



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

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, MARCH 25, 2013

Town Administrator

Anthony J. Carson, Jr.

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.

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 25, 2013**

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 March 11, 2013
 Executive Session of the Mayor and Council on March 11, 2013
 Statement of Closure for Mayor and Council on March 11, 2013
2. Presentation – Diana Purnell, BRAVE
3. Resolution 2013-03
 A resolution proposing the annexation to the Town of a certain area of land situated and contiguous to and adjoining upon the corporate limits of the town of Berlin and providing for the conditions and circumstances applicable to the proposed changes in boundary of the Town of Berlin. Designated as Lot 1, Parcel 88, Tax Map 25
4. Program Open Space- Annual Allocation Wish List
5. Motion to Approve - Award of West Street Culvert Project (Bids to be opened Monday, March 25, 2013 at 10:00 a.m.)
6. Motion to Approve – Agreement to participate with Maryland Department of Agriculture for Mosquito Control Work for 2013.
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, March 11, 2013

The meeting of the Mayor and Council for Monday, March 11, 2013 was called to order by Mayor Williams at approximately 7:02 p.m. Councilmembers Burrell, Hall, Purnell, Brittingham and Lynch were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Finance Director Lynn Musgrave, Town Attorney David Gaskill, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day, Police Chief Arnold Downing, Planning and Zoning Director Chuck Ward and Administrative Assistant Sharon Timmons. Water Resources Director Jane Kreiter was 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 February 25, 2013. Councilmember Lynch made a motion to approve the minutes and council voted to approve 5-0. Mayor Williams then asked for a motion to approve the Executive Minutes of February 25, 2013. Councilmember Brittingham made a motion to approve the Executive minutes and council voted to approve 5-0. Mayor Williams stated that the Executive Session of February 25, 2013 was closed to consult with staff regarding potential litigation and also to discuss negotiations regarding a contract.

Mayor Williams asked Ms. Anna Foltz to come forward in order to present her with Proclamation 2013-06 which celebrates the 101th anniversary of the Girl Scouts. Mayor Williams read the Proclamation and the Mayor and Council was presented with cookies from the Brownies.

Mr. Bryan Brushmiller, owner of Burley Oak Brewing Company came before the council requesting a letter of support so that he could hold 3 separate festival events on the property. The dates of the festivals would be April 20, 2013, June 29, 2013 and September 28, 2013 and would coordinate with the release of new beers. Mr. Brushmiller presented the council a packet containing letters of support from neighboring residents and businesses and a map which showed the layout for enclosure of the property for the events. Discussion continued on traffic control and music. Town Attorney Gaskill stated that if problems were to occur during the first event, both the Liquor Control Board and the Mayor and Council would have the authority to revoke the future events. Councilmember Purnell made a motion to approve the 3 dates for the festivals requested by Mr. Brushmiller. Councilmember Lynch asked that a caveat be included that if problems arose, the Town has the authority to refuse to support the remaining events. Council voted to 4-1 in favor with Councilmember Lynch opposed.

Ms. Debbie White, Donna Comfer and Dawn Hodge representing the American Cancer Society came before council requesting approval of the event Paint the Town Purple on April 12th. Ms. White requested that their organization be permitted to hang purple ribbons and bows on the lamp posts throughout town from April 6th to May 12th to help bring awareness and further educate the public regarding the issue of cancer. Ms. White also requested approval for a scavenger hunt called "Quest for Hope" that would be held on April 12th involving 12-15 of the businesses in town. Councilmember Burrell made a motion to approve the request and council voted to approve 5-0.

Mr. Dale Smack, representing St. Paul United Methodist Church came before the council requesting approval of a 5K Walk/Run Memorial to be held on April 13th beginning at 8 a.m. at the church. Mr. Smack explained the proposed route and stated that the event would benefit the church and that traffic control would be provided. Councilmember Brittingham made a motion to approve the event and council voted to approve 5-0.

Ms. Lisa Long came before the council requesting approval of the event Reindeer Run to be held on December 7, 2013 to benefit the Worcester Youth and Family Counseling Services. Chief Downing stated that there had been no problems in the past with the event. Councilmember Hall made a motion to approve the event and council voted to approve 5-0.

Mayor Williams announced the Public Hearing for Ordinance 2013-02, an ordinance amending Chapter 24, Solid Waste, Article II, Section 24-31 (A)(8). This ordinance states the residents must currently have regular town trash service to participate in the bulk or yard waste pickups offered by the town. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State, County, or public. There being no comments, Mayor Williams closed the public hearing and asked for a motion. Councilmember Burrell made a motion to approve Ordinance 2013-02 and council voted to approve 5-0.

Mayor Williams announced Resolution 2013-02, the declaration of official intent to reimburse prior expenditures made in connection with capital improvements relating to the Town's Stormwater Management System, from the proceeds of one or more obligations to be issued by the Town or any related interim financing. Town Attorney Gaskill stated that the Town's Bond Counsel had indicated that the passage of the Resolution was necessary to enable the town to be reimbursed for any monies the town may expend on capital improvements associated with the Stormwater Management System if the town were to apply and receive funding through bonds or grants. Councilmember Lynch made a motion to approve Resolution 2013-02 and council voted to approve 5-0.

Police Chief Arnold Downing explained Berlin Police Department General Order No. 400 P-1a; Eyewitness Identification Guidelines. Councilmember Brittingham made a motion to approve General Order No. 400 P-1a and council voted to approve 5-0.

Mayor Williams announced the motion to approve the contract with Shore Siding in the amount of \$18,858.00 for the installation of vinyl siding at the Multipurpose Building on Flower Street. Public Works Director Mike Gibbons explained that the contract included removal and replacement of the rotten plywood. Mr. Carson asked Mr. Gibbons to verify approval of the color of the siding with the owners. Mr. Carson stated that \$10,000 had been budgeted for the project and that the façade grant would cover the balance of the contract. Councilmember Burrell made a motion to approve the contract with Shore Siding in the amount of \$18,858.00 for the installation of siding at the Multi-Purpose Building on Flower Street and council voted to approve 5-0.

Department Head reports began with Finance Director Lynn Musgrave reporting that the FY14 General Fund Budget Workshop would be held on April 15th and the FY14 Enterprise Fund Budget Workshop would be held on April 29th. Both workshops will begin at 6:00 p.m.

Deputy Town Administrator Mary Bohlen reported that the public restroom renovation project was moving along and was about 50 percent complete.

Public Works Director Mike Gibbons reported that there were 10 locations consisting of 255 apartments which were not receiving trash pickup. Councilmember Brittingham inquired on the costs associated with businesses requesting trash service. Councilmember Burrell asked what the cost would be for a resident if they needed another container and Mr. Gibbons stated the cost would be a one-time fee of \$100.

Electric Utility Director Tim Lawrence reported the oxidation catalyst project was waiting approval from the Maryland Department of Environment on the protocol tests. He also reported on the relocation of two utility poles on William Street. He then explained the cause of the outage on Wednesday, March 6th. Councilmember Hall inquired about a tree on Main Street and asked Mr. Lawrence to investigate.

Police Chief Arnold Downing reported that a utility pole had been downed at Route 346 by the old Olympia during the storm. He continued that they were partnering with AGH on safety tips for the elderly and emergency room and security issues for the upcoming season. He will be meeting with the advisory committee at the Eastern Shore Criminal Academy on the 21st.

Planning and Zoning Director Chuck Ward reported that the Historic District Commission meeting had been cancelled due to the storm and that the Board of Zoning Appeals would meet on March 20th. Mr. Ward also stated that staff was working on modernizing the town display used for shows and conferences.

Human Resources Director Jeff Fleetwood reported that he would be attending a meeting in Snow Hill on March 18th for Worcester County Emergency Operations Center for round two of hazmat.

Economic and Community Development Director Michael Day reported that he would be attending meetings in Snow Hill regarding Maryland Economic Development and the slots.


Town Administrator Tony Carson requested approval of 7 purchase orders (201301733, 201302081, 201302424, 201302495, 201302499, 201302506 and 201302507). Mr. Carson stated that the amount total for purchase order 201302499 should be revised to \$25,700. Discussion continued on several of the purchase orders. Councilmember Burrell made a motion to approve all 7 purchase orders as modified and council voted to approve 5-0. Mr. Carson reported that the Town had submitted its first stormwater grant to MEMA in the amount of \$200,000 regarding the flooding the town experienced back in the summer. The program is based on past losses and during discussions it was suggested that the town include a new generator at the new well house in the application.

Mayor Williams thanked those staff who volunteered to work the Town booth at the Home and Condo show. Mayor Williams asked for comments from the council. Councilmember Hall reported that Worcester Youth and Family Services would be conducting a free safety training class for children and their families on March 21st from 5:30 p.m. to 7:00 p.m. at the Ray. Councilmember Brittingham inquired about the date of the Shred Day sponsored by the Bank of Ocean City. Mr. Carson stated the date would be June 5th and that residents would be notified in the May utility bill and also on the Access Channel and town website.

Mayor Williams asked for comments from the public or the press. Ms. Ellen Lang praised Mr. Lawrence and the electric department for the outstanding job done to resolve the electric outage on March 6th.

There being no further comments or questions, Councilmember Burrell made a motion to adjourn the meeting to go into Executive Session. Council voted unanimously to adjourn and the Regular Session meeting ended at 8:23 pm.

Respectfully submitted


Sharon Timmons
Administrative Assistant

RESOLUTION NO. 2013-03

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROPOSING THE ANNEXATION TO THE TOWN OF A CERTAIN AREA OF LAND SITUATED AND CONTIGUOUS TO AND ADJOINING UPON THE CORPORATE LIMITS OF THE TOWN OF BERLIN AND PROVIDING FOR THE CONDITIONS AND CIRCUMSTANCES APPLICABLE TO THE PROPOSED CHANGES IN BOUNDARY OF THE TOWN OF BERLIN.

WHEREAS, the Town of Berlin has received, in accordance with Section 19, Article 23A of the Annotated Code of Maryland, as amended, subtitled "Annexation," consent of the property owner of the land in the area to be annexed, being contiguous to and adjoining upon the Corporate limits of the Town of Berlin; and

WHEREAS, the Town of Berlin has furnished the affected property owner with its proposed "Terms and Conditions" of annexation, including the proposed provisions for the extension of municipal services to that area; and

WHEREAS, it is the intent of the Town of Berlin to comply with existing State law and to insure there are no enclaves created with the current annexation; and

WHEREAS, it appears that the consents received meet all requirements of Maryland State Law under Article 23A of the Annotated Code as amended;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

SECTION A: It is hereby proposed and recommended that the boundaries of the Town of Berlin be changed so as to annex to, and include within said municipality, all that certain area of land, together with the improvements thereto (no persons reside therein), and the property, contiguous to and adjoining upon the Corporate Limits of the Town of Berlin and more particularly described as follows:

Description of the lands of Soldier Bee, LLC and Joan E. Young situate on the southerly side of Maryland Route 346, adjoining the corporate limits of the Town of Berlin, Maryland and being designated as Lot 1, Parcel 88, as shown on Worcester County Tax Map # 25.

BEGINNING at a point denoted by an iron pipe set on the Southerly property line of Maryland Route 346, said point being the Northwesterly corner of the property hereby described; and from said point of beginning, thence running by and with the Southerly line of said Maryland Route 346, North 74 degrees 43 minutes 22 seconds East a distance of 185.00 feet to an iron pipe set at the boundary line between the said property described herein and Lot 2 as shown on the Plat entitled "Boundary Line Adjustment of Lands of Jack Dunlap & Joan E. Young" recorded among the Land Records of Worcester

County, Maryland in Plat Book R.H.O. No. 156, folio 2; thence running by and with the said property line of Lot 2 South 13 degrees 43 minutes 13 seconds East a distance of 612.86 feet to an iron pipe; thence running North 76 degrees 12 minutes 46 seconds West 208.58 feet to an iron pipe; thence running North 13 degrees 42 minutes 46 seconds West a distance of 511.50 feet to the point of beginning; said property containing 2.39 acres of land more or less.

SECTION B: Upon the effective date of annexation, all of the provisions of the Charter of the Town of Berlin and all Ordinances, Resolutions, Rules and Regulations of the Town of Berlin in effect on said date shall apply to the property in the area to be annexed except as herein modified

SECTION C: The annexation of said area is made subject to the terms and conditions as follows:

1. POLICE PROTECTION - Police services of the Berlin Police Department shall be extended into the annexed area immediately upon the effective date of annexation.
2. TRASH COLLECTION - Trash collection is available to commercial accounts upon request, provided the Town is capable of providing the requested service with existing equipment and for a fee to be established based upon uses.
3. WATER SERVICE - Town of Berlin currently has water service available to the area to be annexed.
 - (a) The property owner has advised the property will be utilized for a commercial enterprise and has estimated that one Equivalent Dwelling Unit (EDU) or two hundred fifty gallons per day will be required to service the property. The Town will therefore assess the property owner "Connection Fees" for one EDU. After one year of occupancy, the Town will review the water usage at the property and adjust the number of EDU's accordingly.
 - (b) All wells on the property must be abandoned and capped in accordance with the Town's Wellhead Protection Program.
4. ELECTRICAL SERVICE - The Town of Berlin will provide electrical service to the area proposed for annexation.
5. WASTEWATER SERVICE - The Town of Berlin currently has wastewater service available to the area to be annexed.
 - (a) The property owner has advised the property will be utilized for a commercial enterprise and has estimated that one Equivalent Dwelling Unit (EDU) or two hundred fifty gallons per day will be required to service the property. The Town will therefore assess the property owner "Connection Fees" for one EDU. After one year of occupancy, the Town will review the water usage at the property and adjust the number of EDU's accordingly.

6. PAYMENT FOR EDU'S - The property owner payment for the cost of the one Equivalent Dwelling Unit (EDU) shall be subject to an Allocation Agreement entered into between the Mayor and Council of the Town of Berlin and the owner.
7. ZONING - The area will be Zoned as "B-2" General Business District under the Town of Berlin Zoning Ordinance, as shown on the attached map, and made a part of this document, with the consent of the Worcester County Commissioners.
8. VOTING RIGHTS - In the event that in the future, persons would reside in the annexed area, upon the effective date of annexation, those persons shall have the right to vote in all general and special elections of the Town of Berlin, subject to the same requirements applicable to all voters in the Town of Berlin.
9. PROPERTY TAXES - All property in the newly annexed area shall upon the effective date of annexation be subject to the payment of taxes, real and personal, and shall further be subject to a lien for the nonpayment thereof, in the same manner and at the same rate as properties now within the existing Town limits are subject as of the effective date of this resolution. Such taxes shall become due and payable within ninety (90) days of annexation. Commencing with the fiscal year beginning July 1, 2013, all such taxes shall be billed and collected in the same manner as all other taxes in the Town of Berlin.

Adopted this _____ day of _____, 20__ by the Mayor and the Town of Berlin, Maryland, by affirmative vote of ____ to ____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved this _____ day of _____, 20__ by the Mayor and Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: Anthony Carson, Town Administrator

TOWN ADMINISTRATOR'S REPORT
March 25, 2013

Purchase Orders

PO# 201302275 in the amount of \$2,100.00 to Beacon Engineering and Consulting for additional expenses associated with the public restroom renovation project. (01-4110-4123)

PO# 201302596 in the amount of \$1,200.00 to MD DC Utility Association for 2013 Membership Dues. (10-4230-4026)

PO# 201302335 in the amount of \$5,850.00 to Goody Hill Ground Work for relocation of fire hydrant on William and Graham Street associated with ADA compliance of sidewalk. To be reimbursed by SHA (20-4330-4092)

Updates