



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

Town Attorney

David Gaskill

Town Administrator

Anthony J. Carson, Jr.

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, DECEMBER 10, 2012

**COUNCIL CHAMBERS – BERLIN TOWN HALL
10 WILLIAM STREET
BERLIN, MD 21811**

EXECUTIVE SESSION.....NONE SCHEDULED

REGULAR SESSION7:00 PM

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

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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, December 10, 2012**

NO EXECUTIVE SESSION

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

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on November 26, 2012
 Executive Session of the Mayor and Council on November 26, 2012
 Statement of Closure for Mayor and Council on November 26, 2012
2. Discussion – Septic Tier Mapping Resolution (Tracey Gordy, Director of Maryland Department of Planning Lower Eastern Shore Regional Office)
3. Request for Extension of Licensed Premise – Globe Theater for New Year's Eve Ball Drop on December 31, 2012 from 8:00 p.m. to 12:30 a.m.
4. Motion to Approve – Application from 119 North Main Street LLC (TexMex) to Worcester County Board of License Commissioner allowing patrons to leave premises with non-glass open containers on December 31, 2012 from 8:00 p.m. to 12:30 a.m. in designated areas.
5. Motion to Approve – Application from Jemp Enterprises LLC (Si'culi) to Worcester County Board of License Commissioners to allow patrons to leave premises with non-glass open containers on December 31, 2012 from 8:00 p.m. to 12:30 a.m. in designated areas.
6. Motion to Approve – Application from Jennifer Dawicki (The Globe) to Worcester County Board of License Commissioners to allow patrons to leave premises with non-glass open containers on December 31, 2012 from 8:00 p.m. to 12:30 a.m. in designated areas.
7. Motion to Approve – Application from The Maryland Wine Bar @ Berlin, L.T.D. to Worcester County Board of License Commissioners to allow patrons to leave premises with non-glass containers on December 31, 2012 from 8:00 p.m. to 12:30 a.m. in designated areas.
8. Motion to Approve – Application from Sisters LLC (Sisters) to Worcester County Board of License Commissioners to allow patrons to leave premises with non-glass containers on December 31, 2012 from 8:00 p.m. to 12:30 a.m. in designated areas.
9. Presentation – Doug Richards, DDU Magnetics Inc.
10. Motion to Approve – Amendment to Contract with Worth Construction from \$64,835.00 to \$69,995.76 for additional work to be completed on Flower Street sidewalks.

11. Motion to Approve – Budget Amendment from Electric Contingency Fund to Energy Assistance Fund
12. Departmental Reports
 - a. Finance – Lynn Musgrave
 - b. Deputy Town Administrator – Mary Bohlen
 - c. Public Works – Mike Gibbons
 - d. Water Resources – Jane Kreiter
 - e. Electric – Tim Lawrence
 - f. Police – Arnold Downing
 - g. Planning and Zoning - Chuck Ward
 - h. Human Resources – Jeff Fleetwood
 - i. Economic and Community Development – Michael Day
13. Town Administrator's Report
14. Comments from the Mayor
15. Comments from the Council
16. Comments from the Public
17. Comments from the Press
18. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, November 26, 2012

The meeting of the Mayor and Council for Monday, November 26, 2012 was called to order by Mayor Williams at approximately 7:00 p.m. Councilmembers Hall, Burrell, Brittingham, Purnell and Lynch were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Town Attorney David Gaskill, Finance Director Lynn Musgrave, Public Works Director Mike Gibbons, Water Resources Director Jane Kreiter, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning and Zoning Director Chuck Ward. Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion for approval of the Regular minutes of November 13, 2012. Councilmember Lynch made a motion to approve the minutes and council voted to approve 5-0. Mayor Williams then asked for approval of the Executive Session minutes of November 13, 2012. Councilmember Brittingham made a motion to approve the minutes and council voted to approve 5-0. Mayor Williams stated that the Executive Session was closed to consult with staff, consultants or individuals regarding potential or possible litigation.

Ms. Leslie Mikalik and Mr. Mike Kleger from Pigg, Krahl & Stern came before the council to present the FY12 Audit Report. Mr. Kleger stated that there were no major findings or issues regarding internal controls. Ms. Mikalik summarized the revenues and expenditures portions of the financial statements. Mr. Kleger stated that he felt the Town showed a healthy fund balance and Ms. Mikalik stated that they were pleased with the turnaround of issues of the finance department from several years ago.

Mayor Williams introduced the motion to approve the proposal from Davis, Bowen & Friedel in the amount of \$2,680.00 to record drawings associated with the North Main Street Utility Extension project. Water Resources Director Jane Kreiter explained that the proposal was to supply both hard copy and digital drawings of the as-builts. Ms. Kreiter also stated that the contractor's materials were being delivered on Tuesday with soft cutting to begin on Wednesday. The completion date for the project should be 120 days barring any bad weather. Councilmember Burrell made a motion to approve the contract with Davis, Bowen & Friedel for the amount of \$2,680.00 to record drawings for the North Main Street Utility Extension and project and council voted to approve 5-0.

Mayor Williams introduced the Motion to approve an exception for the consumption of alcohol in non-glass containers within the specified closed areas for the New Year's Eve Ball Drop on December 21, 2012 from the hours of 8:00 p.m. to 12:30 a.m. Town Administrator Tony Carson stated that the only change from the previous year was to extend the street closure to Stevenson Lane to allow the four businesses in that area to apply for a Special One Day Alcohol Permit exception from the county. Councilmember Purnell made a motion to approve the special event exception for the New Year's Eve Ball Drop for December 31, 2012 from 8:00 p.m. to 12:30 a.m. Council voted 3-2 in favor of the motion with Councilmembers Lynch, Purnell and Brittingham in favor and Councilmembers Hall and Burrell opposed.

Mayor Williams introduced the Motion to approve the extension of a license permit to public property for the Globe Theater for the New Year's Eve Ball Drop on December 31, 2012 from the hours of 8:00 p.m. to 12:30 a.m. Ms. Jennifer Dawicki, proprietor of the Globe came before the council requesting the set-up of a bar outside her establishment on Broad Street for the New Year's Eve celebration. Mayor Williams stated that he was not aware of any incidents that had occurred in the past regarding past events. Councilmember Purnell made a motion to approve the extension of license permit to public property for the Globe Theater for the New Year's Eve Ball Drop on December 31, 2012 from the hours of 8:00 p.m. to 12:30 a.m. Council voted 3-2 to deny the request with Councilmembers Purnell and Lynch in favor and Councilmembers Burrell, Hall and Brittingham opposed. Mayor Williams asked those councilmembers in opposition to explain their reasons for opposing the request. Councilmember Hall stated she was not comfortable giving permission to serve alcohol on a state road. Councilmember Burrell stated he was fundamentally opposed to the concept. Councilmember Brittingham stated that he had heard a little bit of "flack" from some residents of the community. Mayor Williams stated that he felt this was a step backwards and that this was a denial based on personal beliefs and not practical ramifications. Ms. Dawicki stated her disappointment in the council's decision.

Finance Director Lynn Musgrave thanked PKS for the work that they do for the town regarding the audit.

Deputy Town Administrator Mary Bohlen reported that the public restroom construction documents had been received from the engineer and bids will be advertised in the Daily Times with a pre-bid meeting on December 5th and the bid opening on December 21st. Construction should begin between December 31st and the beginning of the spring events.

Public Works Director Mike Gibbons reported that the paving of the basketball courts had been completed, the standards have been installed and the grading, seeding and stabilization have also been completed. Painting of the courts should take place in mid-December for use within a day or so after completion.

Water Resources Director Jane Kreiter reported that the hydrant on Flower Street which was hit had been replaced, construction on the Branch Street Wellhouse has resumed and that the Stormwater meeting for Districts 1 & 2 had taken place with a meeting for Districts 3 & 4 on Tuesday, November 27th.

Electric Utility Director Tim Lawrence reported that his department had been working on installation of the Christmas lights throughout town, set-up of the Christmas tree, meter reading and several utility pole relocations. He stated that their work on Flower Street should be completed by the middle of December.

Human Resources Director Jeff Fleetwood reported that he would be attending a Hazmat Reaction Team seminar on December 5th at the county in the morning and a State Retirement seminar that afternoon.

Town Administrator Tony Carson requested approval of 6 purchase orders (201301411, 201301433, 201301271, 201301296, 201301457 and 201301456). Councilmember Brittingham made a motion to approve all 6 purchase orders and council voted unanimously to approve 5-0.

Mayor Williams commented on the success of the tree lighting ceremony and encouraged the council to attend some of the Town's events to observe what is going on.

Councilmember Burrell commented on the quality of work on the brickwork on the Broad Street sidewalk project. Mr. Burrell stated that he respected the Mayor's opinion and asked that the Mayor respect his as well. Councilmember Brittingham inquired where the Flower Street sidewalk would end and asked if a cost could be obtained regarding the completion of the balance of the street. Councilmember Purnell commented on the success of the tree lighting and applauded Finance Director Lynn Musgrave and her department regarding the audit report.

Mayor Williams asked for comments from the public or the press. There being no further comments, Councilmember Burrell made a motion to adjourn the meeting and the meeting ended at 8:00 pm.

Respectfully submitted



Sharon Timmons
Administrative Assistant

TOWN ADMINISTRATOR'S REPORT
December 10, 2012

Purchase Orders

PO# 201301523 in the amount of \$315,543.00 to Maryland State Retirement for employer's contribution to State Retirement.

Po# 201301595 in the amount of \$1,650.00 to HD Supply Waterworks for new water meter and spacer for Gull Creek.

Updates