



# 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

## BERLIN, MARYLAND

### MAYOR AND COUNCIL MEETING

**Town Attorney**

David Gaskill

**MONDAY, JANUARY 23, 2012**

**Town Administrator**

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL**

**10 WILLIAM STREET**

**BERLIN, MD 21811**

EXECUTIVE SESSION .....6:30 PM

REGULAR SESSION .....7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144*

*TTY users dial 7-1-1 in the State of Maryland*

*TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, January 23, 2012**

**6:30 PM EXECUTIVE SESSION - Berlin Conference Room**

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

1. Approval of the Minutes for:  
Executive Session of the Mayor and Council on January 9, 2012  
Statement of Closure for Mayor and Council on January 9, 2012  
Regular Session of the Mayor and Council on January 9, 2012
2. Request for Approval of Special Event and Street Closures – Spring Celebration  
Saturday, April 7, 2012, 10 AM to 4:00 PM
  - a. Motion to Approve Event and street closure
3. Request for Approval of Special Event – Jazz & Blues Bash  
Saturday, May 5, 2012, 12 noon to 8:00 PM
  - a. Motion to Approve Event and closure of designated streets
  - b. Motion to Approve the sale of beer and wine at event
  - c. Motion to Approve suspension of open container law for designated area and time.
4. Motion to Approve – Exception for Grease Trap for Proposed Restaurant at 104 North Main Street
5. Motion to Approve – Net Metering Rider approved by the Public Service Commission
6. Motion to Approve – Proposal from PKS Audit Services through June 30, 2014
7. 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
8. Town Administrator's Report
9. Comments from the Mayor

10. Comments from the Council
11. Comments from the Public
12. Comments from the Press
13. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, January 9, 2012

The meeting of the Mayor and Council for Monday, January 9, 2012 was called to order by Mayor Williams at approximately 7:10 p.m. Council members Lynch, Burrell and Hall were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Finance Director Lynn Musgrave, Deputy Town Administrator Mary Bohlen, Economic Community Development Director Michael Day, Police Chief Arnold Downing, Planning and Zoning Director Chuck Ward, Director of Public Works Michael Gibbons and Electric Utility Director Tim Lawrence. Councilmembers Brittingham and Purnell were absent. Also absent were Town Attorney David Gaskill, Water Resources Director Jane Kreiter and Administrative Assistant Sharon Timmons.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Regular Session Minutes of December 27, 2011. Councilmember Lynch made a motion to approve the minutes and the council voted to approve 3-0 with 2 absent.

Mr. Michael Franklin, President of Atlantic General Hospital came before the council to make a powerpoint presentation regarding the strategic plans and new services to be implemented at the hospital. This presentation will be a part of the minutes. New Services during the past year include eICU for Intensive Care Unit, Digital Mammography, an Ophthalmology Center, an Outpatient Infusion Center, Electronic Archival of Paper Records, Allscripts HER, a CRM Database Project and the Redesign of Patient Flow. Mr. Franklin reported 22 physicians were added to the staff over the last year and the website had been updated for better functionality. Mr. Franklin also expanded on the areas of support that have been incorporated for the community. The strategic plans going forward include an "E" strategy which makes the patient and quality of care the focal point and the use of electronic medical records.

Mayor Williams commended Mr. Franklin for the quality of care given to the community from the hospital and emphasized the importance of charitable financial support by both organizations and the community. Councilmember Burrell commended the hospital on its 30 minute promise for patient care.

Mayor Williams announced that Item 3 "Motion to approve Net metering rider approved by the Public Service Commission" would need to be tabled until the next meeting due to lack of a quorum. Dwight Davis of Booth and Associates briefly explained that the premise behind the rider is that it is a requirement of the Maryland Code and the types of "renewable" generations. He continued explaining the limitations and requirements both by state law and town requirements and stated that the Town has filed this document through its attorney and it has been accepted by the State.

Mayor Williams announced the motion to approve the request for a bond reduction to \$27,232.50 for the Purnell Crossing South development. Town Administrator Tony Carson explained a letter had been received by DBF recommending a bond reduction for the development due to the work which had been completed. Councilmember Lynch made a motion to approve the motion for a bond reduction for the Purnell Crossing South down to \$27,232.50 which is 150% of the projected cost and council voted to approve 3-0 with 2 absent.

Mr. Carson explained the motion to approve the designation of a No Parking area and signage for Pitts Street. Mr. Carson explained that the 2 existing signs which state "No Parking, Loading and Unloading Only" will be removed and replaced with signs that read "No Parking between Signs" and that the curbing on the north side of Pitts Street will be painted red south from Stuart's Antiques to William Street. Councilmember Hall made a motion to approve the establishment of the No Parking area and council voted to approve 3-0 with 2 absent. Public Works Director Mike Gibbons reported that the signs would be ordered and could be installed by the end of next week.

Mayor Williams asked Mr. Dave Wilson of the Maryland Coastal Bays to explain the Motion to approve signing the joint funding agreement with the U.S. Geological Survey. The funding would be used for a monitoring device located at Bassett Creek on Route 113 and those funds are required to pass through a local entity. Councilmember Hall made a motion to approve the Mayor to sign the agreement with USGS and council approved 3-0 with 2 absent.

Town Administrator Tony Carson explained Resolution 2012-01 which increases sewer rates an additional 5% as of July 1, 2013. MDE has requested the increase as a necessary condition to approve the 5 million dollars for the final phase of the Wastewater upgrades which consists of a \$3.5 million dollar low interest loan and a \$1.5 million dollar loan forgiveness. Discussion continued. Mr. Carson stated that this Resolution would be incorporated into Resolution 2011-02 within the next month so that the Town would be working with one Resolution. Councilmember Burrell made a motion to approve Resolution 2012-01 which increases sewer rates by an additional 5% on July 1, 2013 and council voted to approve 3-0 with 2 absent.

Departmental reports began with Public Works Director Mike Gibbons reported that the Public Works department had begun the clean-up of Hudson Branch in the Showell Street and Rt. 113 area. He continued reporting that the winter concrete work should be completed by this Wednesday, stop bars were installed on Washington Street to help as a traffic calming device and the last Christmas tree pick-up would be this Wednesday.

Electric Utility Director Tim Lawrence reported that the power outage which occurred on Friday was due to a manufacturer's error in the new breaker and that the work on the cooling tower was nearly complete. Mayor Williams thanked everyone involved in the New Year's Ball Drop.

Police Chief Arnold Downing reported that his department was working on 2<sup>nd</sup> quarter grants and also thanked everyone who assisted with the New Year's event.

Planning and Zoning Director Chuck Ward reported that the Town had two permanent demolitions at the end of Pitts Street for the purpose of new residential construction. He continued reporting that his department was working with SafeGuard, a company which provides free help with property maintenance and those parties responsible. He also stated that they were dealing with code enforcement, rental registration issues and code amendment issues. Mr. Ward reported that the Planning Commission would be meeting on a site development plan on Old Ocean City Boulevard. Councilmember Lynch inquired about the property on South Main Street. Mr. Ward replied that the boards had been removed and there was also another property which demolition was being considered an option. Mrs. Lynch inquired about the issue of scaffolding. Mr. Ward stated he would have to speak to her regarding the circumstances.


Human Resources Jeff Fleetwood reported that his department was beginning to look at benefits with several different vendors and that a representative from Chubbs would be here on Tuesday to do an infrared scan at the Electric department regarding preventative maintenance and safety concerns.

Economic and Community Development Director Michael Day reported that he concurred with all of the comments regarding New Year's Eve. Mr. Day handed out a new 2012 Town of Berlin event calendar. He then reported on the meetings he would be attending.

Town Administrator Tony Carson stated that correspondence had been received from Sustainable Maryland Certified stating that Berlin had been the first municipality to submit their application for review. The Town should receive notification after the review process had been completed which takes 4-6 weeks. He then presented and requested approval of 2 purchase orders (201201818 and 201201652). Councilmember Burrell made a motion to approve all 2 purchase orders and council voted to approve 3-0 with 2 absent.

Mayor Williams asked for comments from the public and the press. There being no other questions, Councilmember Burrell made a motion to adjourn and the meeting ended at 8:20 p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant

**MOTION TO APPROVE  
SPECIAL EVENT FOR SPRING CELEBRATION  
AND DESIGNATED STREET CLOSURES  
SATURDAY, APRIL 7, 2012; 10 AM TO 4 PM**

A motion of the Mayor and Council approving the event known as Spring Celebration to be held on Saturday, April 7, 2012 from the hours of 10 a.m. to 4 p.m. and to allow street closures at the following designated areas: Main Street and Artisans Way to Main and Bay Streets, Main and Pitts Street, Main and Commerce Street, Main and Broad Street to Broad and Gay Street.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2012 by the Council of the Town of Berlin, Maryland by affirmative vote of \_\_\_\_ to \_\_\_\_ opposed with \_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr. Vice President

Approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

Attest: \_\_\_\_\_  
Anthony J. Carson, Jr.  
Town Administrator

**MOTION TO APPROVE  
SPECIAL EVENT FOR JAZZ & BLUES BASH  
AND DESIGNATED STREET CLOSURES  
SATURDAY, MAY 5, 2012; 12 NOON TO 8:00 PM**

A motion of the Mayor and Council approving the event known as the Berlin Jazz and Blues Festival to be held on Saturday, May 5, 2012 from the hours of 12 noon to 8:00 p.m. and to allow street closures at the following designated areas: the corner of Main and Artisans Way to Main and Bay Street, Main Street and Pitts Street to the alley of Pitts Street, Main Street and Broad Street to Broad and Gay Street, Intersection of Main and Commerce to Broad and Commerce Street.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2012 by the Council of the Town of Berlin, Maryland by affirmative vote of \_\_\_\_ to \_\_\_\_ opposed with \_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr. Vice President

Approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

Attest: \_\_\_\_\_  
Anthony J. Carson, Jr.  
Town Administrator



**MOTION TO APPROVE  
SALE OF BEER AND WINE BY BERLIN CHAMBER OF COMMERCE  
FOR JAZZ & BLUES BASH  
SATURDAY, MAY 5, 2012; 12 NOON TO 8:00 PM**

A motion of the Mayor and Council approving the Berlin Chamber of Commerce permission to sell beer and wine at the Berlin Jazz & Blues Festival to be held on Saturday, May 5, 2012 from the hours of 12 noon to 8:00 p.m. at the designated location of Commerce Street pending approval of the Special One Day permit by Worcester County Board of License Commissioners.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2012 by the Council of the Town of Berlin, Maryland by affirmative vote of \_\_\_\_ to \_\_\_\_ opposed with \_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr. Vice President

Approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

Attest: \_\_\_\_\_  
Anthony J. Carson, Jr.  
Town Administrator

**MOTION TO APPROVE  
SPECIAL EVENT EXCEPTION FOR JAZZ & BLUES BASH  
SATURDAY, MAY 5, 2012; 12 NOON TO 8:00 PM**

A motion of the Mayor and Council approving an exception to Ordinance 2011-11, Chapter 30-1 to allow the consumption of alcohol in non-glass containers within the closed areas of Main and Artisans Way to Main and Bay Street, Main Street and Pitts Street to the alley of Pitts Street, Main Street and Broad Street to Broad and Gay Street, Intersection of Main and Commerce to Broad and Commerce Street.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2012 by the Council of the Town of Berlin, Maryland by affirmative vote of \_\_\_\_ to \_\_\_\_ opposed with \_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr. Vice President

Approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

Attest: \_\_\_\_\_  
Anthony J. Carson, Jr.  
Town Administrator

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE INSTALLATION OF A #40 LO-PRO GREASE TRAP FOR THE PROPOSED RESTAURANT TO BE LOCATED AT 104 NORTH MAIN STREET.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_, 2012 BY THE COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_ TO \_\_\_\_ OPPOSED WITH \_\_\_\_ ABSTAINING.

\_\_\_\_\_  
Elroy Brittingham, Sr., Vice President

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_, 2012.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

ATTEST: \_\_\_\_\_  
Anthony J. Carson, Jr.  
Town Administrator

MOTION TO APPROVE NET METERING RIDER

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING THE NET METERING RIDER APPROVED BY THE PUBLIC SERVICE COMMISSION OF MARYLAND EFFECTIVE OCTOBER 26, 2011.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_\_ TO \_\_\_\_\_ OPPOSED, WITH \_\_\_\_\_ ABSTAINING.

\_\_\_\_\_  
Elroy Brittingham, Vice President

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

ATTEST: \_\_\_\_\_  
Anthony J. Carson, Jr.  
Town Administrator

**TOWN ADMINISTRATOR'S REPORT**  
**01-23-12**

**Purchase Orders**

PO# 201201892 in the amount of \$1,042.80 to Wesco Receivables for 1200 feet of service drop overhead wire.

PO# 201101783 in the amount of \$4,219.50 to Seidel, Baker & Tilghman for BZA, HDC and Planning Commission counsel.

PO# 201201771 in the amount of \$1,388.62 to ChemTreat Inc. for polymer for press at treatment plant.

PO# 201201918 in the amount of \$11,128.00 to Worth Construction for additional sidewalk work on Broad, Cedar, Main and William streets.

PO# 201201958 in the amount of \$8,072.86 to DDU Magnetics for breaker replacement project. To be submitted for bid bond proceeds.

PO# 201201959 in the amount of \$2,541.00 to Storage Battery Systems for replacement of 48 volt DC Battery for Savage Substation. To be submitted for bid bond proceeds.

**Updates**