. Breder stated that operationally they will need one occasionally to get out there to inspect and either lease or come to an agreement with MTA to get them out there to do it.

Mayor Eberhardt indicated that we may want to talk to MTA about utilizing their boat even if we have to use their operators instead of purchasing our own boat that would have to be maintained.

Mr. Pampuch recommended payment in the amount of \$476,824.12 to J.L.W. Associates.

MOTION was made by Commissioner Fox and seconded by Commissioner Brown to approve the partial payment number 14 for the Water Treatment Plant project. **All in favor; motion carried.**

ADMINISTRATORS REPORT-Denise Breder

Town Administrator's Report Town of Perryville, MD July 1, 2008

- Water Treatment Plant and Distribution System Improvements Projects:
 - Attended a construction progress meeting at the water plant, on June 24, 2008.
 - The Town received notification from MDE that an Emergency Response Plan for the dam at the abandoned Reservoir Road water plant needs to be updated. We received one proposal to complete the plan and are in the process of seeking out another proposal. Additionally, Chief Daly is working on the plan to see how much of it can be done "in-house". A request for a three-month extension was sent to MDE to complete the work.
 - Received a response from Ronald Freeland, Executive Secretary for MDTA to the May 23, 2008 letter requesting that MDTA reimburse the Town for costs associated with the additional work that was done to the water line at the Administration Building in order to be able to utilize the line for our Water Distribution System Improvements Project. The response letter was to ensure the Town that our request is being investigated.
- Wastewater Treatment Plant:
 - The Notice of Award for Contract WWTP-01-07 was issued to Wickersham Construction. The contract between us was executed, Notice to Proceed was issued and the pre-construction meeting was held. Zoning Certificates for grading and site construction were issued to Wickersham, allowing for the Cecil County permits to be applied for by the contractor.

Town Meeting Minutes
July 1, 2008

- 13 -

- The Final Loan Application was completed, signed and submitted to MDE for the Water Quality Revolving Loan Fund financing portion of the Wastewater Treatment Plant Upgrade project.
- Amtrak has forwarded a temporary license to utilize their roadway for access to the reed bed area of the WWTP construction project. Once fully reviewed and amended if necessary, the access license will be executed. We are still in process of getting a permanent access right-of-way for use of that roadway.
- Annexation: Prepared the minutes for the Susquehanna Overlook Annexation Public Hearing.
- Pier Project update:
 - Comments were received from State Highway Administration on the initial submission of the pier project. The Town responded to those comments in writing. SHA prepared a written response to the Town's reply letter strongly recommending that some test piles be driven prior to bidding.
- June 4th prepared for and conducted a staff meeting. From that meeting a committee was formed to plan the annual employee picnic. The committee has met twice so far, and is comprised of one employee (not manager/supervisor) from each department.
- June 5th attended a meeting with Mrs. Mary Ann Skilling, Ms. Kate Schmidt, Commissioner Brown, and Ms. Nelson Campbell to discuss Critical Area issues as related to various Town projects.
- June 17th attended a County Commissioners public hearing and gave testimony to the Board regarding the letter that was sent to MDE from the Mayor and Commissioners of Perryville as related to reclamation of coal ash.
- June 17, 2008 Prepared for and attended the Mayor and Commissioner work session.
- Received a response from SRBC to the letter that was written objecting to the proposed increase in the Consumptive Use Mitigation Fee. SRBC decided to increase the fee anyway, but they will be phasing the increase in over a two-year period of time.
- With Mrs. Cathy McCardell, interviewed four candidates for the Planning and Zoning Coordinator position. Mrs. Dianna Battaglia was hired to fill that position and began working for the Town on June 16th.
- With Mrs. Cathy McCardell interviewed one candidate for the Town Planner vacancy. However, since only two people applied for that position and only one was qualified, the vacancy will be opened back up to see if we can get a few more resumes of qualified individuals.
- Met with Ms. Heather Erickson and Mrs. Dianna Battaglia for approval of zoning certificates.
- Worked on various personnel related issues, including planning the retirement party that was held for Mr. Ronald Powell.
- Prepared and sent a bill to Dept. of Natural Resources – Waterway Improvement Program in the amount of \$33,000 to complete Grant LG0705E for the pier project (management and geotechnical work).

- Assisted Commissioner Hansen with a letter to send to State Highway Administration regarding maintenance responsibility of sidewalks and other improvements within SHA right of ways.
- Worked with Ms. Heather Erickson to update the W&S Connection Management spreadsheets and to create a spreadsheet that is easier to follow specifically for tracking purposes. Information regarding connections was sent to Chris Carski of MDE at his request.
- Provided some information on the wastewater treatment plant upgrade project to Mr. Lenny Gold of MD Center of Environmental Training who was working on the mandatory Clean Watersheds Needs survey from MDE.
- Interacted with various developers in Town.
- Communicated with the President of the Little League over issues related to parking and cooperative use of the fields.
- Sent an email to Ashley Christy regarding what organization a donation check could be sent to for Miss Cecil County's Outstanding Teen, Aleesha Noel as a follow up from last months meeting. I did not receive a reply from Ms. Christy.

Mayor Eberhardt inquired if we had heard anymore from AMTRAK on hooking up to our water and sewer.

Ms. Breder stated that we had not heard anything else from them.

Mayor Eberhardt asked for clarification regarding the SRBC increase if it would only kick in after we pass our grandfathered amount which he believes was 800,000.

Ms. Breder indicated that is correct but she believes the amount is actually 690,000.

Mayor Eberhardt indicated that he and Commissioner Fox had met with the company who is updating the new web site and that it was looking pretty good. He inquired when it was expected to be done.

Ms. Breder commented that it actually went live today.

Commissioner Tennis inquired if we were requiring something different from Dr. Carletti in regards to the TNR program that was voted on a couple of months ago that was different than the motion, he inquired where the MOU came from.

Ms. Breder commented that we were given an initial proposal and Dr. Carletti never gave us a final proposal. In the final meeting she made some changes to the proposal so I sent her a letter on what our understanding is of her proposal and if she

was in agreement with it to sign it. Dr. Carletti had some changes and she emailed a letter in which Ms. Breder responded by saying that we did not promise that we would have full time supervision to keep people from dumping the cats. Ms. Breder commented that Dr. Carletti did not want to send releases for everyone involved in the program, she only wanted to send releases for those volunteering and it was Ms. Breder's understanding that it was for everybody involved in the program to waive any liability for the Town and she has not heard back from her.

Commissioner Tennis commented that it needs to get done it has been dragging on for a long time and finally got approved a couple of months ago and it is still not being done.

Mayor Eberhardt indicated that Dr. Carletti needs to submit the necessary information so that we know if someone dropping off a cat in a cage is from their organization after it has been neutered or someone just dropping off another cat.

Commissioner Brown indicated that it needs to move forward.

Mayor Eberhardt stated once we receive the information from Dr. Carletti we will have a better understanding of who is supposed to be out there and who is not.

Ms. Breder commented that the problem is that she never received a final written proposal from Dr. Carletti after she made some verbal changes in the last meeting.

Commissioner Tennis stated that if Ms. Breder puts the release form in his box he will take it to her and get it signed.

TREASURER'S REPORT-Peggy Rice

Treasurer's Report Town of Perryville, Maryland July 1, 2008

For the Month of June, 2008:

- 156 purchase orders were processed totaling \$1,768,039.44.
- 100 accounts payable checks were processed totaling \$1,739,278.45.
- Processed cash receipts totaling \$1,590,939.04.
- Prepared the May 2008 month-end closing entries and financial reports.

- Processed Loan Payment Disbursement Requests 1 and 2 to MDE for the Waste Water Treatment Plant Upgrade in the amount of \$283,917. These were BNR/ENR Grant reimbursements.
- Processed Loan Payment Disbursement Requests 30 and 31 to MDE for the Water Plant Upgrade Projects in June totaling \$1,553,248.00.
- Transferred payment to Greensburg Environmental Contracting Systems, Inc. in the amount of \$23,629.60 on June 24, 2008 for the Water Distribution System Improvements.
- Transferred payment to J.L.W. Associates, Inc. in the amount of \$1,529,618.24 on June 24, 2008 for the Water Treatment Plant.
- We are still awaiting reimbursement for the Water Plant Improvements in the amount of \$1,553,248 from MDE and have been informed that this will be done sometime this week.
- Received \$15,403.28 on June 10, 2008 from the Cecil County Treasurer's Office for Fiscal Year 2008 Real Estate Tax Revenues collected in May.
- During the month, completed bank paperwork for the Resolutions passed in June and requested an updated proposal for banking services from NBRS.
- During the month, reviewed year to date revenue and expenditure accounts and made correcting entries to the accounts.
- On June 5 and 6th, attended the Maryland Government Finance Officers conference and attended seminars on Ethics, Agency Notes, Tax Incremental Financing (TIFs), Credit Card Convenience Fees, and Fraud (this was presented by the Secret Service Agency and concentrated on the New Face of Money and Internet Fraud).
- On June 11th, attended the Staff Meeting with the Town Administrator.
- On June 12th, assisted the Juvenile Outreach Program with their annual audit by their grantor, Cecil Partnerships for Youth. We are currently in compliance with the grant requirements.
- On June 18th, provided Department Heads with a year-to-date expenditure report and memo for year end procedures.
- One June 19th, attended an Edmunds Software training on end of year procedures.

The Financial Statement Summary for the month of May 31 the MTD for the General Fund was at a surplus of \$95,931.50 and a YTD surplus of \$284,416.58. The water fund MTD was a surplus of \$232,313.11 and a YTD surplus of \$151,571.29. The sewer fund MTD was a deficit of (\$20,186.66) and a YTD surplus of \$76,492.78.

The bank balances for PNC; the balance was \$701,395.21 for the MD Government Investment Pool the balance is \$2,598,867.57, for Bay First Bank it is \$868,216.41 for Bank First \$2,500.00, and for NBRS it is \$69,642.96, for a grand total of \$4,240,622.15.

Mayor Eberhardt mentioned that some in attendance at the MML convention reviewed a demo on how Elkton is doing on-line payments and that the Mayor of Elkton seems to be pleased with how it is working out. Mayor Eberhardt commented that he hopes to get us on board with that as well.

Ms. Rice commented that we have the capability to do that with the new system.

Commissioner Brown wanted to thank Ms. Rice for her assistance with her budget which made it possible to order the lights for Rodgers Tavern.

Perryville Police Department Chief's Report-

Juvenile Outreach Program-

There were eleven individual sessions, six parent meetings and two Life Skills Group Meetings. On 6/11-6/13 a guys retreat, on 6/10 a Philadelphia Souls Game, on 6/23 an Iron Birds Game, and on 6/29 Paintball with Chief Daly. Chief Daly thanked Gordon and Pam Roath for their generous donation to the Outreach Program. Colonel Fisher and Kate Fisher were thanked for their support with the Troop donations and for the Iron Bird tickets they purchased for our members. Bob Conley, the landlord for the Outreach Program was thanked for sponsoring a pizza night at the Outreach Program. Also, thanks to George and Karen Anderson for the T.V. donation.

Monthly Police Report-June

| MONTH | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEP | OCT |
|--------------|------------|------------|------------|------------|------------|-------------|-------------|------------|------------|------------|
| CRIME | | | | | | | | | | |
| ROBBERY | 1 | | 0 | 2 | 0 | 0 | | | | |
| ASSAULT | 8 | 2 | 8 | 5 | 4 | 5 | | | | |
| BURGLARY | 1 | 0 | 0 | 3 | 1 | 0 | | | | |
| THEFT | 21 | 12 | 17 | 10 | 13 | 15 | | | | |
| AUTO THEFT | 0 | 2 | 1 | 0 | 0 | 0 | | | | |

Town Meeting Minutes
July 1, 2008

- 18 -

| | | | | | | |
|-----------------------------------------------------------|-----|-----|-----|-----|-----|-----|
| CDS | 4 | 1 | 2 | 1 | 1 | 1 |
| DISORDERLY | 12 | 7 | 15 | 12 | 8 | 21 |
| MDOP | 10 | 6 | 12 | 2 | 10 | 6 |
| ADULT ARRESTS | 2 | 4 | 3 | 4 | 7 | 1 |
| JUV. ARRESTS | 2 | 0 | 3 | 0 | 0 | 4 |
| TRAFFIC CITATIONS | 12 | 3 | 15 | 9 | 18 | 15 |
| WARNINGS | 10 | 32 | 20 | 25 | 20 | 11 |
| SEROS PARKING VIOLATIONS BOAT RAMP VIOLATIONS | 8 | 9 | 5 | 8 | 10 | 6 |
| ACCIDE NTS | 11 | 7 | | 9 | 5 | 8 |
| CALLS | 220 | 122 | 236 | 209 | 220 | 207 |

Perryville Police Department Chief's Report-

6/10/08- Attended a radio meeting at DES

6/14/08- Attended a Strawberry festival at Good Shepherd and conducted fingerprinting for children.

6/16/08- New applicants Danielle Follosco and Mark Choate started with the Dept. and started training with me.

6/19/08- Attended the Delaware County Municipal Police Academy Graduation.

6/23/08- Carried the Town Flag at the opening ceremony of the MML Convention.

6/24/08- Attended MML PEA Breakfast/ Top Cop Award.

6/27/08- Attended active shooter training at the Aberdeen Police Department.

Chief Daly reported that the 2008 Municipal Top Cop Award went to Patrolman 1st Class David Stokes from the Annapolis Police Department which was presented to him by Lieutenant Governor Anthony Brown and Attorney General Douglas Gansler.

MOTION was made by Commissioner Tennis and seconded by Commissioner Brown to pay for Chief Daly's expenses during his stay at the June MML convention. **All in favor; motion carried.**

FROM THE FLOOR

There were no resident comments from the floor. Mayor Eberhardt discussed the status of a request made previously by a resident in regards to the painting of the road lines on Cedar Corner Road. The County restriped the lines but once again only go as far as where their portion ends. Mayor Eberhardt discussed it at the County Work Session this morning. The contractor will be back in August, however; we will have to pay for it and it will probably cost around \$275.

Commissioner Brown inquired if we could do it ourselves.

Mayor Eberhardt indicated that we do not have the equipment to do that.

Commissioner Brown asked why we could not purchase the equipment.

Mayor Eberhardt indicated that we may want to consider that for parking lot striping but with a road he does not know if it is that easy because of the accuracy required.

OLD BUSINESS-

Ordinance 2008-1-Wastewater Facility Financing

Ms. Breder summarized Ordinance 2008-1 regarding the financing for the Wastewater Facility which was introduced last month for the board to vote on tonight. The authorizing notice allows the Town of Perryville to borrow up to \$6,250,000 from the MD Water Quality Financing Administration for planning, design and construction for the biological nutrient removal and the enhanced nutrient removal facilities at the existing 1.65 million gallons a day at the Perryville Wastewater Treatment Plant. It also allows the Mayor and the Town Clerk to execute a loan agreement attached to the Ordinance to evidence the loan. The loan will be amortized over 19 years after completion of the project at level debt service and is expected to bear interest at 25% of the average of the bond buyer eleven bond index which is currently averaging 4 to 4 and 1/2% for the month preceding the loan closing. The interest will be payable semi-annually.

MOTION was made by Commissioner Fox and seconded by Commissioner Brown to approve Ordinance 2008-1 regarding the financing for the Wastewater Treatment Plant. **All in favor; motion carried.**

NEW BUSINESS-

Resolution 2008-14-Budget Amendments

Mayor Eberhardt summarized some of the more substantial funds to be reclassified for the year end budget amendments. One of them was for the Water and Sewer Fund to reclassify funds for the plant upgrade. Another one was in the General Fund to reclassify funds to settle on the property purchased by the Town. Also to reclassify funds due to actual expenditures and a budget modification to the grant agreement for the Juvenile Outreach Program.

MOTION was made by Commissioner Brown and seconded by Commissioner Hansen to approve Resolution 2008-14 budget amendments 08-28 through 08-40. **All in favor; motion carried.**

Ordinance 2008-2

Mayor Eberhardt briefly mentioned Ordinance 2008-2 which amends Chapter 8 of the Code of Perryville, which would change the marine district zoning. As stated earlier Mayor Eberhardt has a lot of questions regarding this proposed Ordinance and would be anxious to hear the Planning and Zoning comments.

Commissioner Brown inquired whether we would get those comments before it comes before us again because she would like to read those comments before we vote on it.

Mr. Baynes indicated that the plan is for them to meet on July 21st and at that time making their recommendations so that you will have it for your August meeting.

Ms. Breder indicated that the Mayor and Commissioners will have to have a Public hearing prior to the August meeting on this amendment.

Mayor Eberhardt inquired what the urgency was for this.

Ms. Breder indicated that she believes that the contractor wants to get the project moving and this amendment is holding them up.

Commissioner Brown wants to be assured of all of the ramifications involved with this issue before making a decision and at this point it has not been.

Mayor Eberhardt commented that there were comments from concerned citizens regarding the height of the building in which he was handed written notification that they were given on the maximum height that the building could be.

Commissioner Brown stated that they were told that the buildings complied with our regulations.

Ms. Breder indicated that we do have a new employee in place of Heather who does not know the height of the building, the contractor's attorney is the one that brought up the fact that they want to have the 55 feet height. This Ordinance does not say 55 feet it says 40 feet.

Mr. Baynes indicated that it is deleting the 45 height restriction and changing it to 40 feet making it consistent with your height in all of your zones.

Ms. Breder indicated that their Attorney was stating that the height of the building was already higher than the 40 feet, so the board wanted to confirm what the height of the building already is.

Mayor Eberhardt thought that Mr. Baynes indicated earlier that they claimed that they could not build the building with the 40 foot height restriction.

Commissioner Brown indicated that one of her concerns is that she does not want to be raising and lowering the height restrictions of buildings just to meet developer's needs, she wants it to be consistent.

Mr. Baynes indicated that this Ordinance would make it be more consistent in all of your zones.

Commissioner Brown asked what is inconsistent in what we have now.

Mr. Baynes indicated that in one of the zones it does say 45 feet and all of the other zones say 40 feet.

Commissioner Brown inquired what that zone was; there may be a reason for it.

Mr. Baynes was not sure which one was different but Chris Rogers wanted them all to be consistent with the 40 feet height restriction when dealing with apartment or condominium type buildings.

Mayor Eberhardt stated that he is not ready to introduce this Ordinance tonight he would like to table it.

MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to table Ordinance 2008-2. **All in favor; motion carried.**

Duck Blind Lottery Regulations for the Perryville Park-Commissioner Brown

Commissioner Brown stated that she had announced at a previous meeting that she scheduled a date for those interested in forming a duck blind committee to work on new regulations. It was advertised in the paper and on the sign board and the only person that showed up was Reverend Sackett. Commissioner Brown addressed some of his concerns and they came up with a few changes which are in bold to the existing rules. Commissioner Brown stated that one of the important issues now on the form is "Residents under the age of 18 must be accompanied by their parent or legal guardian holding a valid waterfowl hunting license issued by the Maryland Department of Natural Resources, also it says permits. It addresses three blind sites that are available now verses what used to be two. The blind site will be clearly marked by land. The key may **Not** be duplicated which was always in there in bold. At the bottom of the page where Witness signature is needed, Parent/Guardian has been added if you approve the sentence regarding the age.

Mayor Eberhardt stated that the concern previously has been underage people winning the lottery and being operated by themselves.

Commissioner Brown commented that this addresses the issue as far as DNR is concerned that if a person has taken the Hunter Safety Course and has a valid hunter's license they are allowed to hunt in the State of Maryland.

Mayor Eberhardt stated that this does not mean that we hand them the key to our park.

Commissioner Brown indicated that was because age was the issue and in order to address the issue this is what Reverend Sackett came up with after meeting with some other parents and she informed him that she would submit this to the board.

Mayor Eberhardt inquired why the age of 18 was chosen.

Commissioner Brown stated that was an age that was presented to her.

Commissioner Tennis inquired how the age will be checked.

Commissioner Brown commented that when they come in to fill out the paperwork they must show proof of identity, when they win the lottery there is another set of paperwork. After the winner is chosen the office must get a picture of their i.d. and proof of their license, and car registration which I submit to DNR so they know who is supposed to be there.

MOTION was made by Commissioner Tennis and seconded by Commissioner Fox to accept the changes to the waterfowl hunting lottery program. **All in favor; motion carried.**

Commissioner Brown had another request on behalf of the Duck Hunting Committee in regards to a new early goose hunting season that starts sometime in September and the dates are not posted at this time. Commissioner Brown stated that they asked if they could do two lotteries so that they can participate in this new season.

Mayor Eberhardt inquired if the seasons will overlap.

Commissioner Brown commented that they will not overlap from what she was told.

MOTION was made by Commissioner Tennis and seconded by Commissioner Fox to do a separate lottery for the new early goose hunting season. **All in favor; motion carried.**

Parks and Recreation Crewperson Position- Commissioner Brown

Commissioner Brown presented a job description that she drafted for a new Parks and Recreation Supervisory Position based on information gathered from other entities. Commissioner Brown is looking for input that the board may have on this job description so that she may get it advertised and the position filled if approved.

Mayor Eberhardt noticed that it references the handling and use of various types of equipment under the physical and environmental conditions, he inquired if the types of equipment should be listed under the required knowledge, skills and abilities.

Commissioner Brown commented that she does not know if they should require it as part of the job resume, she believes that it would be part of the learning curb and they would be shown how to use the equipment. Commissioner Brown indicated that they are looking for someone who will be able to develop and perform preventative maintenance guidelines for the open space properties and Rodgers Tavern.

Commissioner Hansen feels that it should be the responsibility of the Maintenance Supervisor.

Commissioner Brown commented that there is only so much time and so many things that one person can do, this is to take that responsibility off of him if they find someone that will have the qualifications.

Mayor Eberhardt indicated that the position was a budgeted position.

Commissioner Tennis inquired if the steps were going to be the same in this grade.

Commissioner Brown indicated that they would be the same with this grade, they are still a Crew Person III but it is under Parks and Recreation now versus Public Works. She is looking for the board's approval to advertise the position as described in the job description as presented, they will report to the Public Works Superintendent.

MOTION was made by Commissioner Tennis and seconded by Commissioner Fox to advertise for the Crew person position for the Parks and Recreation Department that was already in the budget. **Four in favor, 1 opposed (Commissioner Hansen); motion carried.**

Board of Appeals

There were three members terms with the Board of Appeals that had expired or were about to expire, two of them have expressed interest in serving on the board again. Mayor Eberhardt would like to get the opportunity out there for other people that may be interested in applying.

Mr. Baynes indicated that one problem that may come up with that would be if you received any applications to be approved by the board.

Mayor Eberhardt believes that this has come up before and they were ok to serve until another person is assigned.

Commissioner Brown thought that the way that the code read that the person would still serve until another person was appointed or they were reappointed.

Ms. Rice exited the meeting to obtain a code book so that they could see what the procedure is.

Mayor Eberhardt proceeded forward with the next item until Miss Rice came back.

Rodgers Tavern M.O.U- Mayor Eberhardt

Mayor Eberhardt summarized an amendment to the Rodgers Tavern Pier Project. The Lower Susquehanna Greenway Greenway Committee was originally earmarking \$700,000 to the town toward the project; they now have added another \$550,000 toward it for a total of \$1,250,000. The non-federal share will be 20% of the earmarked amount which is estimated at \$312,500.00, which can include cash and other eligible activities.

MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to approve Amendment #1 of the Rodgers Tavern Pier Project Memorandum of Understanding. **All in favor; motion carried.**

Mr. Baynes, after reviewing; commented that in regards to the Board of Appeals vacancies the code basically states that the appointments are staggered terms of three years.

Mayor Eberhardt inquired if we could continue their terms for 60 days to allow for other residents to apply.

Mr. Baynes does not see why that could not be done.

MOTION was made by Commissioner Brown and seconded by Alan Fox to extend the terms of the three Board of Appeals members for 60 days. **All in favor; motion carried**

MOTION was made by Commissioner Brown and seconded by Commissioner Tennis to adjourn the meeting to an Executive Session to discuss personal issues at 9:22 p.m. **All in favor; motion carried.**

Respectfully submitted,

Jackie Sample,
Town Clerk

Town Meeting Minutes
July 1, 2008

- 26 -

