



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

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, SEPTEMBER 9, 2013

Town Administrator

Laura Allen

**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.

TTY users dial 7-1-1 in the State of Maryland.
TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, September 9, 2013**

NO EXECUTIVE SESSION TO BE HELD

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

1. Swearing in Ceremonies
 - a. Town Administrator – Laura Allen
 - b. Planning Director – Dave Engelhart

2. Approval of the Minutes for:
 - a. Regular Session of the Mayor and Council on August 12, 2013
 - b. Executive Session of the Mayor and Council on August 12, 2013
 - c. Statement of Closure for Mayor and Council on August 12, 2013
 - d. Executive Session of the Mayor and Council on August 26, 2013
 - e. Statement of Closure for Mayor and Council on August 26, 2013

3. Berlin Fire Company Fund Request – FY14

4. Request for Special Event – Oktoberfest
Saturday, October 19, 2013; 9:00 a.m. – 10:00 p.m. (Downtown)

5. Request for Special Event – Dance for the Cure (Zumbathon)
Saturday, October 26, 2013; 5:00 p.m. – 8:00 p.m. (Main Street)

6. Doug Richards – DDU Magnetics; Update on Wind Turbine

7. Motion to Approve – Amendment to Contract with URS for engineering services and construction phase for the Five Mile Branch Spray Irrigation System.

8. Introduction and 1st Reading – Ordinance 2013-06
An ordinance amending Chapter 20, Parks.
Public hearing to be held September 23, 2013

9. Resolution 2013-08
A resolution approving the application and receipt of financing for a Technical Assistant Grant through the Department of Housing and Community Development

10. 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. Economic and Community Development – Michael Day

11. Town Administrator's Report
12. Comments from the Mayor
13. Comments from the Council
14. Comments from the Public
15. Comments from the Press
16. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, August 12, 2013

The meeting of the Mayor and Council for Monday, August 12, 2013 was called to order by Mayor Williams at approximately 7:11 p.m. Councilmembers Burrell, Hall, Brittingham and Purnell were present, as well as Town Attorney David Gaskill, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Police Chief Arnold Downing, Water Resources Director Jane Kreiter, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Councilmember Lynch 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 July 22, 2013. Councilmember Brittingham made a motion to approve the minutes and council voted to approve 4-0 with Councilmember Lynch absent. Mayor Williams asked for a motion to approve the Executive minutes of July 22, 2013. Councilmember Brittingham made a motion to approve the Executive minutes and council voted to approve 4-0 with Councilmember Lynch absent. Mayor Williams stated that the Executive Session was closed for four reasons: (1) to discuss any other personnel that affects one or more specific individuals; (2) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; (3) to consider the acquisition of real property for a public purpose and matters directly related thereto and (4) to consult with staff, consultants, or other individuals about pending or potential litigation.

Economic and Community Development Director Michael Day came before the council requesting approval for the Brown Box Theatre Group's performance of "A Midsummer Night's Dream" on Friday, September 13th along the area of Main and Pitts Streets. Mr. Day requested closure of Pitts Street from Main Street to the alley to allow for set-up at 4:00 p.m. and the closure of Main Street from Broad Street to the north end parking lot from the hours of 6:00 p.m. to 9:00 p.m. for the performance. Councilmember Hall made a motion to approve the performance by the Brown Box Theatre Group and council voted to approve 4-0 with Councilmember Lynch absent.

Mr. Day then requested approval for the assembly of motorcycles in the Town Hall parking lot on Friday, September 13th from the hours of 9:00 a.m. to 11:00 a.m. before they proceed on their ride to Chincoteague during Bike Week. Mr. Day stated that Berlin has been designated as a Pin run station and that bikers must register prior to the ride. If the number of registrations were to exceed 125, he suggested that the assembly area be moved to the park or a more appropriate space. Discussion continued. Councilmember Hall made a motion to approve the assembly of motorcycles in a location to be determined on Friday, September 13th from the hours of 9:00 a.m. to 11:00 a.m.

Mr. Day requested approval from the council on Resolution 2013-07 which approves the application and receipt of financing from the Department of Housing and Community Development in an amount not to exceed \$150,000.00 for a Community Legacy Project. The application would request a \$100,000.00 grant for façade work and/or interior renovations to convert warehouse space to office space and an additional \$37,500.00 would be requested to replace the existing roof at the Visitor's center with a new energy efficient roof. Councilmember Burrell made a motion to approve the submission of an application to the Department of Housing and Community Development in an amount not to exceed \$150,000.00 for the Community Legacy projects. Council voted to approve 4-0 with Councilmember Lynch absent.

Deputy Town Administrator Mary Bohlen requested approval to submit an application to the Maryland Department of Natural Resources, Program Open Space, Community Parks and Playgrounds program in the amount of \$215,000.00 for the environmentally friendly renovation of the tennis courts located at Stephen Decatur Park. Ms. Bohlen presented powerpoint photos showing the new configuration of the courts and the spreadsheet for the budgeted amount of \$215,000.00. The Town would be required to match 10% of the requested amount or \$21,500.00 in cash or in-kind services. The application would be submitted in August 2013 for an anticipated award in April 2014 and start date in August 2014. Councilmember Brittingham made a motion to approve the submission of an application for the renovation of the tennis courts in Stephen Decatur Park and council approved 4-0 with Councilmember Lynch absent.

Department Head reports began with Finance Director Natalie Saleh reporting that reports had been submitted to the Public Service Commission regarding electric utility activity. She also reported the PKS had conducted a preliminary 2 day audit and would be returning the first week of September for the main audit.

Public Works Director Mike Gibbons reported that the striping on Flower Street would begin on Tuesday, August 13th and that State Highway had requested a bid to stripe Buckingham Lane from Main Street to the entrance of Ballpark Drive and if time permitted would proceed with the striping the same day. Mr. Gibbons then presented powerpoint photos on the resurfacing work on Jefferson Street.

Water Resources Director Jane Kreiter reported that employees from the stormwater department had been cleaning out inlets throughout town and the ditch located on Flower Street. Mayor Williams inquired on the status of the West Street project. Ms. Kreiter replied that the majority of the work had been completed and that ADEL Construction would be on site this week to ensure that the banking next to Mr. Walters home would be stabilized. Ms. Kreiter stated that she would be presenting photos of the project at the next council meeting.

Electric Utility Director Tim Lawrence reported that the Town was now in full compliance with the Rice regulations concerning the engines at the power plant. He then reported that all 94 AMI electric meters and 38 of the AMI water meters were fully operational, the street light painting on the Victorian poles would be completed on Wednesday and that two utility poles on Tingle Road would be replaced on Tuesday and Thursday. Mr. Lawrence reported there would be a scheduled outage on Friday at the Worcester Preparatory School to replace a transclosure. The next transclosure replacement would be at the Food Lion. Discussion continued regarding loss of service and how it will affect the school and business.

Police Chief Arnold Downing thanked the staff, churches and community partners for their assistance with the National Night Out event. He stated that he had made a presentation at Gull Creek, would be meeting with the Sheriff's department regarding the new school year and preparing for Bike Week.

Human Resources Director Jeff Fleetwood reported the CPR and AED training would be held on September 4th and 25th for staff. He reported that the employment of the seasonal employees would be ending soon and thanked Mike Gibbons and Tim Lawrence for their assistance with the replacement of a shed roof at the Electric department.

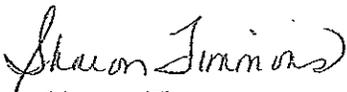
Economic and Community Development Director Michael Day reported on a successful Peach Festival and Little Miss/Mr. Peach contest. Mr. Day stated that he had also made a presentation about Berlin to the residents at Gull Creek last Tuesday. Mayor Williams thanked Councilmember Hall for her leadership with the Little Miss/Mr. Peach.

Deputy Town Administrator Mary Bohlen presented 18 purchase orders (201303541, 201303535, 201400165, 201400337, 201400408, 201400378, 201400446, 201400433, 201400449, 201400358, 201400136, 201400447, 201400157, 201400522, 201400527, 201400533, 201400550 and a request for payment) for approval. Councilmember Purnell made a motion to approve the 18 purchase orders and payment request and council voted to approve 4-0 with Councilmember Lynch absent.

Councilmember Burrell asked Mike Gibbons to investigate an area at the end of the new Flower Street sidewalks where the foundation seems to be compromised.

Mayor Williams asked for comments from the public or the press. There being no comments from either, Councilmember Burrell made a motion to adjourn the meeting and the meeting ended at 7.56 p.m. Mayor Williams stated that the council would be reconvening in the Conference Room to finish their discussion on Executive Session items.

Respectfully submitted



Sharon Timmons
Administrative Assistant

MOTION TO APPROVE

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE AN AMENDMENT TO THE CONTRACT WITH URS FOR ENGINEERING SERVICES, CONSTRUCTION PHASE FOR THE FIVE MILE BRANCH SPRAY IRRIGATION SYSTEM.

1. Time Extension through September 30, 2013
2. Cost increase totaling \$40,906.00

APPROVED 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 this ____ day of _____, 2013 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: _____
Mary T. Bohlen
Deputy Town Administrator

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 20, 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 or otherwise authorized by the police department of the town 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.
- ~~(36) 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.~~
- ~~(4) 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.~~
- ~~(5) No motor vehicle shall be parked in the parks, whether in the parking areas or otherwise, overnight.~~
- ~~(6) 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.~~
- (7) No open container of alcoholic beverages shall be possessed in any of the parks.
- ~~(8) Any vehicle violating any rules or regulations as herein set forth shall be removed and towed at the expense of the owner and operator.~~
- (9) 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 person shall use the facilities, equipment, or any area of the parks for business-related activity without the express written permission of the Mayor and Council. Authorized business-related 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 and 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



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



RESOLUTION 2013-08

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

**Deputy Town
Administrator**
Mary T. Bohlen

Resolution of TOWN OF BERLIN MAYOR & COUNCIL is approving the application and receipt of financing for a [Technical Assistants Grant] (the "Project") further described in the Technical Assistant Grant Application ("The Application"), to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through other departments or agencies of the State of Maryland.

WHEREAS, the TOWN OF BERLIN MAYOR & COUNCIL, recognizes that there is a significant need for reinvestment and revitalization of the communities in WORCESTER COUNTY; and,

WHEREAS, the Department, either through Technical Assistant Grants or through other Programs of the Department, or in cooperation with other State departments or agencies, 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 Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Technical Assistant Project and the Project Financing by the TOWN OF BERLIN MAYOR & COUNCIL and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the TOWN OF BERLIN MAYOR & COUNCIL hereby endorses the Project; and,

HEREBY approves the request for financial assistance in the form of a grant, up to the amount of \$15,000; and,

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating [his or her] approval thereof; and,

BE IT FURTHER RESOLVED THAT, the MAYOR OF BERLIN is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

READ AND PASSED THIS _____ day of _____, 20_____.

BY ORDER: _____, I hereby certify that Resolution Number _____ is true and correct and duly adopted by the _____ (Legislative Body) of _____ (City or County).

ATTEST/WITNESS:

TOWN OF BERLIN

By: _____

Name: _____

Title: _____

Approved By: _____

Name: _____

Title: _____

[Chief elected executive official]

Date: _____

TOWN ADMINISTRATOR'S REPORT

September 9, 2013

Purchase Orders

PO# 201400444 in the amount of \$1,419.60 to Worcester County for Sludge disposal. (24-4370-4121)

PO# 201400280 in the amount of \$1,829.40 to Hill's Electric Motor Service for emergency repair of pump at Broad Street. (24-4365-4041)

PO# 201400615 in the amount of \$7,143.71 to L/B Water Service for meter reading device. (20-4310-4053)

PO# 201400651 in the amount of \$1,225.36 to Easton Utilities Commission for replacement of valves on bucket truck and labor charges. (10-4230-4031)

PO# 201400652 in the amount of \$1,390.00 to Stuart Irby for 1000 feet of STR Triplex cable. (10-4230-4053)

PO# 201400705 in the amount of \$2,005.92 to Flint Trading for permo plastic for Jefferson Street. (01-4320-4053)

PO# 201400398 in the amount of \$2,216.29 to Ferguson Waterworks for repair of check valve in Broad Street lift station. (24-4365-4041)

PO# 201400741 in the amount of \$28,900.00 to Rock Creek Line Construction for replacement and relocation of 12 rotten electric utility poles on Burley Street. To be submitted for bid bond proceeds. (10-4230-4060)

PO# 201400742 in the amount of \$1,278.50 to Maryland Department of the Environment for 2013 Air Quality Synthestic -Minor permit to operate fee for Power Plant. (10-4220-4026)

PO# 201400729 in the amount of \$3,322.00 to Environmental Equipment Service for soda ash for well pump #3. (20-4310-4092)

PO# 201400730 in the amount of \$1,375.00 to Terra Firma patching on Baker Street due to water line repair. (20-4330-4043)

PO# 201400088 in the amount of \$1,288.20 to Wainwright's Tire Center for tires for Public Works truck #33. (01-4310-4031)

PO# 201400767 in the amount of \$2,925.00 to Goody Hill Ground Work for core drilling and backfill of top soil at Worcester Preparatory School Transclosure Replacement Project. (10-4230-4060)

PO# 201400558 in the amount of \$1,037.40 to Intercostal Trading for bleach for treatment plant. (24-4370-4049)

PO# 201400813 in the amount of \$6,245.00 to Curtis Engine for maintenance agreements for service generators at Decatur Farms, 346 East, 346 West, Franklin Knoll, treatment plant, town hall and Schoolfield Street building. (01-4330-4041, 10-4230-4041, 24-4365-4041, 24-4370-4041)

PO# 201400818 in the amount of \$ 2,815.00 to Municipal Code Corporation for annual code supplement. (01-4110-4060)

PO# 201400828 in the amount of \$1,800.00 to Nassco-Pac Program for training for new stormwater employees to operate camera truck. (30-4300-4021)

PO# 201400826 in the amount of \$7,500.90 to L/B Water Service for new meter reader to read water meters.

PO# 201400479 in the amount of \$1,385.30 to Wainwright's Tire Center for additional tires for Truck #33 and zero mower. (01-4310-4031, 01-4320-4031, 01-4320-4041)

PO# 201400595 in the amount of \$1,836.14 to Hill's Electric Motor Service for emergency repair to well pump #3. (20-4320-4041)

PO# 201400679 in the amount of \$2,182.14 to Barr International for repair work on recycling truck #19. (01-4310-4031)

PO# 201400838 in the amount not to exceed \$6,000.00 to Tri Supply & Equipment for rental of excavator for clean out of Westminster pond. (30-4300-4060)

Updates