



# 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

**TUESDAY, NOVEMBER 13, 2012**

**Town Administrator**

Anthony J. Carson, Jr.

**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.*

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**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Tuesday, November 13, 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 October 22, 2012  
Statement of Closure for Mayor and Council on October 22, 2012  
Regular Session of the Mayor and Council on October 22, 2012
2. Presentation from NexGrid – Remote Metering
3. Request for Special Event – Tree Lighting and Holiday Arts Night  
Friday, November 23, 2012; 5:30 p.m. – 9:00 p.m.
4. Request for Special Event – Berlin New Year's Eve Celebration  
Monday, December 31, 2012 – 8:00 p.m. to 12:30 a.m.
5. Motion to Approve - Special Event exception for the consumption of alcohol in non-glass containers within specified closed areas for New Year's Eve Ball Drop on December 31, 2012 from 8:00 p.m. to 12:30 a.m.
6. 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
7. Town Administrator's Report
8. Comments from the Mayor
9. Comments from the Council
10. Comments from the Public
11. Comments from the Press
12. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, October 22, 2012

The meeting of the Mayor and Council for Monday, October 22, 2012 was called to order by Mayor Williams at approximately 7:00 p.m. Councilmembers Hall, Burrell, Brittingham and Lynch were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Town Attorney David Gaskill, Finance Director Lynn Musgrave, Water Resources Director Jane Kreiter, Economic and Community Development Director Michael Day, Electric Utility Director Tim Lawrence, Planning and Zoning Director Chuck Ward and Administrative Assistant Sharon Timmons. Police Chief Arnold Downing, Public Works Director Mike Gibbons and Councilmember Purnell were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mr. Steve Hales, Clerk of the Court for Worcester County swore Mayor Williams into office. After being sworn in, Mayor Williams proceeded to swear in Councilmembers Elroy Brittingham and Lisa Hall into office.

Mayor Williams asked for a motion for approval of the Executive minutes of October 12, 2012. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with Councilmember Purnell absent. Mayor Williams stated that the Executive Session was closed to discuss contract or bids. Mayor Williams then asked for approval of the Regular Session minutes of October 10, 2012. Councilmember Lynch stated that a correction needed to be made on Page 2, Paragraph 3 to add the wording "small non-residential" customers regarding the 10% decrease in rates for those customers. Councilmember Brittingham made a motion to approve the minutes as corrected and council voted to approve 4-0 with Councilmember Purnell absent.

Ms. Joanne Throwe and Ms. Monica Billig of the University of Maryland Environmental Finance Center came forward to present the Mayor and Council with the Sustainable Maryland Certified Award and a letter of congratulations from the EPA. Ms. Throwe and Ms. Billig continued with a powerpoint presentation addressing the key objectives, goals and options for funding a self-sustaining municipal stormwater management program. Ms. Throwe explained that the current level of funding dedicated to stormwater management in Berlin is drastically under budgeted compared to the need and that the 10 year revenue stream would total 8.3 million dollars. This would cover personnel costs, capital improvement costs, operations and maintenance costs. Ms. Throwe identified the areas according to priority. Those areas are Area 1: Cedar, Pine, Maple, Franklin, Grice and Nelson Streets and William Street near the Power Plant. Area 2 would cover Henry's Green, Henry's Mill and West Street near Abbey Lane. Area 3 would cover Hudson Branch at Flower and Showell Streets and the Decatur Farms development. Ms. Throwe stated that it was their recommendation that a monthly residential stormwater fee of \$4.16 be implemented as a separate line item on the utility bill and a ERU (Equivalent Residential Unit) fee be implemented on non-residential properties based on their impervious surface. Another recommendation was that the Town of Berlin invest in GIS software and training prior to issuing its first utility bill which would include the additional fees.

Mayor Williams stated that the biggest challenge would be to balance funding through a shared sacrifice making it fair for everyone.

Mayor Williams announced the motion to approve a Special One Day Permit for the Berlin Fire Company on Sunday, November 11, 2012 from the hours of 12 noon to 7:00 p.m. for their Cornhole Tournament Fundraiser. Councilmember Hall made a motion to approve the Special One Day Permit for the Berlin Fire Company's fundraiser on November 11, 2012 and council voted to approve 4-0 with Councilmember Purnell absent.

Chamber President Elaine Brady and Executive Director Aaren Collins came before the council with a request to move the Berlin Farmer's Markets to the Town of Berlin parks located at Stephen Decatur Park on Tripoli Street and Dr. William Henry Park on Flower Street. The reason for the requested move was to free up 25 parking spaces on the north end of town. Ms. Brady stated that the move to the parks would allow for additional parking and space for the vendors, allow easy access from Route 113 and provide markets to the residents on the east side of Berlin. Monies from Main Street would be requested to help with additional signage. Mayor Williams opened the floor for comments and concerns from the public.

Mr. Bob McIntosh suggested that a decision be deferred until a public meeting could be held and that the whole purpose of the Farmer's Market was to bring people to the town. Ms. Kim Holloway of 107 Davis Court stated that the market was an asset to the town. Ms. Patty Falck read a letter from her daughter stating that the downtown merchants benefit from the foot traffic of those people going to the Farmer's Market. Paul Wood, a member of the Farmer's Market stated that they were not consulted or allowed to give input and that such a move would kill the market. Ms. Carrie Bennett of Bennett Orchards stated that the market would not survive if it were moved outside of the town center. Customer Leslie Gebhart said that she went to the market every Friday and has never had a problem finding a parking spot. Terry Jordan stated that visitors choose the Farmer's Market as a destination and that the businesses are busier when the market is in town. Ms. Susan Woods of A&W Farms gave the Mayor and Council copies of letters, one from Earl Buddy Hantz, Secretary of Agriculture from the State of Maryland rebuking the move and then spoke of how the Chamber had not been acting in the best interest of the market recently. Ms. Phyllis Wimbrow stated that the market would not be able to survive without the foot traffic from downtown. She explained that the market has strict standards and requirements for admittance by vendors. Discussion continued. Councilmember Brittingham made a motion for the council to table their decision on the move for two months to allow for the Farmer's Market vendors and the Chamber to work together to come to a mutual agreement regarding the parking situation. Councilmember Burrell strongly recommended that a plan to be put into place to maximize use of the parking lot. Council voted 4-0 with Councilmember Purnell absent to table the issue for a period of two months for the market vendors and the Chamber to come to an agreement.

Deputy Town Administrator Mary Bohlen came before the council requesting approval of the Just Walk Berlin event to be held on Saturday, November 17, 2012 at Stephen Decatur Park from the hours of 9 a.m. to 11:30 a.m. Councilmember Burrell made a motion to approve the event Just Walk Berlin and council voted to approve 4-0 with Councilmember Purnell absent.

Mayor Williams announced Proclamation 2012-18, a proclamation proclaiming November to be Municipal Government Works Month. Councilmember Brittingham made a motion to approve Proclamation 2012-18 and council voted to approve 4-0 with Councilmember Purnell absent.

Mayor Williams spoke on the motion to approve the contract with Utility Lines Construction Services for conduit borings to the Rayne's building and the Tyson property storage building in the amount of \$4,870.00. The Tyson property owner has agreed to pay half of this cost.

Councilmember Brittingham made a motion to approve the contract and council voted to approve 4-0 with Councilmember Purnell absent.

Town Administrator Tony Carson explained the motion to approve a lease agreement with AT&T for antennas on Franklin Avenue Water Tower. Mr. Carson stated the agreement would allow AT&T to place 3 additional antennas on the water tower and had negotiated the cost of an additional \$1,000 per month with a 3% increase in cost each year. Councilmember Brittingham made a motion to approve the lease agreement with AT&T and council voted to approve 4-0 with Councilmember Purnell absent.

Finance Director Lynn Musgrave reported that the auditors would be at the November 26<sup>th</sup> meeting to give their report.

Town Administrator Tony Carson requested approval of 9 purchase orders (201301057, 201301112, 201301058, 201301099, 201301108, 201301119, 201301162, 201301167 and 201301184). Mr. Carson reported that the basketball court renovation would begin on October 30<sup>th</sup> and that the courts would be closed for about six weeks. Councilmember Burrell made a motion to approve all 9 purchase orders and council voted unanimously to approve 4-0.

Mayor Williams asked for comments from the public and the press. A resident from Washington Street asked if barricades could be placed at each end of Washington Street to stop the thru traffic for the two hours of trick or treating due to enormous amount of children and activities that would be taking place in that area. Councilmember Hall made a motion to allow barricades at the ends of Washington for the two hours of 5:00 p.m. to 7:00 p.m. for Halloween with the consent of Police Chief Arnold Downing and council voted to approve 4-0 with Councilmember Purnell absent.

Mr. Reggie Mariner Jr. inquired about options regarding property for parking. There being no comments from either, Councilmember Hall made a motion to adjourn the meeting and the meeting ended at 10:25 pm.

Respectfully submitted



Sharon Timmons  
Administrative Assistant

**TOWN ADMINISTRATOR'S REPORT**  
**November 13, 2012**

**Purchase Orders**

PO# 201301085 in the amount of \$3,390.40 to United Rentals for demolition work at 210 Flower Street.

PO# 201301205 in the amount of \$6,000.00 to Jamie Hester for supervision and assistance in the installation of (4) four oxidation catalyst at the Power Plant.

PO# 201301203 in the amount of \$18,834.00 to Nexgrid for smart grid electric meters and water meters.

PO# 201301247 in the amount of \$24,437.22 to Pep-Up for 7601 gallons of #2 low sulfur diesel fuel for power plant.

PO# 201301263 in the amount not to exceed \$1,515.00 to Xylem DeWatering Solutions for pump rental for use during Hurricane Sandy by Water Resources department.

PO# 201301278 in the amount of \$1,261.40 to Chem Art for Main Street Christmas Ornament.

PO# 201300708 in the amount of \$2,033.00 to Envirocorp for testing and monitoring of wells and discharge from plant per MDE permit.

PO# 201301291 in the amount of \$12,580.00 to Electric Motor and Contracting for repair of Generator #1 due to flooding. Will be submitted to insurance company.

PO# 201301292 in the amount of \$42,000.00 to Electric Motor and Contracting for removal, transportation and re-connection of Generator #1. Will be submitted to insurance company.

PO# 201300903 in the amount of \$3,552.00 to L/B Water Service for 24 water meters.

PO# 201301306 in the amount of \$1,634.17 to Racetrack Auto Center for repairs to 2006 Ford Expedition (Police).

PO# 201301086 in the amount of \$1,701.25 to Goody Hill Roll Off Inc. for demolition of 210 Flower Street building.

**Updates**