



# 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, MARCH 12, 2012**

**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  
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, March 12, 2012**

**6:00 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 February 27, 2012  
Statement of Closure for Mayor and Council on February 27, 2012  
Regular Session of the Mayor and Council on February 27, 2012
2. Proclamation 2012-06  
A Proclamation declaring March as Multiple System Atrophy Awareness Month
3. TIGER GRANT Request/Presentation by Bill Badger, Director of Economic Development, Worcester County
4. Resolution 2012-04  
A Resolution designating the Town of Berlin as a Sustainable Community.
5. Program Open Space
  - a. Annual Program
  - b. Application for Grant Funding
6. Approval of Water Use Agreement – Town of Berlin and Worcester County Commissioners regarding Bridgetown.
7. Discussion: Planning & Zoning and Historic District Commissions on Proposed Architectural Standards & Comprehensive Rezoning recommendations.  
Chairmans – Newt Chandler & Carol Rose
8. 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
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, February 27, 2012

The meeting of the Mayor and Council for Monday, February 27, 2012 was called to order by Mayor Williams at approximately 7:01 p.m. Councilmembers Lynch, Burrell, Brittingham and Purnell were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Finance Director Lynn Musgrave, Deputy Town Administrator Mary Bohlen, Economic and Community Development Director Michael Day, Water Resources Director Jane Kreiter, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, Public Works Director Mike Gibbons, and Administrative Assistant Sharon Timmons. Councilmember Hall and Planning and Zoning Director Chuck Ward were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Executive Session Minutes of February 13, 2012. Councilmember Lynch made a motion to approve the minutes and the council voted unanimously to approve 4-0 with Councilmember Hall absent. Mayor Williams stated that the Executive Session was closed for the consideration of the contents of a contract or bid. Mayor Williams continued by requesting approval of the Regular Session Minutes of February 13, 2012. Councilmember Brittingham made a motion to approve the minutes and council voted unanimously to approve 4-0 with Councilmember Hall absent.

Ms. Olive Mawyer, Director of the Berlin Chamber of Commerce came before the council requesting approval of the event known as Spring Cruisers to be held on Saturday, May 19, 2012 from the hours of 10 a.m. to 2 p.m. Councilmember Purnell made a motion to approve the event and council voted to approve 4-0 with 1 absent.

Ms. Mawyer and Economic and Community Development Director Michael Day came before the council requesting approval of the event and street closures associated with the event known as May Day Play Day to be held on Friday, May 11 from the hours of 5 p.m. to 9 p.m. Councilmember Purnell made a motion to approve the event and council voted to approve 4-0 with 1 absent. Ms. Mawyer then requested approval for the Chamber of Commerce to sell beer at the beer garden to be located on Jefferson Street. She stated that in speaking with the County, they had requested a smaller area for the sale of beer. Councilmember Purnell made a motion to approve the sale of beer by the Chamber of Commerce at the Jefferson Street location pending the approval of the Special One Day Permit by the Worcester County Board of License Commissioners and council voted to approve 4-0 with 1 absent. Mr. Day requested approval of the suspension of the open container law for the event from the hours of 5 p.m. to 9 p.m. within the closed areas of Main and Pitts Street, Main and Bay Street and Broad Street from Main Street to Gay Street. Councilmember Purnell made a motion to approve the request and council voted to approve 4-0 with 1 absent.

Mayor Williams announced the Public Hearing for Ordinance 2012-01, an ordinance providing for the issuance and sale of an aggregate principal amount not to exceed \$5,100,000.000 of bonds known as the Town of Berlin Infrastructure Bonds, 2012 Series A". Finance Director Lynn Musgrave explained that the Town would be refinancing 5 separate bonds to lower the interest rates and the net savings would be \$700,000.00 between the General Fund, Water Fund and Sewer Fund. Town Administrator Tony Carson stated that 2 public hearings would need to take place, one to satisfy requirements for the Department of Housing and Community Development and one to satisfy the Town Charter. Mayor Williams opened the public hearing relating to the DHCD requirements and asked for comments from anyone from the State or County. Hearing no comments, Mayor Williams asked for comments from anyone from the public. There being no comments, Mayor Williams closed the public hearing. Mayor Williams then opened the public hearing related to the Town requirements and asked for comments from the State, County or public. Hearing no comments, Mayor Williams closed the public hearing and asked for a

motion from the council. Councilmember Burrell made a motion to approve Ordinance 2012-01 and council approved 4-0 with 1 absent.

Mayor Williams explained Resolution 2012-02, a resolution authorizing and empowering the Mayor and Council of Berlin to issue and sell two separate series of general obligation bonds in the respective aggregate principle amounts of \$3,207,000.00 and \$1,500,000.00 to be designated to the "Effluent Storage and Irrigation System Project". Mr. Carson told the council that the 1.5 million dollar amount would be considered a loan forgiveness if the payments were made on time. Councilmember Brittingham made a motion to approve Resolution 2012-02 and council voted to approve 4-0 with 1 absent.

Water Resources Director Jane Kreiter explained the request for the Water Use Agreement between the Town and the County Commissioners of Worcester County for the area known as Briddletown. She stated that there had been a well off of Seahawk Road which was found to be unfit without expensive treatment and that the County had discovered that the Town's water line ended near where theirs began. The County has been purchasing water from the Town at outside double rates in order to service those property owners. The Town has been requesting that one meter be installed in that area for water service to gauge usage. Discussion continued regarding Item 6 of the agreement concerning annexation. Mayor Williams asked to have a map of the area given to council to clarify that the proper area was being discussed. Councilmember Brittingham stated that when the line was originally put in, there were two dead ends, one at Flower Street and one at the beginning of Briddletown. Ms. Kreiter stated that the County is budgeting monies to do the looping between the two ends. The issue was tabled until the next meeting on March 12, 2012 to allow council to review the map.

Departmental reports began with Finance Director Lynn Musgrave reporting that the council should have received the financials and P&L's.

Deputy Director Mary Bohlen reported that the Take Pride in Berlin week would begin with the Spring Clean-up on April 21<sup>st</sup> and ending with a special event on the 28<sup>th</sup> at the Berlin Intermediate School regarding the Walkable Bikeable Berlin. Ms. Bohlen will provide details as they become available.

Public Works Director Mike Gibbons reported that he had been working with Ms. Bohlen regarding a walking path at Henry Park and that a pre-bid meeting would be held with the engineering firms on the Request for Proposal on March 14<sup>th</sup>. He continued his report by stating that the mild weather had allowed the Public Works department to begin doing maintenance in the parks.

Water Resources Director Jane Kreiter reported that the contractor for the new spray site, A.P. Croll was mobilized on site and ready to begin. She continued that her department was also changing meters throughout town due to the mild weather.

Electric Utility Director Tim Lawrence reported that there had been a power outage on Friday, February 23<sup>rd</sup> due to a problem with relay testing by the contractor. The outage was only for a few minutes. He continued reporting that two capacitor banks had been installed to help correct the power factor issue, buildings 100 & 200 at the Cottages of Berlin had been energized and 18 meters had been installed at that location. Mr. Lawrence stated that the balance of the buildings should be energized and installation of the balance of the meters should be completed by the end of next week. He continued reporting on the installation of low sodium lights throughout town and also reported that 3 energy audits had been completed with one audit discovering a gas leak in the home.

Police Chief Arnold Downing reported that his department had participated in two lock down drills at the middle and elementary schools. They were also in the process of completing reviews regarding the drop off policies at the schools and Stranger/Danger at the Head Start.

Human Resources Jeff Fleetwood reported that he had received correspondence from FEMA and that the Town would be receiving \$31,000.00. He also reported that the Town had been recognized for a safety award from IWIF regarding worker's compensation. The Town ranked in the top 41 out of 22,000 employers. Mr. Fleetwood stated that he would be attending a health care benefits seminar and also a renewal seminar.

Economic and Community Development Director Michael Day reported that the new events bookmarkers were ready, the Town would be sponsoring a booth in the Home and Condo Show in Ocean City on March 9-11 and that the Town would be featured on the tee shirts worn by the bikers in the Seagull Century bike ride to take place in October.

Town Administrator Tony Carson presented and requested approval of 5 purchase orders (201201627, 201202040, 201202199, 201202244 and 201202245). Councilmember Brittingham made a motion to approve all 5 purchase orders and council voted unanimously to approve 4-0 with Councilmember Hall absent.

Mayor Williams spoke of letters received from the Planning Commission and the Historic District Commission regarding potential revisions to the Planning Code and the need for architectural standards for building in Berlin. He suggested that the Chairman of each Commission be invited to the next council meeting as an agenda item for discussion. The Council agreed in consensus.

Mayor Williams asked for comments from the council. Councilmember Lynch inquired about the letter in correspondence from MDE. Ms. Kreiter stated it was a permit for flushing hydrants.

Mayor Williams asked for comments from the public or the press. Police Chief Arnold Downing stated that Mr. Sonny Derrickson has passed away on February 25<sup>th</sup>. Mr. Derrickson had been a member of many commissions for the Town.

There being no further comments, Councilmember Burrell made a motion to adjourn and the meeting ended at 7:47p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant



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## RESOLUTION 2012-04

Resolution of the Town of Berlin, Maryland, to designate the the Town of Berlin, Maryland, as a Sustainable Community, pursuant to the attached Sustainable Community map (and Sustainable Community Plan (the "Plan," as further described in the Sustainable Community Application (the "Application"), for approval either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Smart Growth Subcabinet of the State of Maryland.

WHEREAS, the Town of Berlin recognizes that there is a significant need for reinvestment and revitalization of the communities in Worcester County/Town of Berlin; and

WHEREAS, the Town of Berlin proposes to (i) designate the area of the Town of Berlin, Maryland, in Worcester County, as outlined on the attached map (the "Area"), as a Sustainable Community, and to (ii) adopt the Plan, as further described in the Application, for the purposes of contributing to the reinvestment and revitalization in the Area; and

WHEREAS, the Area is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act; and

WHEREAS, the applicable law and the Community Legacy Program regulations require a local government to submit an application to the Department in order to become a designated Sustainable Community, and to adopt a satisfactory Sustainable Community Plan in order to be eligible to receive financial assistance under the Community Legacy Program;

NOW, THEREFORE BE IT RESOLVED THAT, the Town of Berlin hereby (i) endorses the designation of the Area as a Sustainable Community; and (ii) adopts the Sustainable Community Plan described in the Application.

BE IT FURTHER RESOLVED THAT, the chief elected executive official is hereby requested to endorse this Resolution, indicating his or her approval by signature hereof; and,

BE IT FURTHER RESOLVED THAT, the following persons are hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions;

Name	Office/Title	Signature
<u>Wm. Gee Williams</u>	_____	_____
<u>Anthony Carson</u>	_____	_____
<u>Michael Day</u>	_____	_____

and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland for consideration by the Smart Growth Sub-Cabinet.

READ AND PASSED THIS day of March \_\_\_\_, 2012 .

BY ORDER: I hereby certify that Resolution Number is true and correct and duly adopted by the Mayor and Council of The Town of Berlin, Maryland.

ATTEST/WITNESS:

\_\_\_\_\_

The Town of Berlin, Maryland

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
[Chief elected executive official]

Date: \_\_\_\_\_

**TOWN ADMINISTRATOR'S REPORT**  
**03-12-12**

**Purchase Orders**

PO# 201202256 in the amount of \$7,058.00 to Reliable Meter Service for Three Phase Meter Service Field work.

PO# 201200285 in the amount of \$3,759.00 to Wesco Receivables for 3 AB Voltage Transformers.

PO# 201202344 in the amount of \$1,326.00 to Feedwater Treatment Systems for FTS-316 coolant.

PO# 20120240 in the amount of \$2,700.00 to Yoder Overhead Door Company for overhead doors for Pole Barn at Public Works.

**Updates**