



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

TUESDAY, MAY 29, 2012

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

EXECUTIVE SESSIONNONE SCHEDULED

REGULAR SESSION7:00 PM

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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Tuesday, May 29, 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 May 14, 2012
2. Presentation – Worcester Youth and Family Counseling
 Summer camp Program
3. Request for Special Event – Berlin Bathtub Races
 Friday, July 13th
4. Public Hearing – Ordinance 2012-04, FY13 Budget
5. Resolution 2012-06
 A Resolution establishing the property tax rate for the fiscal year beginning July 1,
 2012.
6. Public Hearing – Ordinance 2012-06
 An Ordinance amending Section 102.18.6, C and the addition of Section
 102.18.13.
7. Motion to Approve Installation of No Parking signs on Powellton Avenue
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

REGULAR SESSION
MAYOR AND COUNCIL OF BERLIN MARYLAND
Monday, May 14, 2012

The Regular Meeting of the Berlin Mayor and Council for Monday, May 14, 2012 was called to order by Mayor Williams at 7:05 PM. Councilmembers Elroy Brittingham, Lisa Hall, Paula Lynch and Troy Purnell were present as well as Town Administrator Tony Carson and Town Attorney David Gaskill. Deputy Town Administrator Mary Bohlen, Electric Utility Director Tim Lawrence, Director of Planning & Zoning Chuck Ward and Public Works Director Mike Gibbons were also present, as well as Water Resources Director Jane Kreiter, Finance Director Lynn Musgrave, Human Resources Director Jeff Fleetwood and Director of Economic and Community Development Michael Day. Councilmember Dean Burrell and Police Chief Arnold Downing were absent.

Councilmember Lynch moved to approve the Minutes of the April 23, 2012 Executive Session, April 23, 2012 Regular Session, April 30, 2012 Budget Worksession, April 30, 2012 Special Executive Session and May 1, 2012 Special Executive Session. Mayor Williams noted a correction to the April 23, 2012 Executive Session in the first line of the second paragraph, and to the date agreement in the Executive Minutes of May 1, 2012. Councilmember Lynch amended her motion to approve the Minutes as corrected and approval was unanimous (4-0-0 with Councilmember Burrell absent). Mayor Williams read the Statements of Closure for each of the Executive Sessions.

In a deviation from the printed agenda, Mayor Williams asked David Fitzgerald, President of the Berlin Fire Company to come forward to present the Fire Company's budget request of \$342,000 for Fire and \$215,360 for EMS. Mr. Fitzgerald reviewed the anticipated and ongoing needs of the Fire and EMS divisions of the Fire Company. Discussion followed regarding various aspects of the Fire Company's current and anticipated budget and expected revenue sources and amounts. Mayor Williams explained that an allocation to the Fire Company would be considered as part of the final budget approval process, scheduled for Public Hearing on May 29, 2012. Mr. Fitzgerald thanked the Mayor and Council for their time.

Mr. Gaskill summarized Ordinance 2012-03 amending Chapter 107, regarding Residential Structure Height Limits. Mayor Williams opened the Public Hearing and requested any comments from state or county representatives. Hearing none, Mayor Williams opened the discussion to the public. Attorney Mark Cropper, representing Mr. Bob Purcell, indicated that he was in favor of the passage of the Ordinance as presented. Hearing no further discussion, Mayor Williams closed the Public Hearing and requested a motion on the Ordinance. Councilmember Purnell moved to adopt the Ordinance as presented and approval was unanimous.

Ordinance 2012-06 amending Chapter 102.18.6.C and adding Chapter 102.18.13 was introduced. Mayor Williams explained the amendments to the Chapter as proposed and indicated that the Public Hearing would be held at the next Regular Meeting on May 29, 2012.

Ordinance 2012-04 introducing the FY2013 Budget was introduced. Mayor Williams summarized the proposed budget, noting that, overall, the budget was reduced from the prior year. Councilmember Brittingham moved to bring the budget forward for Public Hearing as scheduled at the next Regular Meeting on May 29, 2012. Approval was unanimous.

Mayor Williams summarized the Motion to Approve the re-assignment to the General Fund of Electric, Water & Sewer debt in the amount of \$421,865.00 for Town Hall Improvement under the 2002 USDA bond. Finance Director Lynn Musgrave explained that this was recommended by Electric Utility Consultant Dwight Davis of Booth and Associates as part of the Town's preparation for the proposed rate case before the Maryland Public Service Commission. Councilmember Purnell moved to approve the re-assignment and approval was unanimous.

Mayor Williams summarized the Motion to Approve the transfer of \$533,143.61 in recorded asset from the Electric Fund to the General Fund and to record the transaction as an expense. It was noted that this was also a recommendation of Mr. Davis in preparation of the MPSC rate case. Councilmember Brittingham moved to approve the transfer and approval was unanimous.

It was noted that neither of the previous two agenda items actually involved the movement of funds, rather they represented "paper" transactions within the Town's accounting.

Human Resource Director Jeff Fleetwood presented a request to approve the policy renewal for FY13 Worker's Compensation through IWIF in the amount of \$104,453.00. Following brief discussion, Councilmember Hall moved to approve the renewal and approval was unanimous.

Mayor Williams initiated a discussion regarding the issue of requiring out-of-town businesses to obtain a Town business license if performing work within the Town. Mr. Ward noted that taxis and deliveries would not be included in the requirement. Councilmember Hall noted that, in her personal employment, such license fees were not uncommon. Lengthy discussion followed. Mr. Carson noted that this would provide the Town an additional method of tracking what companies or persons were working on projects within the Town. Mr. Ward indicated that this would also provide him the ability to provide absentee property owners with a list of licensed contractors when they needed work done. Lengthy discussion followed regarding how other Towns calculate the fees and determine who is doing work and should have a license. Councilmember Lynch indicated that such a measure would impose additional work without real benefit. Additional discussion followed. No motion or vote occurred.

Mayor Williams presented a request to move the second meeting of June from June 25th to June 27th because of Council and staff participation in the Maryland Municipal League Convention. Councilmember Brittingham moved to reschedule the meeting as suggested and approval was unanimous.

Having completed the items on the Regular Agenda, Mayor Williams asked for Departmental Reports. Finance Director Lynn Musgrave indicated that her department was working on the FY13 Budget and indicated that several members would be traveling to North Carolina later in the week to attend training provided by the Town's accounting software vendor.

Deputy Town Administrator Mary Bohlen announced that the Town had been awarded CDBG grant funds for the renovation of the public restrooms. She also announced that Worcester County Recreation and Parks had informed the municipalities that they would not be receiving a Program Open Space allocation from the state and, therefore, would not be providing an allocation to the municipalities.

Public Works Director Mike Gibbons indicated that the Public Works Department would be applying herbicide throughout the Town and that the 2nd, and final, Spring Bulk Collection would occur on Wednesday, May 16. Councilmember Brittingham indicated that he had received complaints that, when mowing on the properties near the recently renovated storm ditch by St. Paul's, there were too many

stones being thrown by the mowers. Mr. Gibbons and Mr. Lawrence indicated that they would look into this.

Water Resources Director Jane Kreiter announced that Wastewater Superintendent Jamey Latchum had received the Maryland Operator of the Year for 2012 at the recently held Maryland Rural Water Association conference. She also indicated that both she and Mr. Latchum had taught classes during the conference. The Mayor and Council asked Ms. Kreiter to pass on the congratulations to Mr. Latchum.

Electric Utility Director Tim Lawrence indicated that he had been working on the lighting replacement at Town Hall, Planning & Zoning and the Police Department as part of the BECBG grant and that streetlights were being installed on Prospect Drive as well continuing to work on the induction lighting project.

Human Resources Director Jeff Fleetwood indicated that interviewing for the open position at the Police Department would begin the following day.

Economic and Community Development Director Michael Day indicated that Main Street was fully rented. He also indicated that the Sunrise Seminar originally scheduled for earlier in the month had been rescheduled to May 23. The Brown Box Theater would be presenting Shakespeare in the Streets on September 14th. He also spoke about the recent Blues Bash and May Day Play Day events. Robin Tomaselli and Shelly Eppard of Baked Desserts Café gave their thanks to the Town for these events and others held throughout the year. Mr. Day also indicated that 25 Salisbury University students would be conducting intercept surveys during fall events.

Town Administrator Tony Carson presented 12 purchase orders to the Council for approval. Councilmember Brittingham asked for clarification on PO 2012002820 and Mr. Lawrence explained the charges. Councilmember Brittingham moved to approve the purchase orders as presented and approval was unanimous.

Mayor Williams requested the following re-appointments:

Parks Commission: Loretta Brown-Bridgell and Mike Wiley

Planning Commission: Phyllis Purnell

Historic District Commission: Carol Rose, Rick Stack, Joel Todd – moved from alternate to full, and Ellen Lang as alternate

Councilmember Hall moved to approve the appointments and approval was unanimous.

Mayor Williams also indicated that, in response to a request by Councilmember Hall, Mr. Lawrence had researched expanding the Town's existing Wi-Fi and had received a price of approximately \$2,500.00. Further discussion followed. It was clarified that the expansion would allow access within the downtown commercial area. It was also noted that the cooperation of some building owners would need to be sought for placement of some equipment. Councilmember Hall moved to approve a not-to-exceed amount of \$3,000.00 for the project, to be funded with Electric Department contingency funds in the FY12 budget and approval was unanimous.

Councilmember Brittingham thanked Mr. Carson for making arrangements with the Bank of Ocean City for a public "Shred-It" Day on May 23 from 10 AM to 2 PM at their William Street Branch. Councilmember Lynch suggested that traffic control be discussed with Chief Downing.

Mayor Williams asked for comments from the public and press. Tony Russo of the Bayside Gazette announced that this would be his last Council Meeting as he was leaving to take a position with the Star Democrat. The Mayor and Council all extended their thanks to Mr. Russo for his reporting on the Town and congratulated him on his new position.

With no further discussion, Mayor Williams asked for a motion to adjourn. Councilmember Purnell so moved and the meeting was unanimously adjourned at 8:45 PM.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Mary T. Bohlen".

Mary T. Bohlen
Deputy Town Administrator

ORDINANCE 2012-04

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE FY13 BUDGET AS SUBMITTED AS ATTACHMENT A.

ADOPTED THIS _____ DAY OF _____, 2012 BY THE COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED.

Elroy Brittingham, Sr., Vice President

APPROVED THIS _____ DAY OF _____, 2012

Wm. Gee Williams, III, Mayor

ATTEST: _____

Anthony J. Carson, Jr.
Town Administrator



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RESOLUTION 2012-06 FISCAL YEAR 2013 TAX RATE

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, ESTABLISHING THE PROPERTY TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 PURSUANT TO ORDINANCE NUMBER 2012-04, THE OPERATIONAL BUDGET FOR FISCAL YEAR 2013.

WHEREAS, the Mayor and Council will present Ordinance Number 2012-04, the operational budget for Fiscal Year 2013 for the Town of Berlin, for first reading at a Regular Council Meeting on May 14, 2012; and

WHEREAS, the revenues detailed in that Budget Ordinance 2012-04 are based on a property tax rate of \$.68 for each \$100 of assessed valuation;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Berlin that the property tax rate for Fiscal Year 2013 beginning July 1, 2012, shall be set at \$.68 for each \$100 of assessed valuation and \$1.70 for each \$100 of assessed valuation for corporate and personal property taxes

ADOPTED THIS ____ DAY OF _____, 2012 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN BY AFFIRMATIVE VOTE OF ____ TO ____ WITH ____ ABSTAINING.

William Gee Williams, III
Mayor

Anthony J. Carson, Jr. MPA
Town Administrator

Elroy Brittingham, Sr.
Vice President of the Council

APPROVED THIS ____ OF _____, 2012.

ORDINANCE 2012-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND AMENDING CHAPTER 102.18.6, " C" OF THE TOWN CODE OF BERLIN, AND ADDING CHAPTER 102.18.13 BAY RESTORATION EXEMPTION TO PROVIDE FOR ADEQUATE ALLOCATION OF WATER AND SEWAGE CAPACITY FOR THE COMMUNITY OF THE TOWN OF BERLIN.

WHEREAS, the Mayor and Council of the Town of Berlin deem it is advisable to provide for adequate water and sewage capacity for the residents of the Town of Berlin and to allocate water and sewage capacity among current and future developments in a fair and equitable manner in its effort to maintain water and sewerage allocation availability to the community; and

WHEREAS, the Mayor and Council desire to modify provisions regarding, ready to serve charges, special connection charges and other related matters so as to assist the Town in paying for water and sewer facilities.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF BERLIN, MARYLAND, that Chapter 102, of the Town Code entitled "Water", be amended to add Section 102-18 entitled "Water and Sewer Allocations, " to read as follows:

Chapter 102

WATER

SECTION 102-18

Water and Sewer Allocation; Special Connection, Connection And Ready to Serve Charges

CHAPTER 102-18.1. PURPOSE AND INTENT.

- A.** The Mayor and Council of the Town of Berlin ("Mayor and Council") find that temporary shortages of available capacity in water and sewer facilities may occur as a result of health, environmental, or financial considerations, as well as growth demands. The Mayor and Council have determined that in order to permit growth within the resources of the Town, it is necessary to establish a method by which available water and sewer capacity may be allocated and fees established to assist the Town in paying for water and sewer facilities.

- B. The Mayor and Council further find that an allocation procedure will help implement the comprehensive plan by ensuring that adequate public water and sewer facilities are available in a timely and well-planned manner. In addition, an allocation procedure will assist the Town in addressing the cost of providing needed public water and sewer capacity to ensure that Berlin remains a desirable place to work and live.
- C. It is the intent of the Mayor and Council that the provisions of this section shall accomplish the objectives stated in Sections A and B of this subsection and that a fair and equitable method of allocating available water and sewer capacity and creation of related fees are established.

CHAPTER 102-18.2 DEFINITIONS.

- A. **ALLOCATED READY TO SERVE CHARGE** - means a charge based upon the number of EDU's allocated to a lot and applied to all lots within the corporate Town limits that may or may not have water and/or sewer service available but for which an allocation has been approved pursuant to this Ordinance.
- B. **ALLOCATION** -- means assignment of the number of EDU's required for a project and shall be based on a specific use and scope as indicated in the drawings and documentation submitted to the Town or one (1) EDU per existing lot.
- C. **APPLICATION** - means a request to the Town to reserve a water and sewer allocation made in the form required by the Town. The application shall clearly indicate the number of EDU's requested by the applicant and shall be simultaneously submitted with an application for either a building permit; site plan review; subdivision review, whichever is filed first after the effective date of this Ordinance.
- D. **CAPACITY MANAGEMENT PLAN** -- means water and wastewater capacity plans prepared by the Town and submitted to the Maryland Department of the Environment pursuant to its published Guidelines.
- E. **EDU** -- means an equivalent dwelling unit which is a measure where one unit is equivalent to the approximate amount of wastewater effluent generated from one home. An EDU is established to be 250 gallons per day (1EDU = 250 gallons of flow per day).
- F. **EXISTING SUBDIVISION** -- means a parcel of land documented with a recorded plat having received final approval by the Berlin Planning Commission prior to December 31, 2008.
- G. **GRANDFATHERED READY TO SERVE CHARGE** -- means a charge based upon the number of EDU's allocated to a lot and applied to all lots within the corporate Town limits which, as of December 31, 2008, have water and/or sewer service available but are not connected to the water or sewer system.

H. GRANDFATHERED SPECIAL CONNECTION CHARGE - a fee imposed upon applicants for New Service for lots subject to the Grandfathered Ready to Serve Charge to pay for:

1. portions of the Town's new and/or upgraded water and sewer system which are under design and construction by the Town as approved by an amendment to the 1994 Comprehensive Plan for Water and Sewage Systems, Worcester County, pursuant to Commissioner Resolution No. 07-36 adopted on December 18, 2007; and
2. portions of the Town's future water and those sewer facilities relating to effluent disposal.

The Town shall use Grandfathered Special Connection Charge revenues only for water and sewer capital and related financing activities.

I. NEW SERVICE – means:

- (1) a first time connection of a property to the Town water or sewer systems; or
- (2) a new connection or increased water meter size for a property previously or currently served by the Town if the new connection or increased water meter size is needed because of a change in the use of the property or an increase in demand for service at the property.

J. SPECIAL CONNECTION CHARGE – a fee imposed upon applicants for New Service to pay for:

- (1) portions of the Town's existing water and sewer system to be used by new connections;
- (2) portions of the Town's new and/or upgraded water and sewer system which are under design and construction by the Town as approved by an amendment to the 1994 Comprehensive Plan for Water and Sewage Systems, Worcester County, pursuant to County Commissioner Resolution No. 07-36 adopted on December 18, 2007; and
- (3) portions of the Town's future water and those sewer facilities relating to effluent disposal.

The Town shall use Special Connection Charge revenues only for water and sewer capital and related financing activities.

K. WATER AND SEWER CONNECTION CHARGES – designed to recoup only the cost of making individual connections from the water and wastewater mains in the street to the property line of an abutting lot and are due and payable at the time a request is made for service. In the case of New Service this fee is due and payable before a Certificate of Occupancy is issued.

CHAPTER 102.18.3 APPLICABILITY.

- A.** Allocations made under this Ordinance are subject to the availability of water and sewer capacity. The Town is not responsible for any contingency that affects the timing or ability to connect to the Town's water and sewer systems which is beyond the control of the Town.
- B.** This Ordinance shall be applicable to all lands within the corporate limits of the Town of Berlin.
- C.** Holders of an allocation who have been paying a Grandfathered Ready to Serve Charge for such allocation as of December 31, 2008 shall be exempt from Chapter 102.18.7. Duration of Allocation of this Policy.

CHAPTER 102.18.4 CALCULATION OF EDU REQUIREMENTS.

- A.** The water and sewer allocation for a single family residential unit shall require one EDU.
- B.** For non-residential units, the number of EDU's required for a project shall be based on the specific use and scope as determined and approved by the Town in accordance with the provisions of this Ordinance.
- C.** Unless otherwise provided for in this Ordinance, the calculation of the number of EDU's required for a project shall be based on the Guidance Document, titled "Wastewater Capacity Management Plans, 2006", published by the State of Maryland Department of the Environment as amended, ("Guidelines") attached as an Appendix to this Ordinance, and as amended from time to time by the Mayor and Council of Berlin, Maryland.
- D.** If a project or use is not adequately addressed in the Guidelines, the Town may consult its engineer or other technical resources, at the expense of the applicant, to estimate the required EDU's.
- E.** The Town may consider historical or representative data from similar projects of like use and scope in calculating the required EDU's for a project.
- F.** The calculation of the required EDU's shall result in whole numbers. If the division of total estimated flow by 250 gallons per day results in a fractional portion, the result shall be rounded to the next highest whole number.
- G.** The Town shall monitor water consumption as an indication of actual sewer flow to a non residential unit or project for a period of twenty-four months following completion of the entire project. If the flow exceeds the established EDU's allocated to the property, the owner of the non-residential unit or project will be assessed additional Special Connection Charges or Grandfathered Special Connection Charges as appropriate to reflect the additional flow in excess of the

previously allocated number of EDU's. Any fractional portion shall be rounded to the next highest whole number.

- H. The allocation for a pre-existing non-residential use shall be based upon the average use over the previous twenty-four (24) months of documented flow when such documented continuous flow history is available. Should such continuous flow history not be available, a determination using historical data for up to the prior ten (10) years shall be made. This documented historical data shall be available for subsequent use of the parcel provided:
 - (1) the utility account has remained active with uninterrupted payments for at least minimum usage billing; and
 - (2) there has been no change to the approved uses including any increase to or enhancement of a previously approved use.
- I. In the event neither the prior twenty-four month flow nor historical data is available pursuant to Section 102.18.4 (H) above, the Town shall determine the allocation for a pre-existing non-residential use pursuant to above Sections 102.1.8.4. (B) through (G).

CHAPTER 102.18.5 AUTHORITY.

- A. Water and sewer capacity allocations shall be recommended by the Berlin Utilities Commission for approval by the Mayor and Council.

CHAPTER 102.18.6 WATER AND SEWER ALLOCATION PROCESS.

- A. The Capacity Management Plan and its amendments shall specify the general distribution of available sewer capacity available for allocation by the Mayor and Council. The Plan divides available capacity into use categories to be available over a given period of time. Allocations shall be available within a given category on a "first come-first served" basis, subject to the provisions of this Ordinance.
- B. The developer of any property shall submit to the Town an application for site plan or subdivision approval in accordance with Chapter 94 and Chapter 107 of the Town of Berlin Code; or an application for a building permit in accordance with Chapter 37 of the Town of Berlin Code.
- C. ~~Simultaneously with submission of a site plan, subdivision or building permit application, whichever occurs first after the effective date of this Ordinance, the developer of any property shall also submit an application for a water and sewer allocation.~~ **Simultaneously with submission of a building permit application, the developer or property owner shall also submit an application for a water and sewer allocation.** The allocation application shall be referred to the Berlin Town Administrator and Director of Water Resources for review and recommended action to the Mayor and Council. The application for the required allocation shall include a 10% deposit of the prevailing water and sewer Special Connection

Charge or Grandfathered Special Connection Charge based upon the total number of EDU's requested in the application. The deposit will be deducted from the Special Connection Charge or Grandfathered Special Connection Charge at such time as the proposed development seeks actual connection to the water and sewer system and pays the balance of the Special Connection Charge or the Grandfathered Special Connection Charge.

- D. If the Mayor and Council denies an application for water and sewer allocation, the 10% deposit will be refunded, except for a \$400 administrative fee plus any other additional expenses incurred by the Town in reviewing the application.
- E. No final plat of subdivision may be recorded unless:
 - (1) the Town has approved the application for water and sewer allocation and reserved adequate water and sewer capacity for the proposed development (only lots and portions of non-residential developments with an approved allocation may be recorded) subject to this Ordinance including, but not limited to, its forfeiture provisions; and
 - (2) an allocation agreement has been recorded where a certification of intended uses or Public Works Agreement has been executed.
- F. Once the allocation is approved and the plat of subdivision is recorded, all lots within the newly recorded subdivision shall be subject to the payment of the Allocated Ready to Serve Charge until the total Special Connection Charge or Grandfathered Special Connection Charge balance is paid.
- G. For projects where there is no existing town water and sewer utility services in place, no building permit may be issued unless the Special Connection Charge or Grandfathered Special Connection Charge balance (Connection Charge less the 10% deposit noted in Section C above), which shall be calculated using the prevailing rate at the time the application for allocation was filed less prior deposits, has been paid.
- H. For projects where existing town water and sewer utility services are in place, no Certificate of Occupancy or Zoning Certificate may be issued unless:
 - (1) the Town has inspected and improved all phases of construction; and
 - (2) the applicant has paid all monetary obligations to the Town of Berlin, including, but not limited to, the water and sewer connection charge.
- I. The Town shall maintain a report establishing the amount of water and sewer capacity available for allocation. This report shall account for any allocation made prior to the effective date of this Ordinance. The Town shall also maintain a list of applicants for water and sewer allocations submitted after the effective date of this Ordinance, subject to the provisions of this Ordinance.

CHAPTER 102.18.7 DURATION OF ALLOCATION.

- A. Projects receiving final site plan or final subdivision approval after December 31, 2008 shall be subject to the following:
- (1) The owner shall apply for the allocations required for its project by submitting the application as provided in this Ordinance.
 - (2) The approved water and sewer allocation shall be considered reserved for as long as the Allocated Ready to Serve Charge is continuously paid. A three month arrearage shall be considered forfeiture of the allocation and the Town shall be entitled to recapture the sewer and water allocation granted for any lots that fail to pay the Allocated Ready to Serve Charge for three consecutive months unless otherwise approved by the Mayor and Council.
 - (3) Any allocation forfeited under this Ordinance shall revert back to the Town for future allocation.
 - (4) Forfeiture of the reserved allocation shall not warrant a refund of any Special Connection Charge or Grandfathered Special Connection Charge deposit.

CHAPTER 102.18.8 ASSIGNABILITY OR TRANSFERABILITY OF WATER ALLOCATION.

All Allocations established by the Town for any applicant either before or after the effective date of this Ordinance shall be for the property specified in the application or for which property the readiness to serve charge was paid and shall not be transferable to any other property, without the approval of the Mayor and Council.

CHAPTER 102.18.9 EFFECT OF ZONING ACTION.

The grant of a special exception, reclassification of property or other zoning action does not entitle a property owner to an allocation of water or sewer capacity for that property.

CHAPTER 102.18.10 SPECIAL CONNECTION CHARGE AND GRANDFATHERED SPECIAL CONNECTION CHARGE ESTABLISHED.

- A. The water and sewer Special Connection Charge and the water and sewer Grandfathered Special Connection Charge shall be established by the Mayor and Council and shall be based upon a per EDU basis.
- B. The water and sewer Special Connection Charge and the water and sewer Grandfathered Special Connection Charge shall be reviewed annually in order to provide adequate revenue for related capital expenditures.

- C. The water and sewer Special Connection Charge and the water and sewer Grandfathered Special Connection Charge established by the Mayor and Council shall continue until modified by the Mayor and Council.
- D. The Town shall deposit all funds collected under the Special Connection Charge and the water and sewer Grandfathered Special Connection Charge into the water and sewer funds to be used only for water and sewer capital and related financing activities.

CHAPTER 102.18.11 MONITORING.

- A. There will be a review of water and sewer capacity by the Water Resources Director that shall occur at least annually. The Mayor and Council may request certain data more frequently in its role as the approval authority.
- B. As part of the annual review, the Mayor and Council shall receive information on:
 - (1) Calendar year beginning and ending annual average daily flow;
 - (2) Total number of EDU's allocated during the year;
 - (3) Available capacity, as of the most recent year ending December 31st;
 - (4) Pending and approved projects which have not connected to the system; and
 - (5) Other information deemed properly plan for and allocate relevant to water and sewer capacity.

CHAPTER 102.18.12 SEVERABILITY.

Should any provision, section, paragraph or subparagraph of this section, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having competent jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph of subparagraph hereof, including any code or text adopted hereby. Each other provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

CHAPTER 102.18.13 BAY RESTORATION EXEMPTION

Establishment of a financial hardship exemption plan for residential users from paying the Bay Restoration Fee. The plan must be submitted to MDE for approval.

CHAPTER 102.18.14 ADDITION TO CODE.

It is the intention of the Mayor and Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances and the sections of this Ordinance may be renumbered to accomplish such intention.

CHAPTER 102.18.15 EFFECTIVE DATE.

This Ordinance shall take effect at the expiration of twenty (20) calendar days from the date of approval by the Mayor or the approval of the full body of the Council if vetoed by the Mayor.

This Ordinance was introduced and read at a meeting of the Town Council of the Town of Berlin, Maryland held on _____, and passed for second reading in accordance with _____ of the Charter of Berlin, Maryland, a statement of the substance of the Ordinance has been published in a newspaper or newspapers having general circulation in the Town of Berlin and posted by law. Thereafter, the Ordinance was finally passed by the Town Council on the _____ day of _____, 2012.

Passed this _____ day of _____, 2012

William G. Williams III, Mayor

Elroy Brittingham, Sr., Vice-President

ATTEST: _____
Anthony J. Carson, Jr., MPA
Town Administrator

MOTION TO APPROVE

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE INSTALLATION OF NO PARKING SIGNS ON POWELLTON AVENUE.

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
05-29-12

Purchase Orders

PO# 201203031 in the amount of \$1,055.00 to Crown Point Technologies for Skills Manager Annual Support for the Police Department.

PO# 201202807 in the amount of \$2,246.47 to Harris Corporation for annual maintenance agreement for Police Department.

PO# 201203019 in the amount of \$3,032.00 to Big Wireless LLC for maintenance agreement on cameras and transmission sites for Police Department.

PO# 201202692 in the amount of \$1,240.40 to Worcester County for hauling of sludge to landfill.

PO# 201203035 in the amount of \$11,545.20 to HD Supply Utilities for 54 overhead adaptive fault indicators.

PO# 201203055 in the amount of \$4,150.00 to Avogadro Environmental for diagnostic emissions assessment of the four engines at the Power Plant.

PO# 201203061 in the amount of \$2,415.00 to Johns Premium Cigars for matching funds for façade grant.

PO# 201203070 in the amount of \$1,000.00 to Atlantic Group & Associates for Henry Park Walking Path Phase I Stormwater Work.

PO# 201203047 in the amount of \$ 7,862.00 to Toter Incorporated for trash cans for Main Street.

PO# 201203024 in the amount of \$1,184.00 to Wainwright's Tire Center for 4 tires for Truck #33.

Updates



Mayor & Council of Berlin



FOR IMMEDIATE RELEASE

Date: May 17, 2012

What: Volunteers needed for Committee

Contact regarding release: Mary Bohlen, 410-641-4314

Dr. William Henry Park Committee Volunteers Needed

Do you live in one of the neighborhoods surrounding Henry Park on Flower Street in Berlin? Have you ever been to Henry Park for an event, to play basketball, to let your children or grandchildren play on the playground? Have you ever thought that there should be certain things that the Park should offer, but doesn't, like recreational equipment, events or planned activities? We need your help!

The Parks Commission of the Town of Berlin is seeking to form a sub-committee for the purpose of planning the future development of Dr. William Henry Park in Berlin. YOUR help is needed and you DON'T have to have any experience or expertise in parks or recreation. All you need is an interest in what happens as Henry Park develops. Come be part of making Henry Park the park your neighborhood wants it to be.

The committee will be responsible for gathering information from the community surrounding Henry Park and providing recommendations to the Parks Commission. Living in the immediate area is strongly desired, but not required. Committee members will work together and with the Parks Commission to come up with ways to get input from the community and then to pull that input together to form a plan that the Parks Commission can use going forward as they develop new projects for Henry Park.

Interested? Contact Mary Bohlen, Deputy Town Administrator and liaison to the Parks Commission at 410-641-4314 or mbohlen@berlinmd.gov.