



# 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, JUNE 24, 2013**

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

EXECUTIVE SESSION.....6:00 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. 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  
COUNCIL MEETING  
AGENDA  
Monday, June 24, 2013**

**6:00 PM EXECUTIVE SESSION - Berlin Conference Room**

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

1. Approval of the Minutes for:  
Regular Session of the Mayor and Council on June 10, 2013  
Executive Session of the Mayor and Council on June 10, 2013  
Statement of Closure for Mayor and Council on June 10, 2013
2. Request for Special Event – Heritage Festival  
Saturday, July 6, 2013; 11:30 p.m. – 4:00 p.m.
3. Worcester Youth & Family Counseling – Annual Presentation
4. Motion to Approve – Contract with Worcester Youth and Family Counseling for Youth Program Coordinator for July 1, 2013 to June 30, 2014
5. Discussion – Decatur Farms Homeowners request for 50% payment related to Stormwater Remediation.
6. Discussion – Sandwich Signs
7. Motion to Approve – 2014 Renewals with Card's Computers
  - a. Warranty & License
  - b. Annual Service Contract
8. Departmental Reports
  - a. Finance – Natalie Saleh
  - 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. Human Resources – Jeff Fleetwood
  - h. Economic and Community Development – Michael Day
9. Town Administrator's Report
10. Comments from the Mayor
11. Comments from the Council
12. Comments from the Public
13. Comments from the Press
14. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, June 10, 2013

The meeting of the Mayor and Council for Monday, June 10, 2013 was called to order by Mayor Williams at approximately 7:14 p.m. Councilmembers Burrell, Hall, Lynch, Brittingham and Purnell were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Acting Finance Director Natalie Saleh, Police Chief Arnold Downing, Assistant Wastewater Superintendent Jocelyn Aydelotte, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Water Resources Director Jane Kreiter and Town Attorney David Gaskill 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 Session minutes of May 28, 2013. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams asked for a motion to approve the Executive minutes of May 28, 2013. Councilmember Brittingham made a motion to approve the Executive minutes and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed for three reasons: (1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; (2) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and (3) to consult with counsel to obtain legal advice on a legal matter. Councilmember Lynch inquired if minutes were available regarding the Executive meeting held on June 3, 2013. Mayor Williams explained that initial interviews were held via Skype regarding the hiring of a new Town Administrator and that no minutes were available.

Tanya Giles, representing the Berlin Chamber of Commerce came before the council requesting approval for the Special Event known as the "Berlin Bathtub Races" to be held on Friday, July 12 from 6:00 p.m. to 9:00 p.m. Ms. Giles requested changing the street closure time at the area of Main & Artisan streets to Pitts street from 6:00 p.m. to 4:00 p.m. with the balance of Main Street from Pitts Street to the Chamber at 6:00 p.m. so that the bathtub parade could begin at 6:30 p.m. Councilmember Hall made a motion to approve the Berlin Bathtub Races event and council voted unanimously to approve 5-0.

Economic and Community Development Director Michael Day came before the council on behalf of Debbie & Steve Frene to request approval for the Berlin Sidewalk Sale. The sidewalk sale will be held on Friday, August 9<sup>th</sup> from 8:00 a.m. to 9:00 p.m. and on Saturday, August 10<sup>th</sup> from 8:00 a.m. to 6:00 p.m. Mr. Day stated that the street would be closed from Pitts Street to Artisan Way. Discussion continued. Councilmember Burrell made a motion to approve the street closures, dates and times for the Berlin Sidewalk Sale and council voted unanimously to approve 5-0.

Mayor Williams explained the request for the motion to approve the contract with Goody Hill Groundwork for sidewalk construction from Esham Avenue to Ann Drive. The contracted amount for the work is \$82,220.00 and 50% of the cost will be reimbursed back to the town by the State Highway Administration. Town Administrator Tony Carson stated that the same pervious materials would be used for the construction of this portion of the sidewalk as the first phase of the Broad Street sidewalk. Town staff will help to reduce costs by handling the flagging duties. If approved by council, the project would start in one week and would take about 3 weeks to complete. Councilmember Purnell made a motion to approve the contract with Goody Hill Groundwork for \$82,220.00 for sidewalk construction from Ann Drive to Esham Avenue and council voted unanimously to approve 5-0.

Mayor Williams stated that Resolution 2013-06, a resolution establishing the property tax rate for the fiscal year beginning July 1, 2013 pursuant to Ordinance number 2013-03, the operational budget for fiscal year 2014 was basically a housekeeping measure. The Resolution establishes the property tax rate of \$.68 for each \$100 of assessed valuation and \$1.70 for each \$100 of assessed personal and property taxes and did not change from the previous year. Councilmember Hall made a motion to approve Resolution 2013-06 and council voted unanimously to approve 5-0.

Mayor Williams announced the public hearing for Ordinance 2013-04, an ordinance amending Chapter 28, Article II, Division 3; entitled Sidewalk Obstructions, Section 28-73, entitled Obstructions prohibited; exceptions. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State. There being no comments, Mayor Williams asked for comments from anyone from the County. There being no comments, Mayor Williams asked for comments from anyone from the public. Mike Wiley of 317 Buttercup Court and an Executive Board member of the Berlin Chamber of Commerce stated that the Chamber endorsed Robin Tomaselli's request for side businesses to be allowed to have two sandwich board signs as long as they are ADA compliant and follow the established guidelines for material structure and size.

Ms. Carol Rose of 307 Ann Drive and Chair of the Historic District Commission spoke on behalf of the Commission. Ms. Rose stated that the Commission supports the merchants, but there should be standards with the sidewalk signs. She stated the four points that the commission would like to see stated in the ordinance. Those points are that the signs remain the same size they are now, the signs must be made from wood, the signs must be painted and any wording on the sign must be painted with no plastic lettering and finally that each business be allowed only one sign.

Mr. Joel Todd of 14 Meadow Street and a member of the Historic District Commission echoed Ms. Rose's comments, but stated rather than redraft the statutes that the Mayor and Council trust the Historic District Commission to do the work that it has been entrusted to do. If standards are adopted to apply to these signs, then the Town needs to have someone to ensure that these standards are being met. Mr. Todd stated that the ordinance as he reads it has no enforceable standards. Councilmember Lynch stated that the Section that applies to the standards is Section 901 and she felt that this section needed to have adjustments.

Shelly Bruder of 25 Commerce Street and owner of Bruder Hill inquired if there was a way for her business to have another sign visible somewhere in town.

Michelle Harrington of Oh My Hair inquired if there was a sign somewhere in town which showed a directory of the stores. Mr. Carson stated that the Ambassador Program volunteers hand out maps and store directory listings but it is very limited. Discussion continued on the location of the directory and how it would be maintained. Mr. Day stated that there is a small map in the showcase at the corner of Pitts and Main Street.

Mr. Rick Stack of 6 Washington Street and Vice Chairman of the Historic District Commission encouraged participation by residents at their meetings.

Robin Tomaselli of Baked Desserts Café asked Mr. Todd what the specific objection was from the Historic Commission to side businesses having more than one sign. Mr. Todd stated that he personally had no objections, but the signs needed to apply to code. Mr. Todd also pointed out that the Town needs to think about the placement of these signs.

There being no further comments, Mayor Williams closed the public hearing. Mayor Williams stated that there are three issues that must be addressed: first is to establish what is allowed or not on the sidewalks and which must meet the accessibility requirements, the second part is a responsibility to more fully define what those standards are and to update them and the third is to review and oversight to fully address the community's needs and desires. Mayor Williams stated that his personal opinion was that he sees no harm in leaving signs up all of the time if it does not affect anyone's accessibility and could be advantageous to the businesses. He continued that the size of the signs should not be changed, but remain functional and made with materials which are consistent with our community.

Councilmember Hall stated that she felt that the ordinance should be addressed and refined and Mayor Williams suggested that Town Attorney David Gaskill work up a draft and establish standards. Councilmember Hall made a motion to table item #6 to consider modifications and have another 1<sup>st</sup> reading and council voted unanimously 5-0 to table to the next meeting.

Department Head reports began with Acting Finance Director Natalie Saleh reporting that they would be implementing the stormwater fees into the Logics software and running test bills for residential customers. Ms. Saleh stated that Steve Miller and Dwight Davis from Booth & Associates were on site as Mr. Miller would be replacing Mr. Davis. She also reported that renewal business licenses were also printed today.

Assistant Wastewater Superintendent Jocelyn Aydelotte reported that the Route 818 project had received substantial completion and they were reviewing punch list items. Ms. Aydelotte announced that they had begun pumping effluent to the new spray site last Monday. She explained that a small washout had occurred at the new culvert at West Street, but would be repaired tomorrow and explained that the department had used the camera truck regarding a sink hole at the Walter home on West Street. Councilmember Brittingham inquired if any residents had tied into the new water and sewer lines that had been installed on Route 818 and Mr. Carson stated no one at this time. Councilmember Lynch asked if the road had been resurfaced and Mr. Carson stated it had and was part of the contract with State Highway.

Public Works Director Mike Gibbons reported that his department would begin the summer herbicide treatments tomorrow. He also reported that paving would begin Thursday on Washington, Franklin and Esham Avenue and Quillen Drive.

Electric Utility Director Tim Lawrence reported that the Victorian street light painting project had begun. He also reported that utility poles were begin replaced on Tingle Road, he was working on electric for the International Festival, his department was working with Public Works on the herbicide applications and that he had received the agreement for the underground feed for the installation of the wind turbine at the Rayne property. Councilmember Lynch inquired about the power outage last week and Mr. Lawrence stated that there was an equipment failüre at Maple and Elizabeth Street.

Police Chief Arnold Downing thanked the Mayor for his concern shown to the officer injured last week and stated that the person involved in the incident had been apprehended. He stated that he would be speaking with the County Commissioners regarding the new protocols and safety measures regarding the schools.

Human Resources Director Jeff Fleetwood recognized Mike Gibbons and the Public Works department for assisting in the new shelving at the storage barns. He also reported that the seasonal employees would be starting their employment tomorrow and that the first round of interviews for the new hires at the Water Resources department would begin Tuesday.

Economic and Community Development Director Michael Day reported that he had been asked to be a member of the Tri County Council Region of Tourism Committee. He reported on the Ribbon cuttings scheduled for the businesses Salt Water Media and Pitt Stop Beer and Wine and the High Heel Race scheduled for Friday, June 14<sup>th</sup> and the International Festival for Saturday, June 22<sup>nd</sup>.

Town Administrator Tony Carson asked Mr. Darl Kolar of EA Engineering, Science and Technology to come forward and explain the grant applications which were submitted to MEMA to request funding to replace the William Street culvert and stormdrains in the vicinity of the Power Plant and to also purchase and install an emergency power generator at the Branch Street Wellhouse. Mr. Carson then requested approval for 4 purchase orders (201303272, 201303317, 201302400 and 201302836). Councilmember Brittingham made a motion to approve the 4 purchase orders as submitted and council voted unanimously to approve 5-0.

Mayor Williams asked Public Works director Mike Gibbons when the Flower Street sidewalks would be completed. Mr. Gibbons replied that it would be about one week weather permitting.

Mayor Williams asked for comments from the council. Councilmember Purnell thanked the council for the support in the completion of the sidewalks along Broad Street. Councilmember Brittingham thanked the council for their support in the completion of sidewalks on Flower Street and the renovation of the basketball courts at Henry Park. Councilmember Hall commented on the condition of the tennis courts in Stephen Decatur Park. Deputy Town Administrator Mary Bohlen stated that they would be applying for grant monies next year to renovate the courts, but in the interim Mr. Gibbons would try to patch the area.

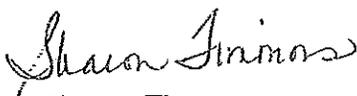
Mayor Williams asked for comments from the public. Mr. Randy Walter of 209 West Street came forward and thanked the Mayor and Council for being proactive and supportive regarding the flooding problem at their home. Pictures supplied by Mr. Walter of his property and construction of the new culvert along with construction pictures by the Town were shown.

Mr. Carson stated that the original plan was to stabilize the sides of the bank next to Mr. Walter's home, but further investigation found that the culvert was undersized and the Town had to move in another direction with limited funds. Mr. Carson recommended that a Phase II project be considered when funding becomes available to assist with the stabilization of Mr. Walter's property along the stream bank by adding additional boulders.

Mr. Frank Siano, President of Decatur Farms Homeowner's Association and a resident at 507 Dueling Way spoke to the council regarding the severe stormwater problem in their development including the backing up of water and erosion which affects 15-16 homes. Mr. Siano stated that the HOA had solicited bids and received bids from Goody Hill in the amount of \$55,672.00 and A-Del Construction for \$54,835.00. Work to be completed includes design, sediment erosion control, earthwork, stormwater management, installation of drain basins, piping and fencing. Mr. Siano stated that the preferred contractor, Goody Hill, had proposed to begin the work two weeks after approval with a two week completion date. Mr. Siano made an appeal to the council to contribute one-half of the cost of the project or \$30,000.00. Mayor Williams stated that he felt comfortable with sharing the costs to fix the problem. Councilmember Purnell stated that he wanted to look at the blueprints and discuss the request further, as the council would be setting a precedent with this decision. Discussion continued and Councilmembers Burrell, Purnell and Hall stated that they would meet at Mr. Siano's home tomorrow at 10:00 a.m. No decision was made by council on this request.

Councilmember Purnell made a motion to adjourn the meeting and the meeting ended at 9:11 p.m.

Respectfully submitted



Sharon Timmons  
Administrative Assistant

**TOWN ADMINISTRATOR'S REPORT**  
**June 24, 2013**

**Purchase Orders**

PO# 201203189 in the amount of \$1,983.10 to Worcester County for sludge disposal.  
(24-4370-4121)

PO# 201302934 in the amount of \$1,805.00 to Tri Supply and Equipment for equipment rental to install new drainfield at new spray site. (24-4380-4053)

PO# 201303462 in the amount of \$1,188.00 to Stuart Irby for #2 triplex overhead service drop wire. (10-4230-4092)

PO# 201303496 in the amount of \$1,030.00 to L.E. Bunting Surveys for professional services to prepare plat Electric easement on lands of Berlin Properties North LLC. (10-4210-4060)

PO# 201303500 in the amount of \$5,866.00 to National Transformer Sales for quantities of 2 each 50 KVA and 75 KVA overhead transformers.

PO# 201303499 in the amount of \$20,000.00 to Decatur Investments for façade grant match for warehouse conversion to offices. (01-4115-4100)

PO# 201303233 in the amount of \$1,175.00 to Envirocorp for monitoring of wells at Bounds property for May 2013.

PO# 201303531 in the amount of \$6,247.00 to Goody Hill GroundWork for additional stormwater best management practices on Phase 2 of Broad Street sidewalks. To be taken from impact fees

**Updates**