



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

Laura Allen

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, NOVEMBER 25, 2013

**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 Laura Allen, 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
Monday, November 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 November 12, 2013
 Executive Session of the Mayor and Council on November 12, 2013
 Statement of Closure for Mayor and Council on November 12, 2013
2. Presentation of Proclamation 2013-21
 Recognizing Merle Bragg's Service to the country
3. Public Hearing – Ordinance 2013-06
 An ordinance amending Chapter 20, Parks
4. Report from US113 Citizens Subcommittee
5. Departmental Reports
 - a. Deputy Town Administrator – Mary Bohlen
 - b. Public Works – Mike Gibbons
 - c. Water Resources – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Planning – Dave Engelhart
 - g. Human Resources – Jeff Fleetwood
6. Town Administrator's Report
7. Comments from the Mayor
8. Comments from the Council
9. Comments from the Public
10. Comments from the Press
11. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Tuesday, November 12, 2013

The meeting of the Mayor and Council for Tuesday, November 12, 2013 was called to order by Council Vice President Brittingham at approximately 7:05 p.m. Councilmembers Hall, Purnell and Lynch, were present, as well as Town Attorney David Gaskill, Town Administrator Laura Allen, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Planning Director Dave Engelhart, Police Chief Arnold Downing, Public Works Director Mike Gibbons, Human Resources Director Jeff Fleetwood, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Mayor Williams, Councilmembers Burrell and Water Resources Director Jane Kreiter were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Vice President Brittingham asked for a motion for approval of the Regular Session minutes of October 28, 2013. Councilmember Lynch made a motion to approve the minutes of October 28, 2013 and council voted to approve 3-0 with Councilmember Purnell abstaining and Councilmember Burrell absent.

Mr. Steve Tull of Chesapeake Utilities presented an update to the council on the underground conversion throughout town from propane to natural gas. Mr. Tull explained that Phase 1 at the Stephen Decatur High and Middle Schools had been completed. Phase 2 would begin in a couple of weeks starting at Route 113 and travel west along Old Ocean City Boulevard to Main Street and then into the Austin Circle development. He announced that Chesapeake Utilities would only be working Mondays through Thursdays so that town activities over the weekends would not be disrupted and was hoping to complete the installation of the entire town within a year. Mr. Tull explained that some of the advantages of natural gas over propane were the lower costs and that it is a safer and cleaner burning fuel. He continued that there would be little or no installation costs to the residents or businesses if they wished to convert over.

Vice President Brittingham announced the Motion to Approve the Pocomoke Floodplain Restoration project and asked Town Administrator Laura Allen to read the Motion in its entirety. Ms. Amy Jacobs from the Nature Conservancy summarized the project and stated that construction of the breaches in the levees on the property will improve water quality, wildlife habitat and flood storage capacity. Councilmember Hall made a motion to approve the project by the Nature Conservancy and council voted to approve 3-0 with Councilmember Burrell absent.

Vice President Brittingham introduced Ordinance 2013-006, an ordinance amending Chapter 20, Parks. Town Attorney David Gaskill read the Ordinance in its entirety. The public hearing on this Ordinance will be held on November 25, 2013.

Deputy Town Administrator Mary Bohlen spoke on the request for the council to approve the submission of grant funding applications to the Humphreys Foundation in the amount of \$2,000.000 and to the Worcester County Arts Council for the amount of \$500.00 which would be applied to the Stephen Decatur Mural Project to offset the expenses for the repainting of the mural. Councilmember Purnell made a motion to approve the request to submit the applications to the Humphreys Foundation and the Worcester County Arts council for grant funding for the Stephen Decatur Park Mural project and council voted to approve 3-0 with Councilmember Burrell absent.

Department Head reports began with Finance Director Natalie Saleh reporting utility bills had been mailed out today. She continued that she and Rondell Wise had been given a very informative tour of the new Wastewater Plant and that Mr. Wise was also taking an on-line class regarding collection of uncollectible accounts. Ms. Saleh ended her report by announcing that she, Ms. Allen and Mary Bohlen would be meeting with Charlie Day from the Department of Housing and Community Development on Wednesday.

Deputy Town Administrator Mary Bohlen reported that the Just Walk event held on Saturday, November 9th was a success with about 41 participants.

Public Works Director Mike Gibbons reported that the pipework on the submerged gravel wetland on Flower Street had been completed and that the department would begin the plantings later in the week. Mr. Gibbons also announced that the paving on Maple Avenue would be completed on Thursday.

Electric Utility Director Tim Lawrence reported that his department was continuing to install Christmas lights throughout town and that they would be picking up the Town Christmas tree next week. Mr. Lawrence stated that they were working with State Highway to relocate two Victorian lights at the Atlantic Hotel from the sidewalk to inside of the property fencing to allow the sidewalks to become ADA compliant. He finished his report by announcing that they would be breaking ground on Friday for the installation of the new wind turbine and that he

Police Chief Arnold Downing spoke on the tragedy which occurred on Friday at Route 113 and Bay Street. Chief Downing stated that State Highway has started investigations at the intersection and will be conducting a study looking at increased lighting and lower lighting for visibility and reviewing past data in that area. Chief Downing announced that the Mayor and Council would be making a formal request to State Highway for improvements at that intersection to include marked crosswalks and timed lighting and would also be asking for that request to include additional lighting at the crossover on US 113, just south of Bay Street, that serves as the main entrance to Decatur Farm. Vice President Brittingham read a statement from the Mayor.

Planning Director Dave Engelhart reported on the expansion of the Rent-A-Center store and the addition of a Tractor Supply in the former Ames Plaza center. He also reported that the North Main Place complex had requested a permit for a second building to be built and that there were inquiries regarding Main Street Homes.

Economic and Community Development Director Michael Day reported on the various meetings he would be attending. He publicly thanked Lisa Challenger, Worcester County Tourism for the non-matching magazine cover on the Coastal Style magazine.

Town Administrator Laura Allen presented 6 purchase orders (201401368, 201401408, 201401456, 201401469, 201401316 and 201401518) for approval. Councilmember Lynch inquired about purchase orders 201401456 and 201401469 and then made a motion to approve the 6 purchase orders as presented and council voted unanimously to approve 3-0 with Councilmember Burrell absent.

Vice President Brittingham asked for comments from the council. Councilmember Hall encouraged the council to attend the schools for American Education week. She expressed her sympathy to the Dennis and Bowen families. Ms. Hall spoke on State Highway's lack of concern to address the pedestrian traffic on US 113 and felt that the speed limit needed to be reduced to 40 or 35 in the area from Germantown Road to the overpass at the hospital. Vice President Brittingham agreed with Councilmember Hall's comments.

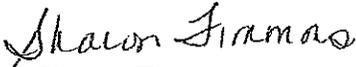
Vice President Brittingham asked for comments from the public. Resident Patricia Dufendach of Burley Street came before the council and presented a slideshow regarding pedestrian and biker safety on Route 113. Ms. Dufendach pleaded with the Council to establish a committee of 5 to 7 people to coordinate efforts and to hold a community meeting within 10 days including representatives from Berlin, State Highway, Maryland State Police and elected officials from the county to become involved to start to make things happen. Ms. Dufendach asked for the Town to request State Highway to place lighted emergency signs at the south and north end of Town stating for vehicles to "watch out for pedestrians", to demand that a permanent light be placed at US 113 and Germantown Road. She also requested that Police be present at the US 113 & Bay Street and US 113 and RT 346 intersections for assistance during the Christmas parade.

Mr. Gabe Purnell stated that the whole community needs to become involved to make things happen.

Chief Downing stated that he would be sending an email to State Highway emphasizing options and solutions such as the reduction of the speed limit, a traffic light at US 113 and Germantown Road and increased pedestrian lighting.

Vice President Brittingham asked for comments from the public or the press. There being no comments from either, Councilmember Lynch made a motion to adjourn the meeting and the meeting ended at 8:15p.m.

Respectfully submitted



Sharon Timmons
Administrative Assistant



Mayor & Council of Berlin

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PROCLAMATION 2013 - 21

A Proclamation of the Mayor and Council and Citizens of the Town of Berlin recognizing Officer Merle Bragg, Jr. for his dedicated service

Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

WHEREAS, Officer Merle Bragg, Jr. has been employed with the Town of Berlin Police Department since August, 1996; and,

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

WHEREAS, Officer Bragg is a citizen soldier having been deployed overseas in support of his military commitment on many occasions, deployed from September, 2001 through July, 2002; from February 2003 through January, 2004 and his final deployment was from July, 2004 to November, 2013; and,

Town Attorney

David Gaskill

WHEREAS, Officer Merle Bragg, Jr. holds the rank of Sergeant Major (SGM) in the United States Army and is assigned with Headquarters and Headquarters Company of the 115th Military Police Battalion in Salisbury, Maryland; and,

Town Administrator

Laura Allen

WHEREAS, During Sergeant Majors Bragg's deployment, he was sent to numerous locations including the Pentagon following the September 11, 2001 attack on the World Trade Center; and numerous overseas locations supporting Operation "Iraqi Freedom" in Iraq and Operation "Enduring Freedom" in Afghanistan; and,

WHEREAS, In November, 2013, Officer Bragg returned to his civilian role as a Berlin Police Officer and is becoming acclimated to the Town of Berlin and it's significant changes during his deployments; and,

NOW THEREFORE, BE IT KNOWN that I, William G. Williams III, Mayor of the Town of Berlin on behalf of the Council and citizens of the Town of Berlin do hereby pay tribute to Officer Merle Bragg, Jr. for his dedicated service to the Town of Berlin and the United States of America serving both here and abroad;

WITNESS MY HAND AND SEAL, THIS 25th DAY OF November, 2013.

William G. Williams III, Mayor

ATTEST:

Laura S. Allen, Town Administrator

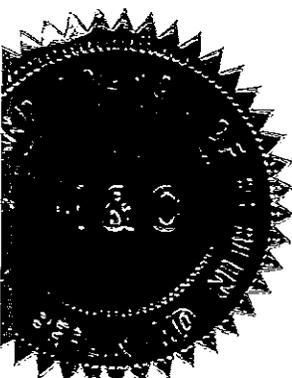
Councilman Elroy Brittingham, Sr., President

Councilman Dean Burrell, Sr.

Councilwoman Lisa Hall

Councilwoman Paula Lynch

Councilman Troy Purnell



ORDINANCE 2013-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 20, PARKS

Be it resolved by the Mayor and Council of the Town of Berlin that Chapter 22, Article III, Sections 22-49 and 22-50 be amended as follows:

Sec. 22-49. - Rules and regulations.

The rules and regulations for the use of the parks are as set forth herein:

- (1) The washing, waxing, cleaning or repairing of any type of motor vehicle shall be prohibited in the parks; except repairs of an emergency nature.
- (2) The driving or parking of unauthorized motor vehicles in any area of the parks not designated as a parking area shall be prohibited.
- (3) No motor vehicle shall be parked in the parks, whether in the parking areas or otherwise, overnight.
- (4) No mobile home or any other type of structure shall be used for sleeping in the parks, including the parking areas thereof, without permission being obtained from the Mayor and Council.
- (5) No bicycles or other pedal-operated vehicles shall be allowed in the parks except in the parking lots or in areas designated for the riding of said vehicles.
- (6) No animal of any type shall be allowed to occupy the parks of the town except if said animal is on a leash and under the control of the owner or owner's agent.
- (7) No open container of alcoholic beverages shall be possessed in any of the parks.
- (8) The lighted tennis courts and handball courts located in the Stephen Decatur Park shall be permitted to be used after sunset up to and including the hour of 11:00 p.m. upon the prior reservation request's being granted by the police department. Any play on said courts after the hour of 11:00 p.m. and prior to sunrise shall be prohibited.
- (9) All facilities and equipment shall be used in the manner intended; no other use shall be permitted without the express written permission of the Mayor and Council.
- (10) No use of the facilities, equipment, or any area of the parks for any activity in which money is exchanged for goods or services shall be permitted without the express written permission of the Mayor and Council. Such authorized activities shall also be subject to the provisions of chapter 8 of this Code, as applicable.

Sec. 22-50. – Violations and penalties.

Any violations of the provisions of this chapter shall be punishable, upon conviction, as a municipal infraction as set forth in article IV of chapter 2 of this Code.

Any vehicle violating any rules or regulations as herein set forth shall be removed and towed at the expense of the owner or operator.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2013, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2013.

Adopted and effective this _____ day of _____, 2013 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr., Vice-President

Approved and effective this _____ day of _____, 2013 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: Laura Allen, Town Administrator

TOWN ADMINISTRATOR'S REPORT
November 25, 2013

Purchase Orders

PO# 201401600 in the amount of \$6,504.57 to Ferguson Waterworks for air relief valves for force main. (24-4380-4092)

PO# 201401234 in the amount of \$2,166.92 to Curtis Engine for emergency work on generators at Franklin Knoll, Decatur Farms, Schoolfield Street and Police Department. (01-4330-4041, 10-4230-4041 24-4365-4041)

PO# 201401539 in the amount of \$1,104.48 to Elliott Wilson Trucks for maintenance on Public Works truck #33. (01-4310-4031)

PO# 201401618 in the amount of \$1,288.20 to Wainwrights Tire Center for tires for Public Works truck #33. (01-4310-4031)

PO# 201401338 in the amount of \$1,115.20 to Rayne's Sand & Gravel for crushed stone for submerged gravel wetland located on Flower Street. (01-4320-4092)

PO# 201401532 in the amount of \$3,250.00 to Atlantic Pumping for emergency response and cleanup at Your Store for a paint spill. To be reimbursed by contractor. (30-4300-4060)

PO# 201401643 in the amount of \$1,400.00 to Home Depot for 2 Stage Compressor and extended warranty. (10-4230-4092)

PO# 201401642 in the amount of \$1,040.00 to East Coast Underground for directional bore for new electric service at 12A Powellton Avenue. Developer to pay for contractor services (reimbursement). 10-4230-4060

Updates