



BERLIN MAYOR AND COUNCIL
Meeting Agenda

Berlin Town Hall
10 William Street
Monday, May 22, 2017

6:00 PM EXECUTIVE SESSION – Conference Room

- a. Pursuant to Section §3-305(b)(7) – To consult with counsel to obtain legal advice on a legal matter.

7:00 PM REGULAR SESSION – Council Chambers

1. Approval of the Minutes for:
 - a. Executive Session of 05/08/17
 - b. Statement of Closure for Executive Session of 05/08/17
 - c. Regular Session of 05/08/17
2. Oceans East – Water and Sewer Use and Allocation Agreement – Mark Cropper, Esq.
3. Resolution 2017-03: Prohibiting Truck Traffic on Baker St. – Public Hearing – Town Attorney David Gaskill
4. Departmental Reports:
 - a. Administrative Services Director – Mary Bohlen
 - b. Water Resources/Public Works – Jane Kreiter
 - c. Electric – Tim Lawrence
 - d. Chief – Arnold Downing
 - e. Planning – Dave Engelhart
5. Town Administrator’s Report – Jeffrey Fleetwood on behalf of Laura Allen
6. Comments from the Mayor
7. Comments from the Council
8. Comments from the Public
9. Comments from the Press
10. Adjournment

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Laura Allen, Town Administrator at (410) 641-4144. Written materials in alternate formats for persons with disabilities are made available upon request.

*TTY users dial 7-1-1 in the State of Maryland.
TTY users outside Maryland dial 1-800-735-2258*



BERLIN MAYOR AND COUNCIL
Meeting Minutes
Monday, May 8, 2017

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

Present: Mayor Gee Williams, Vice-President Elroy Brittingham, Councilmembers Thom Gulyas, Zackery Tyndall, Dean Burrell, and Troy Purnell.

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Water Resources/Public Works Director Jane Kreiter, Finance Director Natalie Saleh, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Economic and Community Development Director Ivy Wells, Town Attorney David Gaskill, and Administrative Assistant Kelsey Jensen.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:05 PM.

1. Approval of the Minutes for:

a. Executive Session of 04/24/17:

On the motion of Councilmember Gulyas, the Executive Session minutes of April 24, 2017 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

b. Statement of Closure for Executive Session of 04/24/17:

Mayor Williams read the Statement of Closure.

c. Regular Session of 04/24/17:

Councilmember Gulyas noted a correction on page three section four “gross value weight” should read “gross vehicle weight”.

On the motion of Councilmember Gulyas, with the change noted, the Regular Session Minutes of April 24, 2017 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

d. Utility Funds Budget Work Session 05/01/17:

On the motion of Councilmember Tyndall, the Utility Funds Budget Work Session Minutes of May 1, 2017 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas			X		
Zackery Tyndall	X				
<i>Voting Tally</i>	4		1		

2. Presentation: Salisbury University Environmental Studies Senior Seminar: The Salisbury University Environmental Studies Senior Seminar Students gave a presentation. Mayor Williams and Councilmember Tyndall thanked them for their hard work and thorough presentation.

3. Special Event Request:

a. St. Paul UMC 5K Memorial Walk/Run – J. Dale Smack

Chief of Police Arnold Downing presented the event on behalf of J. Dale Smack. Councilmember Burrell asked if the event is the same as last year; Chief Downing stated that it is.

On the motion of Councilmember Burrell, the event request was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

b. Application for Special One Day Permit – Berlin Fire Company – David Fitzgerald

Town Administrator Laura Allen explained what the permit was for.

On the motion of Councilmember Purnell, the permit was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

4. Request for Funding – Diakonia – Claudia Nagle:

President of Diakonia Allison Church and Executive Director Claudia Nagle presented information on Diakonia. Councilmember Burrell thanked them and congratulated them on what they've accomplished.

5. Naming and Re-Naming Town Property Policy – Town Administrator Laura Allen

Ms. Allen deferred to Councilmember Tyndall who explained the policy. Mike Wiley stated that it was a very efficient committee. Carol Rose thanked Ms. Allen and Town Attorney David Gaskill for their leadership.

On the motion of Councilmember Tyndall, the policy was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

6. Request for Sign Permit Fee Waiver – Administrative Services Director Mary Bohlen

Ms. Bohlen explained Motion 2017-19 for the fee waiver. Mayor Williams asked if this was the second full year of the Edible Garden; Ms. Bohlen said it was.

On the motion of Councilmember Burrell, Motion 2017-19 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

7. Deed of Dedication Cannery Village – Andrew Hanson

Osprey Vice President Andrew Hanson explained Cannery Village and the Deed of Dedication. Town Administrator Laura Allen read Motion 2017-18. Mayor Williams asked if this included the ponds; Ms. Allen replied that the stormwater aspects are not being incorporated.

On the motion of Councilmember Purnell, Motion 2017-18 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

8. Ordinance 2017-01: An Ordinance of the Mayor and Council of The Town of Berlin, Maryland Amending Chapter 32, Article II, Section 32-21 of The Town Code Re-defining the Term “Truck.” – Second Reading – Town Administrator Laura Allen

Ms. Allen read the Ordinance. Councilmember Purnell asked about a larger truck, like a class three. Mayor Williams opened the Public Hearing at 7:40 PM. Richard Holland with the Adkins Company was present with his son Rick Holland and Attorney Gil Allen; he expressed his concerns with the Town closing Baker Street to trucks. Town Attorney David Gaskill explained that per Mr. Hale Harrison, the portion of Harrison Avenue that the Adkins Company thought

was owned by the Harrisons is owned by the Town, he imagines that the land records are no longer with the County, but with the State in Annapolis. Mr. Holland asked if the Town does not own that portion, then are they able to use Baker Street; Mayor Williams explained that they will not be able to use Baker Street unless the delivery is on Baker Street and not Harrison Avenue. Mr. Doug Parks asked if the Adkins Company owns property on Baker then why can't they have deliveries made via Baker. Mayor Williams explained that the purpose of this is to protect the historical aspects of Baker Street, not to harm the Adkins Company. Mr. Holland stated that without Baker, trucks cannot access their company; Mr. Gaskill stated that that is not true, they have closed Harrison Avenue to themselves, and if the Town owns the North portion of Harrison Avenue then Adkins will still have access. Mr. Allen asked if we could get a confirmatory quitclaim deed on that portion of Harrison Avenue to confirm this because if they do not own it then they will not be able to access their business if the Resolution becomes effective. Councilmember Gulyas asked how long Harrison Avenue has been a road to access the Adkins Company; Mayor Williams responded, since the mid to late 1800's; Councilmember Gulyas stated that they should open it up. Gary Coldwell said that with Harrison Avenue being closed they are causing many roads to be ruined and that he supports the Town. Mr. Holland explained that they have closed the road because every time the Town had Harrison Road paved, the Adkins Company was responsible for their portion of the road and they were unhappy with having to do that so frequently. So, they decided to close the road because they can't pay for a public street to be paved every time it's needed. He then stated that the only way the barricade will come down is if the Town can make a deal, and if the Town can get a confirmatory quitclaim deed they would be happy to negotiate. Mayor Williams closed the public hearing at 8:10 PM. Councilmember Purnell found the email regarding truck weight recommendations amending the weight limit from 10,000 lbs to 14,000 lbs. Councilmember Tyndall stated that he believes that 14,000 lbs if for a fully loaded vehicle not a class three as is.

On the motion of Councilmember Purnell, the Motion to amend Ordinance 2017-01 from 10,000 lbs to 14,000 lbs was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall		X			
<i>Voting Tally</i>	4	1			

On the motion of Councilmember Burrell, Ordinance 2017-01 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Mayor Williams asked when construction on Baker Street will begin; Ms. Allen stated they plan to begin after July 1, 2017, after the budget is adopted, but the design portion is underway.

9. Resolution 2017-03: Prohibiting Truck Traffic on Baker Street – First Reading – Town Administrator Laura Allen:

Town Attorney David Gaskill stated that a second reading is not needed, just a public hearing and noted that in paragraph three we will need to amend the Resolution to read 14,000 lbs not 10,000 lbs.

On the motion of Councilmember Purnell, the Motion to amend Resolution 2017-03 from 10,000 lbs to 14,000 lbs was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Mayor Williams opened the public hearing at 8:17 PM. Attorney Gil Allen stated that he believes the Town is proceeding with the assumption that this will not affect Adkins and that the Town owns the North portion of Harrison Avenue. Councilmember Burrell stated that is not accurate, this is solely to protect the historical significance of Baker Street and Mr. Allen can feel free to get a confirmatory quitclaim deed himself. Mr. Holland stated that the Town will have a direct effect on deliveries to the Adkins company; Councilmember Burrell stated that it is not in our control. Councilmember Tyndall stated that he believes we should wait on this Resolution until we receive clarification about who owns what on Harrison Avenue. Mr. Allen said if the Resolution is approved and the North part of Harrison Avenue is not Town property, then it will be detrimental to the Adkins Company; he wants us to confirm the owners of the North portion of Harrison Avenue. Councilmember Gulyas stated that the Adkins Company and their Attorney can get the quitclaim deed if they would like. Councilmember Tyndall asked Mr. Gaskill if getting the deed is something that Mr. Allen can do on his own; he stated that he could. Councilmember Tyndall asked when construction on Baker Street will begin; Ms. Allen stated they plan to begin after July 1, 2017, after the budget is adopted. Mayor Williams closed the public hearing at 8:38 PM. Cam Bunting stated that she suggests Mr. Gaskill speak with her husband about the Harrison Avenue ownership for more information.

On the motion of Councilmember Tyndall, the postponement of voting on Resolution 2017-03 until we find out if the Town owns the North portion of Harrison Avenue was not approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP		X			
Dean Burrell		X			
Troy Purnell		X			
Thom Gulyas		X			
Zackery Tyndall	X				
<i>Voting Tally</i>	1	4			

On the motion of Vice-President Brittingham, the Motion to approve Resolution 2017-03 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				

Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall		X			
<i>Voting Tally</i>	4	1			

Councilmember Burrell apologizes to Mr. Holland; he said sorry if he feels he hasn't been treated fairly in the past and they want to help now. Mr. Holland thanked him and stated that he wants to find out who owns what on Harrison Avenue.

10. Introduction of Ordinance 2017-02: First Reading of the proposed FY18 Budget – Town Administrator Laura Allen:

Mayor Williams explained the proposed budget and went through the budget highlights. Town Administrator Laura Allen read over Ordinance 2017-02 and explained that the public hearing will be held on June 12, 2017. Councilmember Burrell stated that there is an overall decrease, but our quality of services will not suffer because of the decrease. Mayor Williams reiterated that the public hearing for the budget will be on June 12, 2017.

11. Resolution 2017-04: Establishing the Property Tax Rate for the Fiscal Year Beginning July 1, 2017 pursuant to Ordinance number 2017-02, The Operational Budget for Fiscal Year 2018 – Finance Director Natalie Saleh:

Mayor Williams explained Resolution 2017-04 and that the tax rate will not change. On the motion of Councilmember Gulyas, Resolution 2017-04 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

12. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh had nothing to report.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen provided examples of the new public access channel in comparison to the old system.

c. Water Resources/Public Works Director – Jane Kreiter

Ms. Kreiter stated that tomorrow Assateague Coastal Trust and Berlin Intermediate School will be at the Edible Forest planting plants. Bulk Pickup will take place on Wednesday for individuals whose trash pickups are on Tuesday or Wednesday. She reported that she will be in Baltimore this week for MAMSA and MAMWA meetings.

d. Electric Utility Director – Tim Lawrence

Mr. Lawrence reported that at the Power Plant they have replaced the #5 1949 breaker and he has reached out to Worcester Technical High School to see if they would like the old one. At Intrepid Lane, they assisted in installing the secondary services and are waiting on the

inspection. Next week, they will be installing the transformers. At the new Berlin Library, they have begun work on replacing the utility pole.

e. Police Chief – Arnold Downing

Chief Downing reported that it is prom season and they are encouraging everyone to be safe.

f. Planning and Zoning Director – David Engelhart

Mr. Engelhart stated that the permits for the new Berlin Library have been issued. They have sent violation notices for citizens' grass and weeds already.

g. Economic and Community Development – Ivy Wells

Ms. Wells reported that Wooden Octopus will have their grand opening/ribbon cutting on Friday at 4 PM, lunch concerts begin next week on the 18th, Mayday Play Day will take place on the 19th, World of Toys is now open, and Bustle has closed but another business will be moving in shortly.

h. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood reported that he has begun employee information sessions for health care.

6. Town Administrator's Report – Laura Allen

Ms. Allen had nothing to report.

7. Comments from the Mayor:

Mayor Williams had no comments.

8. Comments from the Council:

Councilmember Gulyas had no comments.

Councilmember Tyndall had no comments.

Vice-President Brittingham had no comments.

Councilmember Burrell had no comments.

Councilmember Purnell stated that the new sign on Town Hall looks great; an audience member agreed and stated that we need a sign like that on Main Street.

9. Comments from the Audience:

Cam Bunting asked for the Council's take on the campgrounds; Mayor Williams stated that he hasn't heard anymore from Hugh Cropper so has nothing to comment on, but asked Hugh to keep the Town informed throughout the process. Carol Rose stated that the public would like to be included on any information when it becomes available. Councilmember Tyndall said it's too early to comment at this point, but all the Councilmembers phone numbers and emails are on the website if anyone has any questions. Mayor Williams stated that nothing will be done without the public being included.

10. Comments from the Press – none

11. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 9:20 PM.

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Respectfully Submitted,

Kelsey Jensen
 Administrative Assistant

WATER AND SEWER USE AND ALLOCATION AGREEMENT

Made this _____ day of _____, 2017 by and between 9828 Seahawk Road, LLC. hereinafter referred to as "Owner", and the Town of Berlin, hereinafter referred to as "Berlin or "Town of Berlin".

WITNESSETH:

Whereas, the Owner is the owner in fee simple of certain property located in Worcester County, Maryland and known as 9828 Seahawk Road, LLC., Berlin, MD., Tax Map 25, Parcel 92; hereinafter referred to as the "Property"; and

Whereas, the Property consists of Community Building; and

Whereas, Berlin Standards and Specifications require the following:

Whereas, the Property is allocated under policies and procedures of Berlin a Water and Sewer allocation of three (3) Equivalent Dwelling Unit ("EDU) equal to 750 gpd; and

Whereas, the Owner may in the future desire to subdivide the Property, or divide the Property by metes and bounds or by other means for the purpose of sale or otherwise change the permitted uses or intensify or increase a previously permitted use on the Property so as to modify the water and sewer usage attributable to the Property; and

Whereas, this Agreement is not intended and shall not be construed as authorizing any EDU's in addition to the three (3) EDU(s) allocated to the Property; and

Whereas, this Agreement is intended only to authorize the specific uses so as to assure the Town of Berlin that the use of the Property does not utilize in excess of three (3) EDU(s), not to exceed 750 gpd.

Now, Therefore, in consideration of permission granted by the Town of Berlin to allow Owner or Owner's successors, personal representatives and assigns, a water and sewer allocation from the Town of Berlin equal to three (3) EDU(s) or 750 gpd for the Project, the Owner does hereby covenant and agree for itself, and for all its purchasers, lessees, successors and assigns, to and with the Town of Berlin, as follows:

1. Historical metered flows were determined by the master meter on the Property from 24 months of continuous usage immediately prior to the approval date of this agreement and these flows were used in the allocation of three (3) EDU(s) or 750 gpd.

2. Owner specifically acknowledges and agrees that any changes to the approved use including any increase to or enhancement of a previously approved use may not be made without the prior express written approval of the Town of Berlin.
3. The Property is only approved for three (3) EDU(s), Owner is to notify the Town of Berlin for approval of any change in use or ownership. The Owner further agrees and understands that a Zoning Permit shall be required for any change of use.
4. The Town shall monitor water consumption as an indication of actual sewer flow to a non-residential unit or project for a period of twenty-four months following completion of the entire project. If the flow exceeds the established EDU's allocated to the property, the owner of the non-residential unit or project will be assessed additional Special Connection Charges as appropriate, at the rate previously paid by the owner to reflect the additional flow in excess of the previously allocated number of EDU's. Any fractional portion shall be rounded to the next highest whole number. The owner agrees that it is required to purchase additional EDU'S if the actual flow exceeds the established EDU'S allocated to the property, and understands and agrees that the failure to purchase additional EDU'S may result in the termination of water and sewer service to the property at the discretion of the Town of Berlin.
5. Flow projections for the Property shall be calculated by the Town utilizing the flow projections provided in the Guidance Document, titled Wastewater Capacity Management Plans, 2006, published by the State of Maryland Department of the Environment, as amended, ("Guideline") except for medical office use.
6. Effective December 31, 2006, when the proposed use is for medical office space, flow projections for such use shall be calculated by the Town by multiplying the gross square footage of such medical office space times 0.10 to determine the projected flow in gallons per day ("Medical Office Guideline".)
7. Effective February 25, 2008, when the proposed use is for carry-out only, flow projection for such use shall be calculated by the Town by multiplying the gross square footage, to include all seating and food preparation area, including non-public space behind the counter but not a walk in refrigerated space if within the footprint of the building, times 0.5 gpd to determine the projected flow in gallons per day. If seating is planned the numbers of seats are multiplied by 25 gpd and the greater flow of the seating or square foot flow will be used. ("Carry -out Guideline".)
8. The Town shall review each request for a change in use, expansion of the use, or intensification of the use and, within 45 days of submission, calculate the projected flow pursuant to the Guidelines and Medical Office Guideline. Uses, which result in projected or actual flows in excess of the EDU allocated hereunder, shall not be permitted. The Town may extend the 45-day period provided that it notifies the Owner in writing that it requires additional time to calculate the projected flow.

9. The foregoing covenants shall be deemed to run with and bind the Property and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns. Enforcement by the Town may include but not be limited to injunctive relief, the application of use surcharges or other fees or any other remedy deemed appropriate by the Town.

IN WITNESS WHEREOF, the parties hereto set their hands and seals as of the day and year first above written.

ATTEST:

Jacqueline P. Poulson

OWNER's Name 9828 Seahawk Road, LLC

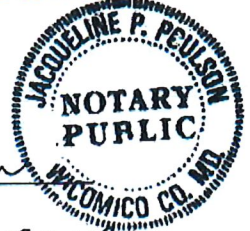
[Signature] (Seal)
Type name & title if any
W. Blair R. Rinnier, President

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this 15th day of MAY, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared W. BLAIR RINNIER and acknowledged the foregoing agreement to be his/her respective act.

AS WITNESS my hand and Notarial Seal.

Jacqueline P. Poulson
Notary Public
My commission expires: May 18, 2019



ATTEST:

OWNER's Name

_____ (Seal)
Type name & title if any

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2017, before me a Notary Public of the State and County aforesaid, personally appeared _____ and acknowledged the foregoing agreement to be his/her respective act.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission expires:

Town of Berlin

ATTEST:

Mayor

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared _____ and acknowledged himself to be the _____ of the Town of Berlin, and that he, as such _____, being authorized so to do, executed the foregoing agreement for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public
My commission expires:

TOWN OF BERLIN

WATER & SEWER ALLOCATION APPLICATION

The undersigned hereby makes application under the provisions of Ordinance 2009-02 Water and Sewer Allocation for the Town of Berlin. Fill in all applicable blanks.

APPLICANT DATA

Name: 9828 Seahawk Road, LLC
Mailing Address: 218 East Main Street
Salisbury, MD 21801
Telephone: 410-742-8151
Name of Agent/Engineer: _____ Phone: _____

PROPERTY DATA

Project Name: Ocean's East
Street Address: 9828 Seahawk Road Town: Berlin
Tax Map: 25 Parcel: 91 Lot: _____ Other: _____
Acreage: 20.70 Zoning: R-4 Account No. _____
Current Master Water and Sewerage Plan Designation: W- _____ S- _____
Existing Use: Land
Existing Allocation: sewer: 18,000 gpd water: 18,000 gpd
Zoning: R-4

PROJECT DATA

Description: 9828 Seahawk Road, LLC
Berlin, MD
Application is for: sewerage: 3 water: 3
Total EDU's Required: Three (3)
Amount Due: \$ 50,058
Balance Due: \$ 50,058

(Balance of EDU charge must be paid in full prior to the issuance of a Building Permit for structures that are being built.)

RESOLUTION 2017-03

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND
MUNICIPAL CORPORATION, PROHIBITING TRUCK TRAFFIC ON BAKER STREET PURSUANT
TO CHAPTER 32 OF THE TOWN CODE

WHEREAS, Chapter 32, Section 32-19 grants the Mayor and Council the authority to establish truck routes on streets within the corporate limits of the Town of Berlin, and further grants the Mayor and Council the authority to prohibit the traversing of trucks from any street in the Town by the appropriate posting of signs and marking of said streets; and

WHEREAS, Chapter 32, Section 32-21 defines a truck as any vehicle, regardless of the number of axles thereon, with a gross weigh exceeding one ton, but excludes such trucks from the prohibition if a truck is making a delivery to a business or residence located on the prohibited street; and

WHEREAS, the Mayor and Council will amend Chapter 32, Section 32-21, by amending the definition of a truck as "any vehicle, regardless of the number of axles thereon, with a Gross Vehicle Weight Rating (GVWR) exceeding 14,000 lbs (7 ton)," but excludes such trucks from the prohibition if a truck is making a delivery to a business or residence located on the prohibited street; and

WHEREAS, said amendment of Chapter 32, Section 32-21 is set to be passed by the Mayor and Council pursuant to Ordinance 2017-01 on May 8, 2017 with an effective date of May 28, 2017; and

WHEREAS, Chapter 32, Section 32-22 provides that any violation of the provisions of Chapter 32 shall be punishable upon conviction as a misdemeanor as provided in Chapter 1, Section 1-23 of the Town Code; and

WHEREAS, the Mayor and Council have determined, after hearing concerns from citizens residing on Baker Street, that truck traffic should be prohibited from traversing onto Baker Street unless a truck is making a delivery to a business or residence on Baker Street.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin that trucks are hereby prohibited from traveling onto Baker Street in the Town of Berlin unless a truck is making a delivery to a business or residence on Baker Street; and

BE IT FURTHER RESOLVED that signs and appropriate markings shall be posted on Baker Street prohibiting truck traffic from traveling on Baker Street and violations shall be subject to prosecution pursuant to Chapter 32, Section 22 and Chapter 1, Section 1-23 of the Town Code; and

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the Mayor and Council enacting Ordinance 2017-01, and upon that Ordinance being enacted, this Resolution will take effect on May 28, 2017.

Adopted this _____ day of _____, 20__ by the Mayor and the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved this ____ day of _____, 2017 by the Mayor and Council of the Town of Berlin.

Wm. Gee Williams, Mayor

ATTEST: Laura Allen, Town Administrator