



**BERLIN MAYOR AND COUNCIL
Meeting Agenda**

**Berlin Town Hall
10 William Street
Monday, August 27, 2018**

6:00 PM EXECUTIVE SESSION – Conference Room

- a. Pursuant to Section §3-305(b)(1) – To discuss the appointment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over who this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.
- b. Pursuant to Section §3-305(b)(10) – To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff, and (ii) the development and implementation of emergency plans.
- c. Pursuant to Section §3-305(b)(14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

7:00 PM REGULAR SESSION – Council Chambers

REVISED

1. Approval of the Minutes for:
 - a. Special Executive Session of 08/10/18
 - b. Statement of Closure for Special Executive Session of 08/10/18
 - c. Executive Session of 08/13/18
 - d. Statement of Closure for Executive Session of 08/13/18
 - e. Regular Session of 08/13/18
 - f. Special Executive Session of 08/20/18
 - g. Statement of Closure for Special Executive Session of 08/20/18
2. Swearing-In of Board and Commission Members. Staff Contact: Laura Allen, Town Administrator
3. State's Attorney Kristin Heiser Presentation
4. **Motion of the Mayor and Council 2018-18-Berlin Fire Company Request for Waiver of Building Permit Fee. Staff Contact: Laura Allen, Town Administrator**
5. American Public Power Association (APPA) Mutual Aid Commendation to the Berlin Electric Utility Department. Staff Contact: Tim Lawrence, Electric Utility Director

6. Departmental Reports:
 - a. Finance Director – Natalie Saleh
 - b. Administrative Services Director – Mary Bohlen
 - c. Water Resources/Public Works – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Chief – Arnold Downing
 - f. Planning – Dave Engelhart
 - g. Managing Director – Jeff Fleetwood
7. Town Administrator’s Report
8. Comments from the Mayor
9. Comments from the Council
10. Comments from the Public
11. Comments from the Press
12. 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

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 08/10/18 Time: 8:00 am Location: Conf. Room Motion to close meeting made by: Gulyas

Seconded by _____ Members voting in favor: Burrell, and Tyndall

Opposed: 0 Abstaining 0 Absent 2

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (10) A matter of Public Security - ultimately was not discussed

§3-305(b) (14) Negotiation/Award of contract

§3-305(b) () _____

This statement is made by Wm. Gee Williams, III, Presiding Officer: _____
SIGNATURE

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: Mayor, Councilmembers Brittingham, Burrell, Gulyas, Tyndall, L. Allen, M. Bohlen, N.Saleh, T. Lawrence, Craig Kleinhenz

TOPICS ACTUALLY DISCUSSED Purchase Power Agreement

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 10:37 AM

PLACE OF CLOSED SESSION Town Hall, 2nd Floor Conference Room

PURPOSE OF CLOSED SESSION: Negotiation/award of contract

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (10); (14); ()

MEMBERS WHO VOTED TO CLOSE: Burrell, Gulyas, Tyndall

(Form Revised 10/1/14)

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 08/13/18 Time: 5:30 pm Location: Conf. Room Motion to close meeting made by: Purnell

Seconded by _____, Members voting in favor: Brittingham, Burrell, Gulyas and Tyndall

Opposed: 0 Abstaining 0 Absent _____

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
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- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (1) Personnel Matter

§3-305(b) (10) A matter of Public Security

§3-305(b) (14) Negotiation/Award of contract

This statement is made by Wm. Gee Williams, III, Presiding Officer: _____
SIGNATURE

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: Mayor, All Council, L. Allen, J. Fleetwood, M. Bohlen, D Gaskill, J. Moore, D. Fitzgerald, J. Corron, I Wells, K. Betts (via phone)

TOPICS ACTUALLY DISCUSSED Berlin Fire/EMS Agreements, Sandpiper Energy Agreement, Economic Development staff job descriptions, Personnel Policy

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 8:35 P

PLACE OF CLOSED SESSION Town Hall, 2nd Floor Conference Room

PURPOSE OF CLOSED SESSION: Agreements, Job descriptions, personnel policy revisions

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (1) ; (10) ; (14)

MEMBERS WHO VOTED TO CLOSE: Brittingham, Burrell, Gulyas, Tyndall

(Form Revised 10/1/14)



BERLIN MAYOR AND COUNCIL
Meeting Minutes
Monday, August 13, 2018

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, Finance Director Natalie Saleh, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells, and Town Attorney David Gaskill. Water Resources/Public Works Director Jane Kreiter and Town Clerk Kelsey Jensen were absent.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:10 PM.

1. Approval of the Minutes for:

a. Executive Session of 07/23/18:

On the motion of Councilmember Gulyas, the Executive Session minutes of July 23, 2018 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 07/23/18:

Mayor Williams read the Statement of Closure.

c. Regular Session of 07/23/18:

On the motion of Councilmember Gulyas, the Regular Session Minutes of July 23, 2018 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				

2. Motions of the Mayor and Council:

- a. Motion 2018-17; Request to use Dr. William Henry Park after-hours for Summer Revival Monday, August 27 to Saturday, September 1, 2018, 7:30 to 10:00 PM; Pastor Lyonell Purnell, God’s Leading Church Transformation Ministry.

Councilmember Burrell asked for assurance that the event would be over by 10:00 PM, excluding clean-up and Pastor Purnell indicated that it would. Councilmember Burrell moved to approve the request. Councilmember Brittingham asked if all parking would be off-street and Pastor Purnell said that it would.

With no further discussion, Mayor Williams called the motion and approval was as follows:

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				

Councilmember Gulyas noted that Snow Hill Councilmember La Toya Purnell was in the audience.

- b. Motion 2018-18; Requesting approval of the placement of café tables and chairs in front of Difebos and the Globe.

Planning Director Dave Engelhart read Town Code 28-7(a) which provided for the placement of such items provided that the public way is not encroached upon. Through discussion it was confirmed that Difebos was seeking to place an additional two tables and the Globe four and both had been measured to ensure sufficient passage. Councilmember Gulyas asked if the Town incurs any liability should a vehicle ascend the curb and injure anyone sitting at the tables and Mr. Gaskill indicated it was no different than anyone walking on the sidewalk. Councilmember Burrell noted that public sidewalks would be being used to conduct private business. Councilmember Tyndall asked if there was sufficient room with sandwich boards and it was indicated that the sandwich boards would be appropriately placed. Councilmember Brittingham moved to approve the request and approval was as follows:

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			

- c. Motion 2018-19; Community Parks and Playgrounds Grant Application for Basketball Court Lighting for Dr. William Henry Park.

Ms. Bohlen reminded the Council that, at the July 23, 2018 meeting they had approved re-prioritizing parks projects to complete the Basketball Court Lighting project at Henry Park first and indicated that their approval was sought for a Community Parks and Playgrounds grant

application in the amount of \$105,500 with \$9,000 in match for the project. Councilmember Burrell moved to approve and approval was as follows:

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				

3. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh noted that preparation for the audit continued and that customer service was working with the Utility Departments inventorying meters.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen indicated that the fence posts for the Stephen Decatur Park tennis courts had been placed and that the engineer felt that the project would be complete by the end of the month.

c. Water Resources/Public Works Director – Jane Kreiter – absent

d. Electric Utility Director – Tim Lawrence

Mr. Lawrence noted that LED lighting replacement at the Savage Substation and Power Plant was ongoing; this project was funded by a Maryland Smart Energy Community grant. He also indicated that the plant had operated during peak occurrences a total of seven times since January. Two recent power outages were caused by a Delmarva Power issue that Berlin and DPL were working to resolve.

Councilmember Tyndall thanked the Electric Department for a recent streetlight replacement.

e. Police Chief – Arnold Downing

Chief Downing provided an update on the recent National Night Out and indicated that he had recently attended a School Safety Conference. The Police Department would be assisting Worcester Youth and Family with an upcoming trip to the trampoline park. He had also recently attended a meeting with English-as-a-Second-Language students at James M. Bennett High School in Salisbury. Mayor Williams noted issues of bicycles being left laying on sidewalks and discussion followed regarding educating bicyclists, both youth and adult. Chief noted that anyone could call the police department and that the officer would attempt to locate the cyclist.

f. Planning and Zoning Director – David Engelhart

Mr. Engelhart noted that the Planning Commission had met on Wednesday August 8, 2018 and discussed a request to add land located at Rt. 50 and Rt. 346 to the Town’s growth area. The Planning Commission recommended that the Mayor and Council move forward with the change to the Growth Area and necessary amendment to the Comprehensive Plan. A public hearing would be scheduled at an upcoming Mayor and Council Meeting. In response to a question from Councilmember Brittingham, Mr. Engelhart indicated that - of the 18 attendees who had attended the Planning Commission Meeting - 12 had spoken in favor of the addition and six against.

g. Economic and Community Development Director – Ivy Wells

Ms. Wells extended her congratulations to the Berlin Little League on their recent performance. She noted that an office in the Welcome Center had recently been rented and reviewed upcoming events. She also noted that wayfinding signs would be delivered and that she would be assisting Public Works with placement. She reminded all that the deadline to submit application for downtown events for calendar year 2019 was September 1, 2018.

h. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood reminded all that milkshakes would be available at Town Hall on Wednesday, August 15, 2018 from 11:00 AM to 1:00 PM and that a retirement party celebrating Billing Utility Supervisor Geneva Peter’s retirement after 44-years of service would be at 1:00 PM that afternoon.

4. Town Administrator’s Report – Laura Allen

Ms. Allen had nothing to report.

5. Comments from the Mayor:

Mayor Williams introduced Mr. Bob Palladino, who had agreed to serve on the Board of Appeals; Mr. Palladino noted that his name was misspelled in the memorandum. The Mayor also congratulated the Little League and noted that they were awarded the Sportsmanship Award.

6. Comments from the Council:

All Councilmembers echoed the congratulations to the Little League team.

7. Comments from the Audience – none.

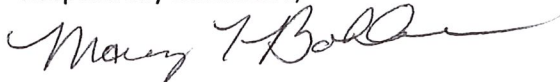
8. Comments from the Press – none.

9. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned into Executive Session at approximately 8:00 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,



Mary T. Bohlen
Administrative Services Director

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 08/20/18 Time: 5:30 pm Location: Conf. Room Motion to close meeting made by: Tyndall

Seconded by _____, Members voting in favor: Brittingham, Burrell, Gulyas and Purnell

Opposed: 0 Abstaining 0 Absent _____

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

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FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (10) A matter of Public Security

§3-305(b) () _____

§3-305(b) () _____

This statement is made by Wm. Gee Williams, III, Presiding Officer: _____
SIGNATURE

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: Mayor, All Council, L. Allen, J. Fleetwood, M. Bohlen, D Gaskill

TOPICS ACTUALLY DISCUSSED Berlin Fire/EMS Agreements

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 7:10 PM

PLACE OF CLOSED SESSION Town Hall, 2nd Floor Conference Room

PURPOSE OF CLOSED SESSION: Agreements

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (10); () ; ()

MEMBERS WHO VOTED TO CLOSE: Brittingham, Burrell, Gulyas, Purnell

(Form Revised 10/1/14)



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov

SWEARING-IN BOARD AND COMMISSION MEMBERS MONDAY, AUGUST 27, 2018

Board of Appeals

Robert Palladino

Board of Supervisors of Elections

Preston Whaley

Ethics Commission

Jane Briddell

Bill Burke

Milt Warren

Housing Board of Review

Leslie Gebhart

Mary Moore

Jeff Ricks



MOTION OF THE MAYOR AND COUNCIL 2018-18

BERLIN FIRE COMPANY BUILDING PERMIT FEE WAIVER

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING BERLIN FIRE COMPANY REQUEST FOR WAIVER OF FEE IN THE AMOUNT OF \$940.00 FOR BUILDING PERMIT 2018-79 FOR RENOVATIONS TO 214 S. MAIN STREET.

APPROVED THIS _____ DAY OF _____, 2018 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED, WITH _____ ABSTAINING.

Elroy Brittingham, Sr. Vice President

Approved this _____ day of _____, 2018 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: _____

Laura Allen
Town Administrator



Powering Strong Communities

2451 Crystal Drive
Suite 1000
Arlington, VA 22202-4804
202-467-2900
www.PublicPower.org

August 14, 2018

Timothy Lawrence
Electric Utility Director
Berlin Electric Utility Department
10 William St
Berlin, MD 21811

Dear Timothy:

I am pleased to present an American Public Power Association Mutual Aid Commendation to Berlin Electric Utility Department. The Mutual Aid Commendation was established in 2018 to recognize public power utilities that have answered the call for assistance and aided another community in restoring power to its customers.

Mutual aid is at the heart of what public power does, and the public power community thanks you for stepping up to help a neighbor in need—whether they are next door or thousands of miles away.

Enclosed is a sample news release that you may wish to use in publicizing your commendation. If you have questions or would like assistance, please contact us at MutualAid@PublicPower.org.

On behalf of the more than 2,000 public power utilities we represent, please accept my thanks.

Sincerely,

Sue Kelly
President & CEO



MUTUAL AID COMMENDATION

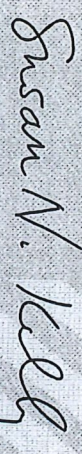
Berlin Electric Utility Department

In recognition of its support in electric power restoration efforts,
the American Public Power Association recognizes
Berlin Electric Utility Department
for providing mutual aid assistance to
Orlando Utilities Commission



Rick McKinley
Chair, Mutual Aid Working Group

SEPTEMBER 2017



Susan N. Kelly
President & CEO

