



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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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

TUESDAY, OCTOBER 15, 2013

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

EXECUTIVE SESSION.....6:00 PM

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
Tuesday, October 15, 2013**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
Regular Session of the Mayor and Council on September 23, 2013
2. Presentation to Berlin Little League
3. Siculi's – Peter Livolsi
Request for additional tables & chairs outside establishment
4. Affordable Care Act (ACA) Presentation
Chris Carroll - Atlantic, Smith, Cropper & Deeley
5. Worcester Youth & Family Counseling
Program Update
6. Cannery Village
 - a. Powerpoint Presentation
 - b. Resolution 2013-14
7. Request for Special Sunday Permit- Boggs Disharoon American Legion Post 123
Sunday, November 24, 2013 for District Meeting
8. Request for Special Event – 2nd Annual Fun Walk
Saturday, November 9th; 8:30 a.m. to 11:30 a.m. – Stephen Decatur Park
9. Motion to Approve – Amendment to Contract with URS on Engineering Services
and Construction Phase for Five Mile Branch Spray Irrigation System.
10. Charter and Code Amendments (Re: Elections)
 - a. Ordinance 2013-07 (Introduction and First Reading)
Public Hearing to be held October 28, 2013
 - b. Resolution 2013-09, Amending Charter, Article 6-9
 - c. Resolution 2013-10, Amending Charter, Article 3-1
 - d. Resolution 2013-11, Amending Charter, Article 3-4
 - e. Resolution 2013-12, Amending Charter, Article 4-1
 - f. Resolution 2013-13, Amending Charter, Article 6-8
11. Motion to Approve – Holiday and Mayor and Council Schedules

12. Departmental Reports
 - a. Finance – Natalie Saleh
 - 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 – Dave Engelhart
 - h. Human Resources – Jeff Fleetwood
 - i. Economic and Community Development – Michael Day
13. Town Administrator's Report
14. Comments from the Mayor
15. Comments from the Council
16. Comments from the Public
17. Comments from the Press
18. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, September 23, 2013

The meeting of the Mayor and Council for Monday, September 23, 2013 was called to order by Mayor Williams at approximately 7:02 p.m. Councilmembers Burrell, Hall, Lynch, Brittingham and Purnell were present, as well as Town Attorney David Gaskill, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Planning Director Dave Engelhart, Police Chief Arnold Downing, Water Resources Director Jane Kreiter, 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. Town Administrator Laura Allen 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 September 9, 2013. Councilmember Lynch made a motion to approve the minutes of September 9, 2013 and council voted unanimously to approve 5-0. Mayor Williams asked for a motion to approve the Special Executive minutes of September 6, 2013. Councilmember Brittingham made a motion to approve the Special Executive minutes of September 6, 2013 and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session of September 6, 2013 was closed to consult with staff, consultants, or other individuals about pending or potential litigation.

Pastor John Abent of Faith Baptist Church came before the council to express his dissatisfaction with the current stormwater fee which is being charged to the church's property located at 519 South Main Street. Pastor Abent stated that the church is opposed to the fee, believes it is a property tax and feels that they should be exempt. He also questioned the engineering study and if the Town had the authority to implement such a fee. Mayor Williams responded that the stormwater utility was created after overwhelming support and desperation from the residents of the Town to help solve the problems of flooding and water quality and that costs passed onto the residents of the town would be unbearable if churches, hospitals and non-profits were exempt from the fee. By sharing the costs amongst everyone, the cost has become affordable. Discussion continued.

Joann Unger, Assistant to the Mayor and Sharon Timmons, Administrative Assistant spoke to the council to request approval of the Berlin Christmas Parade to be held Thursday, December 5, 2013 at 7:00 p.m. Ms. Unger summarized the requests for street closures and changes to the parade. Changes discussed were an increase in the costs for entry fees, purchases of safety vests, flashlights and wands for the volunteers and the mailing of letters to residents along the parade route. Ms. Timmons summarized the traffic modifications to be made relating to entry points for line-up. Councilmember Burrell made a motion to approve the request for the annual Berlin Christmas parade and council voted unanimously to approve 5-0.

Mayor Williams announced the Public Hearing for Ordinance 2013-06, an ordinance amending Chapter 20, Parks. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State or County. There being no comments, Mayor Williams asked for comments from anyone from the public. Pam Green of 101 Washington Street stated her concerns with item #5 which prohibits bicycles in the park. Ms. Green stated that she felt the park was a safe place for children to ride and did not want to see that taken away. Ms. Green then stated her concerns with item #10 which states that no person shall use the facilities, equipment or any area of the park for business-related activities without written permission of the Mayor and Council. Ms. Green explained that she was a personal trainer and used the park for her personal training sessions with clients, but did not erect signs nor advertise. Ms. Green inquired how she could continue this service. Mayor Williams stated that his interpretation was that a specific business license was not needed, but a request in writing would be required to inform the Town who would be using the facility on a regular basis due to safety issues. Deputy Town Administrator Mary Bohlen clarified that a business not located in the town would be required to obtain a business license or vendor permit. Councilmember Hall emphasized that she believed that Item #5 of the Ordinance was meant to discourage the misuse of bicycles that could cause damage to equipment or park property. Discussion continued on the differences between a business license and a vendor permit. Councilmember Burrell inquired about the process to be used to obtain permission for use of the park for such an activity. Councilmember Burrell asked to go on record as being opposed to profit making individuals utilizing public facilities for their personal gain and informed Ms. Green that when the request came before the council, he would be voting no. Laura Powell stated that she was a resident of Berlin and paid taxes that she felt contributed towards use of the park. Mayor Williams stated that the issue would need guidelines and would need to be addressed. Ms. Green stated that she would bring a request in writing to the next meeting for permission to use the park for her services. Planning Director Dave Engelhart expressed his concern regarding the issue of enforcement since there is no provision in the zoning for prohibiting the use of the park. Councilmember Burrell stated that it was staff's job to enforce the policies set by the Mayor and Council. Councilmember Hall made a motion to table the ordinance, but there was no reply from the rest of the council. Mayor Williams asked for any additional comments and there being none, closed the public hearing. Councilmember Burrell made a motion to approve Ordinance 2013-06, rules and regulations of the parks as it was presented. Councilmembers Hall, Brittingham and Burrell approved, but there was no response from Councilmembers Lynch or Purnell. Councilmember Purnell then stated that he was in favor of approving the ordinance, but inquired if Ms. Green could present her request to use the park for her personal training sessions at this time. Ms. Bohlen stated that the ordinance did not go into effect for 20 days and that numbers 9 and 10 of the ordinance are new revisions. Councilmember Lynch stated that she had not voted to approve the ordinance since she believed they were tabling it and that she was opposed to the ordinance the way it was written. Mayor Williams announced that the ordinance was approved 4 to 1 with Councilmember Lynch opposed. Discussion continued on the cost of a vendor permit. Chief Downing clarified that the cost of vendor permit was \$25 a month. Ms. Bohlen stated that Ms. Green needed to complete the park reservation form relating to times of use along with an application for a business license. Councilmember Purnell stated that he wanted to change his mind and Town Attorney David Gaskill responded that Councilmember Purnell needed to call for a re-consideration of passage of the ordinance. Councilmember Purnell asked to call for a re-consideration of passage of this ordinance due to new information and made a motion to repeal Ordinance 2013-06 due to changes regarding park usage costs associated with a vendor's permit. Council voted to repeal Ordinance 2013-06 by a vote of 4 to 1 with Councilmember Burrell opposed.

Town Attorney Gaskill stated that since the Ordinance had been repealed, it would now have to be re-introduced and the process would start all over again. Mayor Williams suggested that Planning Director Engelhart, Town Attorney Gaskill, Deputy Town Administrator Bohlen and Police Chief Downing meet and come up with some reasonable guidelines and provisions that extend the spirit of what is trying to be done in regards to usage of the park by a business entity, but that are practical and reasonably affordable. Councilmember Purnell stated that per the idea of Ms. Bohlen, Item #10 be reworded from "provisions of Chapter 8 of the code" to "subject to the purchase of a business license" and that applicants must still come before the Mayor and Council for approval. Town Attorney Gaskill suggested that the Ordinance be re-written and council agreed in consensus. Ms. Green asked if she needed to return and Councilmember Lynch replied that Ms. Green could continue as before.

Public Works Director Mike Gibbons presented a breakdown of expenditures to date and expected expenditures for FY14 Capital Improvements. Using current budget figures he estimated he would have \$76,846.19 available for the Tripoli Street project. Mr. Gibbons said that he had received two estimates to repair the depressed areas on Maple Avenue between Flower and Elizabeth Streets and overlay of the entire street after the sidewalk is completed. The low bid was \$35,900.00 was from Chesapeake Paving. Discussion continued regarding the additional costs associated with the repair of the depressed areas for the remainder of Maple Avenue. Mr. Gibbons replied that he had received a bid of \$9,800.00 to patch only the depressed areas with no sidewalks or overlay. Councilmember Burrell suggested that Mr. Gibbons obtain the bids for the Tripoli Street project and return to the council for determination if the additional \$10,000.00 was available to complete the repairs on the remainder of Maple Avenue. Mayor Williams suggested that Mr. Gibbons obtain the costs to repair the entire road surface from Flower Street to Wolfe Terrace and the sidewalks from Flower Street to Elizabeth Street. If the bids for Tripoli exceed what is available, then the council will have to go back and revise the proposed work on that street.

Mr. Gibbons asked for approval of the contract with Worth Construction in the amount of \$45,804.81 for the construction of sidewalk and curbing on Maple Avenue. Councilmember Purnell made a motion to approve the contract with Worth Construction and council voted unanimously to approve 5-0.

Mr. Gibbons then asked for approval of the contract with Chesapeake Paving & Sealing in the amount of \$45,700.00 for the asphalt repair and overlay for Maple Avenue. This contract amount would combine options 3 & 4 and includes the patching from Elizabeth Street to Wolfe Terrace. Councilmember Brittingham made a motion to approve the contract with Chesapeake Paving & Sealing for options 3 & 4 in the amount of \$45,700.00 and council voted unanimously to approve 5-0.

Mr. Gibbons asked for approval of the purchase of pipe material for the creation of a submerged gravel wetland on Flower Street from Ferguson Waterworks in the amount of \$3,058.05. Councilmember Hall made a motion to approve the purchase from Ferguson Waterworks in the amount of \$3,058.05 and council voted unanimously to approve 5-0.

Mr. Gibbons asked for approval for the purchase of stone and stone dust from Thorogoods Concrete in the amount of \$1,080.00 for the maintenance of the pathway leading to the pavilion at Stephen Decatur Park. The maintenance work would be completed by the Public Works department. Councilmember Brittingham made a motion to approve the purchase from Thorogoods Concrete in the amount of \$1,080.00 and council voted unanimously to approve 5-0.

Mr. Gibbons asked for approval of the contract with Hayes Construction in the amount of \$3,200.00 for repairs to the pavilion roof at Stephen Decatur Park. Councilmember Burrell made a motion to approve the contract with Hayes Construction in the amount of \$3,200.00 for repairs to the pavilion roof at Stephen Decatur Park.

Department Head reports began with Finance Director Natalie Saleh reporting she had contacted Pigg, Krahl & Stern regarding the audit and had received positive comments. Discussion continued on some issues related to Logics financial software.

Water Resources Director Jane Kreiter reported that the Town had begun spraying at the new spray site located in Newark.

Electric Utility Director Tim Lawrence reported that work would be completed on Tuesday, September 24th on the primary located at the end of West Street and would affect 48 homes in that area. He also reported that he had met with Centex Homes regarding the installation of street lights on Schooner Lane and Intrepid Lane and the undeveloped back area of the townhomes. Centex Homes had agreed to pay for the installation of the street lights.

Police Chief Arnold Downing reported on the Maryland Chiefs and Sheriff's conference he had attended and the success of the Bike Week and Fiddlers events. He continued his report that he would be meeting monthly with the School Board and Sheriff's department concerning school security of the staff and students. He summarized the campaigns concerning bus safety and buckling up conceived and implemented by PFC Jessica Collins.

Planning Director Dave Engelhart reported on the recent issues discussed at the most recent Planning Commission meeting related to the former Boomers site, a subdivision request on Branch Street and the demolition and reconstruction of a building located at the South Moon Under property.

Human Resources Director Jeff Fleetwood reported that he had met with a representative from Injured Workers Insurance Fund (IWIF) last week for their annual audit and the Town had received a rebate for approximately \$20,000.00. He also reported that CPR/AED training would be taking place on Wednesday, September 25th with classes at 9:00 a.m. and 1:00 p.m. and that he would be attending a State Retirement seminar on October 4th.

Economic and Community Development Director Michael Day reported on the success of the Fiddlers Convention. He also reported that a VIP Developers tour would be held on Friday, September 27th and a Lower Eastern Shore Heritage Commission grant workshop would be held on Wednesday, October 2nd at Town Hall.

***Deputy Town Administrator Mary Bohlen presented 7 purchase orders (201400487, 201400844, 201400916, 201400518, 201400917, 201400729 and 201400595 for approval. Councilmember Brittingham made a motion to approve the 7 purchase orders as presented and council voted unanimously to approve 5-0.

Mayor Williams reported that the sidewalks improvements on North Main Street had been completed from Route 346 beginning at Old Ocean City Boulevard to the railroad tracks. He announced that the next section to be completed would cover both sides of Main Street from the railroad tracks south to Jefferson Street.

Councilmember Hall thanked everyone for their help with the Fiddlers Convention. She announced that she had recently graduated from the MML Program at the University of Maryland.

Councilmember Burrell commented that he had seen dog feces on the street and sidewalk in front of Stevenson United Methodist Church and asked Deputy Town Administrator Mary Bohlen to mention in the next newsletter for residents to pick up after their dogs. Ms. Bohlen said she would look into erecting some of the dog bag dispensers throughout town.

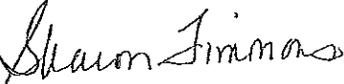
Councilmember Brittingham commented on how great the sidewalks looked and how pleased he was that people were using them.

Councilmember Lynch requested that Planning Director Dave Engelhart look into the conditions of three properties. Those properties were 408 South Main Street, 214 Broad Street and 313 North Main Street.

Mayor Williams 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 9:31 p.m.

*** Purchase order 201400518 Intercoastal Trading for the amount of \$2,321.35 was mistakenly entered on the Town Administrator's report. This purchase order had a wrong vendor and pricing and should not have been on the list. The purchase order has been revised with the correct information and will be put before council at the next meeting for approval. A copy of the email sent to council has been attached to these minutes.

Respectfully submitted


Sharon Timmons
Administrative Assistant

RESOLUTION 2013-14

A Resolution of the Mayor and Council of the Town of Berlin, a Maryland Municipal Corporation, approving the development of affordable housing at Cannery Village, Berlin, to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration (the "Administration").

WHEREAS, the Mayor and Council of the Town of Berlin recognizes that there is a significant need for decent, safe and sanitary housing in Berlin for working families and persons of limited and modest incomes; and,

WHEREAS, Osprey Property Company LLC, a Maryland Limited Liability Corporation through a related entity proposes to develop and operate a rental housing development comprised of approximately Forty One (41) units, known as Cannery Village and located on Cannery Way at Flower Street (the "Project"), all or a portion of which will assist modest or limited income as required by applicable law or regulations; and,

WHEREAS, the Department, either directly or through the Administration, may provide some or all of the financing for the Project (the "Project Financing") in order to assist in making it financially feasible; and

WHEREAS, the applicable law, regulations and Departmental requirements necessitate approval of the Project and the Project Financing by the Berlin Town Council and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Berlin hereby endorse the construction of the Project upon the proposed site; and understand financing in the form of a loan from the State of Maryland in the approximate amount of \$2,000,000 is part of the project's financing;

BE IT FURTHER RESOLVED, the Town has agreed to provide a 50% reduction of the water and sewer special connection fees for the first ten (10) EDU's allocated subject to satisfactory documentation of commitment from other sources to fund the housing construction costs; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Town of Berlin endorse their support of this project through granting a Payment in Lieu of Taxes (the "PILOT") for the property taxes of the project, and,

BE IT FURTHER RESOLVED, the PILOT agreement shall provide for a reduction of Town of Berlin property taxes in the amount of \$137 per unit per year for a period not to exceed fifteen (15) years with the understanding that this contribution will be used to increase the quality of the construction, or reduce the rent charged to tenants of the Project and the Project continues to provide affordable housing

for persons of lower income for a period of fifteen (15) years from the date each building is granted a certificate of occupancy; and

BE IT FURTHER RESOLVED, that at the end of the fifteen year term from which each building is granted certificate of occupancy, Cannery Village is anticipated to become a homeownership community which will offer present tenants an opportunity to purchase the unit they are living in for an affordable price; and

BE IT FURTHER RESOLVED, nothing in this Resolution waives any step in the Town's development approval and permitting process.

BE IT FURTHER RESOLVED, the Mayor of the Town of Berlin is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Mayor and Council of the Town of Berlin, Maryland, and to the Secretary of the Department of Housing and Community Development, State of Maryland.

READ AND PASSED THIS ____ DAY OF _____, 2013 BY THE COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF ____ TO ____ OPPOSED WITH ____ ABSTAINING.

I hereby certify that Resolution Number 2013-14 is true and correct and duly adopted by the Mayor and Council of the Town of Berlin on the ____ day of _____, 2013.

Elroy Brittingham, Vice President

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen, Town Administrator

ORDINANCE 2013-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING
CHAPTER 12, ELECTIONS

Be it resolved by the Mayor and Council of the Town of Berlin that Chapter 12, Article III, Division 2, Section 130 §(7) be amended as follows:

Sec. 12-130. - Absentee voting.

- (7) Any absentee ballot showing a vote for a person who is ~~no longer~~ not a valid candidate for any reason will not be counted for that candidate, but such vote will not invalidate the remainder of the ballot.

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

RESOLUTION NO. 2013-09

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE VI, SECTION 9, TITLED "ELECTION OF MAYOR AND COUNCILMEMBERS".

WHEREAS §C6-9 of the Town Charter, titled "Election of Mayor and Councilmembers" sets forth the general manner in which an election is conducted for the offices of mayor or councilmember; and

WHEREAS the Mayor and Council wish to amend §C6-9.B to adjust the recurring day on which regular elections occur; and

WHEREAS the Mayor and Council wish to amend §C6-9 to add §C to allow for the cancellation of an Election under certain specific circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C6 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

Sec. C6-9. - Election of Mayor and Councilmembers.

B. On the [second]-first Tuesday in October of every second even-numbered year accounting from [1988]2014, the registered voters of the town shall elect one (1) person as councilmember at-large. The registered voters in District One shall elect one (1) person as councilmember from District One, which said person shall reside in District One; and the registered voters from District Four shall elect one (1) person as councilmember from District Four, which said person shall reside in District Four. ~~as mayor. The registered voters in District Two shall elect one (1) person as councilmember from District Two, which said councilmember shall reside in said district, and the registered voters in District Three shall elect one (1) person as councilmember of District Three, which said person shall reside in District Three.~~ All persons so elected shall serve for terms of four (4) years from said election. On the [second]-first Tuesday in October of every second even-numbered year accounting from the year [1986]2016, the registered voters of the town shall elect one (1) person as mayor. The registered voters in District Two shall elect one (1) person as councilmember from District Two, which said person shall reside in District Two, and the registered voters in District Three shall elect one (1) person as councilmember of District Three, which said person shall reside in District Three. ~~as councilmember at-large. The registered voters in District One shall elect one (1) person as councilmember from District One, which said person shall reside in District One; and the registered voters from District Four shall elect one (1) person as~~

~~councilmember from District Four, which said person shall be a resident of District Four.]~~ All persons so elected shall serve for terms of four (4) years from the date of said election.

C. In the event that only one individual files for candidacy for the office of mayor, the councilmember at-large, or the councilmember of a specific district, up to the deadline for write-in candidates' filing, that individual shall be considered to be the successful candidate for the applicable office and the scheduled Election for that office shall be cancelled. If the Election for one office is cancelled under this provision, the remainder of the ballot, if applicable, shall not be affected and the election for the office remaining on the ballot shall not be cancelled.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the ____ day of _____, 2013 and is to become effective fifty (50) days from passage on ____ day of _____, 2013

ATTEST:

Laura Allen, Town Administrator

Elroy Brittingham, Sr. - Vice President

Wm. Gee Williams, III, Mayor

RESOLUTION NO. 2013-10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE III, TITLED "THE COUNCIL".

WHEREAS §C3 of the Town Charter, titled "The Council" sets forth the language of the Town Charter governing the Council; and

WHEREAS the Mayor and Council wish to amend §C3-1 to adjust the expiration of the terms for Councilmember.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C3-1 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

Sec. C3-1. - Number; selection; term.

All legislative powers of the town shall be vested in a council consisting of five (5) councilmembers, ~~[three of whom shall be elected every four (4) years, beginning with the year 1962, and two (2) of whom shall be elected every four (4) years, beginning with the year 1964, all as hereinafter provided.]~~ who shall be elected on a schedule as further set forth in this Charter, Article VI, Section 9. Councilmembers shall hold office for terms of four (4) years or until their successors take office. The regular terms of the councilmembers shall expire on the ~~[second]~~ next Monday on which a regularly scheduled meeting is held following the election of their successors. ~~[Councilmen holding office on February 7, 1961, shall continue to hold office for the term for which they were elected or until their successors take office under the provisions of this Charter.]~~

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the ____ day of _____, 2013 and is to become effective fifty (50) days from passage on ____ day of _____, 2013

ATTEST:

Laura Allen, Town Administrator

Elroy Brittingham, Sr. - Vice President

Wm. Gee Williams, III, Mayor

RESOLUTION NO. 2013-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE III, TITLED "THE COUNCIL".

WHEREAS §C3 of the Town Charter, titled "The Council" sets forth the language of the Town Charter governing the Council; and

WHEREAS the Mayor and Council wish to amend §C3-4 to adjust the expiration of the terms for Councilmembers; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C3 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

Sec. C3-4. - Meetings.

The council shall meet at 7:00 p.m. on the ~~[second]~~-next Monday on which a regularly scheduled meeting is held following a municipal election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the town administrator upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. The council may meet in closed sessions when permitted to do so under the State Open Meetings Law.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the ____ day of _____, 2013 and is to become effective fifty (50) days from passage on ____ day of _____, 2013

ATTEST:

Laura Allen, Town Administrator

Elroy Brittingham, Sr. - Vice President

Wm. Gee Williams, III, Mayor

RESOLUTION NO. 2013-12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE IV, TITLED "MAYOR".

WHEREAS §C4 of the Town Charter, titled "Mayor" sets forth the language of the Town Charter pertaining to the office of Mayor; and

WHEREAS the Mayor and Council wish to amend §C4-1 to adjust the expiration of the term for mayor.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C4 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

Sec. C4-1. - Selection and term.

The mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified. The newly elected mayor shall take office on the ~~[second]~~ next Monday on which a regularly scheduled meeting is held following his election. ~~[The mayor holding office on February 7, 1961, shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter.]~~

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the ____ day of _____, 2013 and is to become effective fifty (50) days from passage on ____ day of _____, 2013

ATTEST:

Laura Allen, Town Administrator

Elroy Brittingham, Sr. - Vice President

Wm. Gee Williams, III, Mayor

RESOLUTION NO. 2013-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE CHARTER, ARTICLE VI, SECTION 8, TITLED "NOMINATIONS FOR ELECTIVE OFFICE".

WHEREAS §C6-8 of the Town Charter, titled "Nominations for Elective Office" sets forth the manner in which an individual may file to be placed on the ballot for an election of the offices of mayor or councilmember; and

WHEREAS the Mayor and Council wish to amend §C6-8.1.A and B to adjust the deadline for filing a certificate of nomination; to amend §C6-8.2 to incorporate language for the inclusion of "write-in" nominations in the election; to re-number the remainder of §C6-8 accordingly; and to incorporate language regarding the withdrawal of candidacy and;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT §C6 OF THE TOWN CHARTER, BE AMENDED AS SET FORTH BELOW.

Sec. C6-8. - Nominations for elective office.

1. Filing for elective office. Persons wishing to be placed on the ballot for the office of mayor or councilmember must adhere to the following:
 - A. For Town of Berlin regular elections, persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections on or before the close of business no less than twenty-eight (28) days [the second Monday in September next] preceding a town election. No person shall file for nomination to more than one (1) elective town public office or hold more than one (1) elective public office at any one (1) time.
 - B. For Town of Berlin special elections, persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections on or before the close of business no less than twenty-eight (28) days [the Monday four (4) weeks] preceding the date of the special election.
2. Write-in Candidates. A certificate of nomination for a write-in candidate shall be filed no less than seven (7) days prior to the scheduled election. The name of the write-in candidate shall not appear on the ballot(s) for the election, except as written-in by the voter at the time of casting of the ballot; write-in names of individuals who have not filed the appropriate certificate of nomination shall not be included in the vote tally conducted by the Board of Supervisors of Elections, however the remainder of such ballot shall not be invalidated

2.3. Withdrawal of candidacy. Persons desiring to withdraw their candidacy for elective office must submit, in writing, a request to withdraw and be removed from the ballot no less than seven (7) days prior to the scheduled election. The written request to withdraw shall be submitted to the office of the board of supervisors of elections. Should the request to withdraw be submitted with less than seven (7) days remaining prior to the election, the candidate's name shall not be removed from the ballot, however information shall be provided to voters regarding the withdrawal at the polling place. Votes cast for that individual shall not be included in the vote tally conducted by the Board of Supervisors of Elections, however the remainder of the ballot shall not be invalidated by such vote.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Town of Berlin, Maryland held on the ____ day of _____, 2013 and is to become effective fifty (50) days from passage on ____ day of _____, 2013

ATTEST:

Laura Allen, Town Administrator

Elroy Brittingham, Sr. - Vice President

Wm. Gee Williams, III, Mayor



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



2014 HOLIDAY SCHEDULE

<u>Holiday</u>	<u>Day</u>	<u>Date</u>
New Year Holiday	Tuesday Wednesday	December 31- ½ day January 1, 2014
Martin Luther King, Jr. Day	Monday	January 20
President's Day	Monday	February 17
Good Friday	Friday	April 18
Memorial Day	Monday	May 26
Independence Day	Friday	July 4
Labor Day	Monday	September 1
Columbus Day	Monday	October 13
Veterans' Day	Tuesday	November 11
Thanksgiving	Thurs. & Fri.	November 27 & 28
Christmas Holiday	Wednesday Thursday	December 24- ½ day December 25
New Year Holiday	Wednesday Thursday	December 31- ½ day January 1, 2015

2014 MAYOR AND COUNCIL SCHEDULE

January 13	January 27
February 10	February 24
March 10	March 24
April 14	April 28
May 12	*Tuesday, May 27
June 9	June 23
July 7	July 21
August 11	August 25
September 8	September 22
*Tuesday, October 14	October 27
Monday, November 10	November 24
December 8	December 22

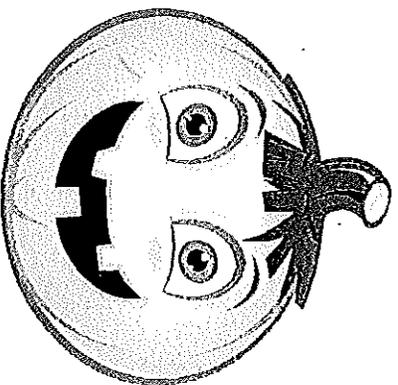
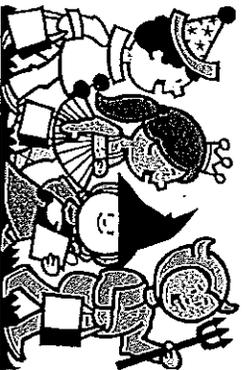
*The normal Monday date falls on a holiday.

Happy Halloween

Thursday, October 31, 2013

Hours 5:00 p.m. to 7:00 p.m.

Candy X-ray available by Berlin Police at Town
Hall



TOWN ADMINISTRATOR'S REPORT
October 15, 2013

Purchase Orders

PO# 201400518 in the amount of \$3,100.00 to Burke Equipment Company for repairs to Kubota at Treatment Plant. (24-4380-4041)

PO# 201401020 in the amount of \$1,000.00 to John's Auto Body for cleaning of 65 Victorian street light globes. (10-4230-4060)

PO# 201401051 in the amount of \$8,818.15 to HD Supply Power Solutions for 2 capacitor banks. To be submitted for bid bond proceeds. (10-4230-4092)

PO# 201401054 in the amount of \$1,127.00 to Graybar for three street light foundations for the North Main Street sidewalk project. (10-4230-4092)

PO# 201401056 in the amount of \$2,296.00 to National Transformers Sales for two 50KVA overhead transformers. (10-4230-4092)

PO# 201400990 in the amount of \$2,040.00 to University of Maryland Capital Wireless Info net for mobile software subscription. (01-4200-4060)

PO# 201401095 in the amount of \$1,051.50 to Laura Allen for reimbursement for expenses associated with ICMA conference in Boston September 20-25th. (10-4110-4021) and (01-4110-4025)

PO# 201401131 in the amount of \$2,000.00 to Worcester Youth & Family Counseling for expenses associated with 2nd quarter FY14 (Oct 1 – Dec 31, 2013). (01-4500-4113)

PO# 201400991 in the amount of \$3,018.00 to Mценroe Voice & Data for service contract from 10/15/13 to 10/14/13. (01-4200-4060)

PO# 201401108 in the amount of \$1,800.00 to Michael Surratt for entertainment for Ocktoberfest event. (01-4115-4119)

PO# 201401146 in the amount of \$4,215.00 to Goody Hill Ground Work to replace hydrant on Route 818 which had been damaged. (20-4330-4092)

PO# 201401003 in the amount of \$1,130.50 to Worcester County for sludge disposal. (24-4370-4121)

PO# 201400995 in the amount of \$6,000.00 to United States Postal Service for postage for bulk mailing of utility bills. (01-4110-4023)

PO# 201400994 in the amount of \$2,299.00 to Devin Systems for Utility bills and security envelopes with permit. (01-4125-4051)

PO# 201400259 in the amount of \$3,052.36 to Public Service Commission for first quarter installment payment for assessment of expenses for Maintenance and operation. (10-4210-4026)

PO# 201401110 in the amount of \$9,157.07 to Public Service Commission for 2nd, 3rd and 4th quarter installments for Assessment of Expenses for maintenance. (10-4210-4026)

PO# 201401166 in the amount of \$6,000.00 to Pigg, Krahl & Stern for review of Berlin Fire Company financial information and meeting with Mayor and Council. (01-4120-4020)

PO# 201400146 in the amount of \$3,000.00 to All Traffic Solutions for 2 SmartApps-Traffic Management for Speed Boards. (01-4200-4060)

PO# 201401216 in the amount of \$1,365.00 to Tri Supply and Equipment for rebar for concrete slab behind well #3. (20-4310-4092)

PO# 201401217 in the amount of not to exceed \$3,300.00 to Harkin Ready Mix for concrete slab behind well #3. (20-4310-4092)

Updates