



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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www.berlinmd.gov



BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, JULY 14, 2014

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

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

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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TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, July 14, 2014**

6:00 - 6:30 PM EXECUTIVE SESSION – Town Hall Conference Room

6:30 - 7:00 PM THANK YOU CAKE AND COFFEE RECEPTION

7:00 PM REGULAR SESSION – Town Hall Council Chambers

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on June 23, 2014
 Executive Session of the Mayor and Council on June 23, 2014
 Statement of Closure for Mayor and Council on June 23, 2014
2. Diakonia Powerpoint – Claudia Nagle
3. Request for Special Event – Berlin Classic Basketball Tournament
 - a. Approval of Event – Saturday, September 16, 2014; 10 a.m. to 8 p.m.
 - b. Approval of Business Use of Park
4. Request for Special Event – National Night Out
 Tuesday, August 5th, 2014; William Henry Park 4 p.m. to 7 p.m.
5. Request for Special Event – Shakespeare Play – MacBeth
 Saturday, September 6th; 7:30 pm - 9:30 p.m.; Main & Pitts Street
6. Request for Support – Worcester County Arts Council
 5th Annual Paint Berlin Plein Air Event; September 18-20, 2014
7. Request for Designated Loading Zone on Pitts Street - William Outten
8. Public Hearing – Ordinance 2014-03; an Ordinance amending Chapter 26 which
 establishes a stormwater fee credit policy.
9. Introduction and First Reading – Ordinance 2014-04
 An Ordinance amending Chapter 8, Article III, §8-52 of the Code regarding the
 peddling, solicitation or distribution of prepared food items.
 Public hearing to be held on Monday, July 28, 2014
10. Motion to Approve - Entrepreneur Assistance Program
11. Motion to Approve - Town of Berlin Volunteer Policy and Application
12. Motion to Approve – Capitalization and Depreciation Policy
13. Motion to Approve – Contract with Comcast for Upgraded Phone Service

14. Motion to Approve – Proposal from GFOA to provide RFP Development and Vendor Selection Services for new financial system
15. Departmental Reports
 - a. Finance – Natalie Saleh
 - b. Deputy Town Administrator – Mary Bohlen
 - c. Water Resources & Public Works – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Planning – Dave Engelhart
 - g. Human Resources – Jeff Fleetwood
 - h. Economic and Community Development – Michael Day
16. Town Administrator's Report
 - a. Motion to approve purchase orders as submitted
17. Comments from the Mayor
18. Comments from the Council
19. Comments from the Public
20. Comments from the Press
21. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, June 23, 2014

The meeting of the Mayor and Council for Monday, June 23, 2014 was called to order by Mayor Williams at approximately 7:00 p.m. Councilmembers Brittingham, Burrell, Hall, Purnell and Lynch were present, as well as Town Attorney David Gaskill, Town Administrator Laura Allen, Planning Director Dave Engelhart, Finance Director Natalie Saleh, Water Resources and Public Works Director Jane Kreiter, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Deputy Town Administrator Mary Bohlen and Human Resources Director Jeff Fleetwood were absent from the meeting.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Regular Session minutes of June 9, 2014. Councilmember Lynch suggested a rewrite of the 1st and 2nd sentences on Page 2, 4th Paragraph concerning her comments to read "Councilmember Lynch commented that the General Fund Revenue had been increased by \$200,000, since the General Fund Budget that had been presented 2 weeks earlier, and the offset expenses in the General Fund had reduced the contingency line item to a mere \$7,500. In addition, a calculation error had resulted in a \$60,000 change in the Wastewater Fund". Councilmember Burrell made a motion to approve the Regular session minutes of June 9, 2014 as corrected and council voted to approve 4-0 with Councilmember Purnell abstaining. Mayor Williams asked for a motion to approve the Executive Session minutes of June 9, 2013. Councilmember Brittingham made a motion to approve the Executive minutes of June 9, 2014 and council voted to approve 4-0 with Councilmember Purnell abstaining. Mayor Williams read the Statement of Closure for the June 9, 2014 Executive Session.

Ms. Debbie Frene came before the council requesting approval for the Berlin Sidewalk Sale to be held Friday, August 8th from 10 a.m. to 8 p.m. and Saturday, August 9th from 10 a.m. to 6 p.m. Mrs. Frene reviewed the street closure requests and stated that she would be speaking with Bill Outten to see if the end by Donaway's would be interested in participating. Councilmember Burrell made a motion to approve the Berlin Sidewalk Sale and council voted unanimously to approve 5-0.

Mayor Williams gave the Oath of Office to those persons in attendance to be sworn in as renewing or new members of the various Boards and Commissions. Those members were Natasha Brittingham for Planning and Zoning, Jeff Ricks and Leslie Gebhart for Housing Board of Review and Loretta Briddell for the Parks Commission.

Economic and Community Development Director Michael Day requested approval for 229th Army Band Concert to be held at Stephen Decatur Park on Tuesday, July 15th from 6 p.m. to 7:30 p.m. Councilmember Brittingham made a motion to approve the request for the 229th Army Band Concert and council voted unanimously to approve 5-0.

Mayor Williams introduced Ordinance 2014-02, an ordinance amending Chapter 12, Elections for first reading. The public hearing will be held on July 14, 2014. The ordinance adds sub-section (6) to the ordinance and our Town code and states that any candidate or committee formed to support a candidate or referendum question that is required to register with the Town shall file a campaign finance report within 10 days after the town election.

Mayor Williams introduced Ordinance 2014-03, an ordinance amending Chapter 26, and enacting Section 26-273 which establishes a stormwater fee credit policy. Town Administrator Allen explained that the ordinance proposes a credit for property owners of non-residential non-profit use and requires certain conditions to qualify. The first condition would be to have an existing standard system which is set to current standards and to enhance that system. The other condition would be to retrofit a stormwater system that had been built to an older earlier standard. The Town's Stormwater Engineer would need to approve and verify that the changes made would truly be beneficial. The maximum credit that the property owner could receive would be 50% deduction of the stormwater fee paid. Councilmember Burrell questioned use of an engineer from another state as the ordinance stated Maryland Professional Engineer beginning on page 3(C)d. Mr. Kolar clarified that it must be a Maryland licensed engineer. The ordinance will be revised to include the wording "Maryland Licensed Engineer". The public hearing will be held on July 14, 2014.

Town Administrator Laura Allen requested the approval of the contract with Cards Computers. Ms. Allen stated the Town Attorney Gaskill had reviewed and approved the contract and that there were no rate changes. The cost would remain at \$1,950.00 per month. Councilmember Brittingham made a motion to approve the contract with Card's Computers in the amount of \$1,950.00 per month and council voted unanimously to approve 5-0.

Ms. Melanie Windsor and Mr. Steve Taylor of Worcester Youth and Family Counseling Services presented a powerpoint presentation on the Berlin Youth Club's Spring and Summer activities. Ms. Windsor summarized the past activities of the youth group, financial contributions from participation in various events and spoke on the new partnerships they were forming within the community. Mayor Williams stated that he was pleased with the partnerships that Worcester Youth had formed throughout the community and how they were involving the youth in community activities. Councilmember Hall made a motion to approve the contract with Worcester Youth and Family Counseling Services at a rate of \$2,000.00 a month plus approved quarterly expenses. Council voted to approve 5-0.

Having completed the items on the Regular Agenda, Mayor Williams asked for Departmental Reports. Finance Director Natalie Saleh reported that they were preparing for the close out of the FY14 year. Ms. Saleh announced that she and Rondell Wise had attended the Maryland GFOA Conference in Ocean City. They had spoken with 3 billing software vendors that will be presenting demonstrations and asked for attendance by as many of the council as possible. Ms. Saleh also asked council to stop by her office to vote on carpet samples.

Water Resources and Public Works Director Jane Kreiter presented photos of the ongoing repair of the wall at Dr. William Henry Park. She continued her report stating that she had met with the homeowners on Tripoli Street and was waiting on the last right of entry. Once that is received they would be going out for bids for the sidewalk work. Ms. Kreiter explained the need for the purchase of the lawnmower associated with PO# 201403521 and announced that the Open House at the new Spray Site would be held Wednesday, October 1st.

Electric Utility Director Tim Lawrence reported that the installation of the cooling fans at the Substation had been completed as well as the underground service for the repair of the siren at the Fire Company. Mr. Lawrence also reported that the Town had generated twice and hit both peaks and that the Electric and Water departments had attended several AMI Smart meter presentations.

Police Chief Arnold Downing reported that summer school had started and that his department would be conducting periodic safety checks at the schools. Chief Downing stated that he attended a meeting with the Worcester County Health Department in conjunction with a review of the fatal accident from last year. State Highway commended the Town for the swift actions and responses by the community and Pedestrian Safety Committee. They are also offering their assistance with the education in the community.

Planning Director David Engelhart reported that the Historic District Commission had approved a wall banner for the A Little Bit Sheepish building and a standing seam metal roof with gutters for the TexMex Country Cooking restaurant. He also reported that the Tractor Supply business remodel was moving along and that a new business named Fireplace Supply would be occupying space in the same shopping center. Mr. Engelhart spoke on the continuing discussion among the Planning Commission regarding the Commercial Design Standards and the editing of the Worcester County Design Standards.

Economic and Community Development Director Michael Day distributed coasters from the State Highway Administration promoting safe use of crosswalks. Mr. Day stated that they would also be distributing them to the local restaurants. Mr. Day reported that he would be attending an upcoming merchants meeting at the Visitor's Center, a Lower Eastern Shore Heritage Center meeting and accompanying Megan Houston and Lisa Challenger to a Tourism, Arts and Downtown Development meeting in Milford Delaware which consists of Arts, Entertainment and Main Street Communities.

Town Administrator Laura Allen presented 15 purchase orders to the council for approval. Councilmember Lynch questioned expenses associated with PO# 201402893. Councilmember Brittingham made a motion to approve the 15 purchase orders as submitted and the council voted unanimously to approve 5-0.

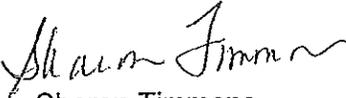
Councilmember Burrell asked if a dumpster was allowed to be placed in the street if there was construction going on in the area. Chief Downing replied if they called ahead and proper safety measures were put in place, permission may be granted.

Councilmember Hall emphasized the importance of looking at the guidelines regarding commercial design standards for further developments. Mayor Williams asked for permission from the council to send a letter to the Planning and Zoning Commission congratulating them on beginning the process and also emphasizing the urgency to complete and add to the Town Code.

Councilmember Brittingham inquired on the status of the Cannery Village project. Mr. Engelhart stated that the engineering work was progressing and he was expecting permitting in early August. Councilmember Brittingham voices his concerns about the entrance to the development.

Mayor Williams asked for comments from the press and the public. There being no comments or questions from either, Councilmember Burrell made a motion to adjourn the meeting and the meeting ended at 8:40 p.m.

Respectfully submitted,


Sharon Timmons
Administrative Assistant

ORDINANCE 2014-3

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 26, ARTICLE V OF THE TOWN CODE BY ENACTING SECTION 26-273, WHICH ESTABLISHES A STORMWATER FEE CREDIT POLICY

BE IT ENACTED AS FOLLOWS:

CHAPTER 26, Article V, Section 26-273, titled Fee Credit Policy

Definitions:

"*Stormwater Management System*" or "*System*" means the existing stormwater management of the Town and all improvements thereto which by this chapter are constituted as the property and responsibility of the Town or private owner, to be operated as a **Special Revenue Fund** to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

A. Credit Concept.

Stormwater Management Utility Fees calculated on the basis of impervious surface cover may be adjusted through the use of credits when an additional investment is made to properly maintained on-site stormwater management systems results in a reduced water quality and/or quantity impact on the public Stormwater Management System.

B. Credit Eligibility.

- (1) Only owners of property designated for non-residential, non-profit use under Chapter XX of the Town of Berlin Code, are eligible for a credit. Previous payment of stormwater management waivers or monetary contributions in lieu of on-site stormwater controls does not confer eligibility to receive a credit. The construction of and dedication to the Town of a Stormwater Management System does not confer eligibility to receive a credit.

- (2) The following Stormwater Management Systems are eligible for a Stormwater Utility Fee Credit.
- (a) Structural Stormwater Management Systems;
 - (b) Environmental Site Design systems categorized by the Design Manual as alternative surfaces;
 - (c) The following Environmental Site Design systems categorized by the Design Manual as microscale practices: cisterns, rain barrels, submerged gravel wetlands, landscape infiltration, infiltration berms, dry wells, micro-bioretenion, rain gardens, swales;
 - (d) Any other Stormwater Management System deemed eligible by the Town Administrator.
- (3) The following Stormwater Management Systems are not eligible for a credit: disconnection of rooftop runoff, disconnection of non-rooftop runoff, sheet flow to conservation areas, and any other system determined ineligible by the Town Administrator. Any pre-existing improvements, retrofits, upgrades of any Stormwater Management System dated prior to the effective date of this fee credit policy.
- (4) Structural Stormwater Management Systems that are eligible for a credit are subject to routine structural inspections and maintenance.
- (5) A property owner that provides only aesthetic maintenance of a Stormwater Management System is not eligible for a credit. Aesthetic maintenance includes activities that are not essential to the proper operation or function of the system or are considered part of routine property maintenance. Examples of aesthetic maintenance include, but are not limited to, routine trash or leaf removal, mowing, roof gutter cleaning, replacement plantings and enhanced landscaping.
- (6) Only Stormwater Management Systems that are certified and functioning as originally designed are eligible for a credit. Functioning as originally designed means that the system is functioning in accordance with the original design specifications, regardless of whether it meets the standards established in the most recent version of the Maryland Stormwater Design Manual.

- (7) The Town reserves the right to inspect any Stormwater Management System listed on a fee credit application on a routine or non-routine basis. If a system is found by the Town inspector to be non-functioning, the Town shall issue to the owner a report of needed maintenance. The inspection may also include direction to correct site conditions adversely affecting the system, such as uncontrolled soil erosion or contamination.
- (8) The Town may revoke a previously approved fee credit at any time for failure to properly maintain a Stormwater Management System, or for unapproved changes made to the system, or for changed site conditions that adversely impact the system. The owner is responsible for correcting problems at his own expense. Where a Stormwater Management System ceases to function due to the Owner's failure to provide proper maintenance, the system will be ineligible for a fee credit for a period of two (2) years after the date that the system is restored to functioning condition.
- (9) Any approved credit will be applied only to bills for the owner of the Stormwater Management System. Credit may be given to a single owner for impervious surface areas on multiple parcels that drain to a system on a separate parcel, provided all parcels are owned by the same entity as the system itself.

C. Credit Application Requirements and Certification Reports.

- (1) To apply for a Stormwater Management Utility Credit, the owner must submit, at his own expense, the following information for the approval of the Town Administrator:
 - (a) Completed Stormwater Management Utility Fee - Private System Credit application form supplied by the Town Administrator and application fee;
 - (b) Description of the type of system(s), including water quality control and/or water quantity control design criteria and performance standard, and year built;
 - (c) Drainage area map for the system showing the boundaries and acreages for impervious areas that are treated in the system;
 - (d) As-built engineering plans for the system. Stormwater Management Systems are not eligible for fee credits until the as-built plans have been accepted by the Town Administrator. As-built engineering plans shall be prepared by a

Maryland Licensed Professional Engineer or Registered Land Surveyor. For Stormwater Management Systems subject to Maryland Pond Code 378 requirements, confirmation of as-built acceptance by the Worcester Soil Conservation Service must be obtained and provided to the Town. If as-built plans do not exist for a system, the applicant must develop and submit these for review and acceptance to qualify for the credit;

- (e) A narrative of the known maintenance history of the system, including routine maintenance and significant structural maintenance and repair;
 - (f) Information on any public funds used to repair, upgrade or retrofit the system, including the amount and the date the repair, upgrade or retrofit was made;
 - (g) Completed calculation sheet, on a form provided by the Town Administrator, to determine the monetary amount of the claimed credit;
 - (h) Initial Certification Report. An initial certification report shall be prepared by a Maryland Professional Engineer or Registered Land Surveyor.
 - 1. Initial certification shall include an inspection report pursuant to Article II, Division 5.D. of these Regulations, or other format approved by the Town Administrator. The report must certify that the Stormwater Management System is functioning as originally designed, is operational, and has been adequately maintained.
 - 2. The initial certification report shall be signed and sealed by the responsible Professional Engineer or Registered Land Surveyor. The certification inspection shall not be more than one year old at time of application.
- (2) Credit Recertification for Continued Credit. In order to remain eligible for a credit, a property owner must submit to the Town, every three years or more frequent if required by applicable regulations and at his own expense, a Private Stormwater Management System Credit Recertification application and report for approval by the Town Administrator.

- (a) The recertification report shall include photographs of each Stormwater Management System listed on the recertification form, a description of maintenance performed since the last recertification request, and a copy of any maintenance records or invoices. The owner shall certify that the system(s) continues to be operational and has been adequately maintained.
 - (b) The recertification application shall include an inspection report pursuant to Article II, Division 5.D. of these Regulations, or other format approved by the Town Administrator. The recertification inspection shall be performed by a Professional Engineer, under the guidance of a Professional Engineer, or by a person approved in accordance with Article II, Division 5.D. of these Regulations.
 - (c) The report shall include information on any public funds used to upgrade or retrofit the system, including the amount and the date the upgrade or retrofit was made.
- (3) Any maintenance or functional deficiencies must be remedied at the owner's expense before the system may qualify or be recertified for a Stormwater Management Utility Fee credit. In addition, maintenance or safety deficiencies will be addressed by the Town Administrator in accordance with terms of the system's Stormwater Management Easement and Maintenance Agreement.

D. Credits for Private Stormwater Management Retrofits Under Cost-Share Program.

- (1) The Town, at its sole discretion, may consider sharing the retrofit construction costs, by paying the lesser of 50% of the cost of the improvement or \$5,000.00 for a private Stormwater Management System that has been identified as a priority stormwater improvement in a Town watershed study, or if the Town Administrator determines the retrofit will make a significant improvement to meeting current water quality and/or quantity controls for the watershed. Any privately owned system that has been retrofitted to meet current stormwater standards using public funding shall be eligible for a subsequent Stormwater Management Utility Fee credit only in accordance with the following:
 - (a) The retrofit project must be approved by the Town Administrator for the cost-share program;

- (b) The construction of the retrofit must be completed to the satisfaction of the Town Administrator and all Town permits for the retrofit must be released at least 6 months prior to receiving credit;
 - (c) The Stormwater Management System's ownership and structural and aesthetic maintenance must remain the responsibility of the private owner;
 - (d) If the System was functioning as originally designed prior to the retrofit, the owner is still eligible for a credit based on Article IV, Division 3(E)(2) of these Regulations, Previous Standards Credit. After the retrofit, the owner shall be eligible for a credit based on Article IV, Division 3(E)(3) of these Regulations, Current Standards Credit, once the cumulative difference between the credit provided in Previous Standards Credit and Current Standards Credit (i.e., the difference between credit provided in Article IV, Division 3(E)(2) and Article IV, Division 3(E)(3) of these Regulations) equals or exceeds the Town's investment in the retrofit.
 - (e) All necessary approvals and permits must be obtained for retrofits before commencing disturbance or construction.
- (2) Nothing in this Article shall prohibit a property owner from upgrading or retrofitting a practice at his/her expense in accordance with the provisions of these Regulations to qualify for credit, or to qualify for a higher credit.

E. Credit Amounts.

- (1) The credit amount is calculated as a reduction in site impervious surface area. The credit is prorated based on the amount of impervious surface area located on the property draining to the stormwater management practice, and not the total amount of impervious surface cover on the site, and may also be prorated based on the percentage of stormwater management treatment volume provided in a practice as compared to the target treatment standard.
- (2) Previous Standards Credit. A stormwater management practice that is certified as functioning as originally designed, but does not meet the standards established in the most recent version of the Maryland Stormwater Design Manual, may be modified to make the contributing impervious surface area eligible for a maximum cumulative credit

of 20% against the Stormwater Management Utility Fee. All proposed modifications shall be in accordance with the most recent version of the Maryland Stormwater Design Manual. Credits are allocated as follows:

- (a) A maximum of 10% credit is provided if the practice provides stormwater quality control.
 - (b) A maximum of 10% credit is provided if the practice provides stormwater quantity control.
- (3) Current Standards Credit. Current standards reflect a project that is either installed and functioning as designed or obtained final plan approval prior to May 4, 2013. A stormwater management practice that is certified as functioning as originally designed, and meets the standards established in the most recent version of the Maryland Stormwater Design Manual, may be enhanced to make the contributing impervious surface area eligible for a maximum cumulative credit of 50% against the Stormwater Management Utility Fee. Credits are allocated as follows:
- (a) A maximum of 25% credit is provided if the system provides stormwater quality control for Water Quality Volume (WQv).
 - (b) A maximum of 25% credit is provided if the system provides stormwater quantity control for Channel Protection Storage Volume (CPv).
 - (c) A maximum of 10% credit is provided if the system provides only stormwater control for Recharge Volume (REv), and is a structural stormwater management system.
- (4) Where an eligible stormwater management system meets the standards established in the most recent version of the Maryland Stormwater Design Manual for quality, but not quantity, or vice versa, it is acceptable to combine (2) and (3) above accordingly. For example, impervious surface area draining to a system that provides quality control in accordance with the Maryland Stormwater Design Manual, but provides quantity control under an older standard, would be eligible for a maximum of 35% credit (25% for quality plus 10% for quantity). However, the cumulative credit may not exceed fifty percent (50%).

F. Affirmative Duty and Timing.

- (1) It is the sole responsibility of the property owner to apply for a credit.
- (2) A property owner may apply for a credit at any time in accordance with the following:
 - (a) Credit applications must be submitted before March 1 and approved before May 1 to qualify for credit on the current year's bill. Any credit application approved on or after May 1 shall be applied to the following year's bill.
 - (b) The Stormwater Management Utility Fee shall not be prorated for a credit approved by the Town during the billing year. Any approved credits will be applied to the next billing cycle.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2014, 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 _____, 2014.

Adopted and effective this _____ day of _____, 2014 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2014 by the Mayor of the Town of Berlin.

Wm. Gee Williams, Mayor

ATTEST: Laura Allen, Town Administrator

ORDINANCE 2014-4

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 8, ARTICLE III, §8-52 OF THE CODE

BE IT ENACTED AS FOLLOWS:

Sec. 8-52. General Regulations.

No person shall:

1. Peddle, solicit or distribute merchandise except between the hours of 9:00a.m. and 6:00p.m., unless specifically having been invited into a house by the occupant or having made an appointment with a person previously.
2. Attempt to peddle, solicit or distribute merchandise or printed material without first having identified himself as a peddler, solicitor or distributor registered with the town and having displayed his certificate or credentials, in the case of the solicitation of funds.
3. Have exclusive right to any location in the public streets or operate in any congested area where his operations might impede or inconvenience the public.
4. Enter or attempt to enter the residence of any person in the town without an express invitation from the occupant of such residence.
5. Conduct himself in such a manner as to become objectionable to or annoy an occupant of any residence.
6. Shout, cry out, blow a horn, ring a bell or use any sound-making or amplifying device upon any of the streets, parks or public places of the town or upon private premises where sound of sufficient volume is produced or emitted therefrom to be capable of being plainly heard upon the streets, avenues, parks or other public places of the town or upon private premises, for the purpose of attracting attention to any merchandise or services.

7. Distribute obscene merchandise or printed material or that which advocates unlawful contact.
8. Litter the streets, public places or properties within the town with any merchandise or printed material.
9. PEDDLE, SOLICIT OR DISTRIBUTE PREPARED FOOD ITEMS, UNLESS EXEMPTED UNDER §8-53, WITHOUT THE PRIOR APPROVAL OF THE MAYOR AND COUNCIL.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2014, 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 _____, 2014.

Adopted and effective this _____ day of _____, 2014 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2014 by the Mayor of the Town of Berlin.

Wm. Gee Williams, Mayor

ATTEST: Laura Allen, Town Administrator

MOTION TO APPROVE

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE BERLIN ENTREPRENEUR ASSISTANCE PROGRAM AS SUBMITTED.

ADOPTED THIS _____ DAY OF _____, 2014 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED, WITH _____ ABSTAINING.

Elroy Brittingham, Vice President

Approved this _____ day of _____, 2014 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen
Town Administrator

Draft

Berlin Entrepreneur Assistance Program

Entrepreneurship

• In economics, **entrepreneurship** is the process of identifying and starting a new business venture, sourcing and organizing the required resources, while taking both the risks and rewards associated with the venture.

- All Maryland Main Streets are primarily looking for restaurants and retail businesses
- Pop-Up Stores and rental assistance programs are showing to be extremely effective in Downtown Revitalization
- Berlin is 100% occupied on the first floor with both retail and restaurants
- The Visitor Center, 13 South Main's 2nd floor, Stephens Methodist Church and several other locations downtown are available for rent as office space
- The Small Business Development Center at Salisbury University meets every Tuesday, by appointment, at 3 Bay Street (the Berlin Planning & Zoning – Eco. Dev. Office)

Berlin Entrepreneurship Assistance Program

- 6 months free rent in the Berlin Visitors Center
- 6 months free utilities
- Free internet
- Customer parking
- Small Conference Room (?)
- TREMENDOUS EXPOSURE
- Lots of support and promotion

Requirements

- Application
- SBDC Consultation
- Business Plan
- Review by SBDC, Berlin Eco. Dev. & Main Street Berlin
- 6 month Letter of Agreement & 6 month lease with Town of Berlin

RFP

- Business must fit with Berlin's Vision
- **No Retail**

MOTION TO APPROVE

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE TOWN OF BERLIN MAIN STREET VOLUNTEER APPLICATION AND POLICY AS SUBMITTED.

ADOPTED THIS _____ DAY OF _____, 2014 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED, WITH _____ ABSTAINING.

Elroy Brittingham, Vice President

Approved this _____ day of _____, 2014 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen
Town Administrator

Town of Berlin-MAIN STREET *June 11, 2014*
Volunteer Application

Name: _____

Address: _____

Home Phone: _____

Cell Phone: _____

E-Mail: _____

Special skills and interests: _____

Availability (circle all that apply): Mornings Afternoons Evenings Weekends
 Times that work best for you: _____

Past volunteer experience: _____

Areas I am most interested in volunteering (circle all that apply):

- | | | | |
|-------------------|------------------|-------------|----------|
| Office Assistance | Committee Member | Fundraising | Clean Up |
| Event Volunteer | Other: _____ | | |

Volunteer signature _____ Date _____

Waiver/Release of Information:

I _____, a participant in the Town of Berlin Volunteer Program, do understand and agree to the following:

- 1) I am not entitled to compensation for performance of my duties as a volunteer, nor any employee benefits, nor am I covered by any workers' compensation. My Liability coverage only covers official volunteer duties.
- 2) The offer of volunteer employment and consideration of continued volunteer employment is contingent upon acceptable review of information including but not limited to criminal conviction history and other such reports that may exhibit information on my work habits, performance, education, and experience, along with reason for termination of employment from previous employers where such information exists.
- 3) I knowingly and voluntarily authorize and consent to allow the Town of Berlin to request information from various Federal, State, and other such agencies which maintain records concerning and relating to records that may contain my driving history, criminal history, credit history, civil history, and other experiences, I hereby authorize without reservation any party of agency contacted by the Town of Berlin, as a condition of volunteer employment to furnish the above listed information and consent shall be valid in its original, faxed or copied form.
- 4) I hereby agree to indemnify, defend, and hold harmless the Town of Berlin, including its agents, employees or representatives, from any and all claims or causes of action, including any claims or causes of action resulting from the negligence or liability of the Town of Berlin, including its agents, employees or representatives, including but not limited to, property damage, bodily injury or death arising out of or in any way connected to my participation in the Town of Berlin Volunteer Program.
- 5) I certify that all of the information I have provided is correct and true.

Applicant Signature: _____ Date: _____

Town of Berlin Volunteer Policy

In order to work well with the staff and to present the Town of Berlin in the best possible light, we ask that you adhere to the following policies while you are on duty as a volunteer. Failure to comply may result in termination of the volunteer role.

Qualifications:

Volunteers must be at least 18 years of age to work without parental supervision. All volunteers must enjoy working with the general public. The ideal volunteer is self-motivated, mature, dependable, a team player and reliable.

Requirements:

Volunteers must agree to represent the Town of Berlin, perform in a professional manner whenever doing so, and not to allow personal views and opinions from overshadowing or conflicting with the Town's purpose.

Scheduling:

The Town respects the time that a volunteer commits to. The volunteer is to schedule their days and hours of service with Megan Houston. In the advent that the volunteer is unable to be at their scheduled shift they are to call Megan Houston at 410-973-2051.

Dress Code:

You are as much a representative of the Town of Berlin as our paid staff. Your appearance and conduct reflect upon the Town of Berlin. We ask that your appearance to be professional. If you are provided any clothing from the Town that is to be worn during the period of service then it must be worn.

Customer relations:

It is to be understood that our customers are visitors and the general public. The success of our Town depends on the quality of relationship between the Town, employees, volunteers, customers and general public. Our customer's impression of the Town of Berlin and their interest and willingness to return to our Town is greatly formed by the impression they gather. Regardless of your role, the more goodwill you promote, the more our customers will respect our Town.

Smoking policy:

The Town prohibits smoking in any building and any Town owned vehicle. It is also prohibited to smoke while conducting duties for the Town. We want to portray the very best image to the public.

Workplace safety:

Safety is important to all of us. Volunteers should conduct themselves in a way that promotes safety of themselves and customers. Volunteers should never put themselves or others in a situation that makes them fearful or uncomfortable. If you feel uncomfortable please notify any Town employee.

Volunteer feedback:

The Town of Berlin encourages volunteers to make suggestions, voice concerns and give ideas about their duties. We are always looking for new ideas so if you have any ideas to share, please speak with Megan Houston.

06/11/2014

Town of Berlin
Release and Waiver of Liability for Volunteer Services

Waivers and Release. I hereby release and forever discharge and hold harmless the Town of Berlin (hereinafter "Town"), and its successors and assigns from all liability claims, demands, and causes of action, of whatever kind in nature, either in law or equity, which may hereafter arise from my participation with and/or any project, activity or event sponsored, managed, arranged or promoted by, or otherwise affiliated or associated with the Town. I understand and acknowledge that this Release discharges the Town from any liability or claim that I may have against the Town with respect to any bodily or other physical injury, illness, death or property damage that may result from my voluntary participation. I also understand that the Town does not assume any responsibility or obligation to provide financial assistance or other assistance, including but not limited to, medical, health, or disability insurance, in the event of injury, illness, death or property damage.

Insurance. I understand that the Town does not carry or maintain any health, medical, or disability insurance for coverage of its volunteers, or workers' compensation coverage for the benefit of volunteers. As a volunteer, I am expected and encouraged to maintain medical, health and all applicable insurance coverage for my own benefit.

Summary of Liability Coverage for Volunteers. The Town has liability insurance coverage to protect employees in the areas of Personal Injury Liability, Property Damage Liability and Employment Benefit Liability. Volunteers of the Town are considered covered persons under this liability insurance coverage while acting for or on behalf of the Town.

Medical Treatment. Except as otherwise agreed to by the Town in writing, I hereby release and forever discharge the Town from all and any liability claims, demands and causes of action whatsoever that may arise on account of any first aid or other medical treatment rendered during my participation with any project, activity or event sponsored, managed, arranged, or promoted by, or otherwise affiliated or associated with the Town.

Accident Reports. If you observe or are involved in an accident while performing volunteer duties, report the accident immediately to the volunteer coordinator or the human resources director and complete a required accident report.

Photographic Release. I do hereby grant and convey unto the Town all rights, titles, and interest in and to any and all photographic images and video or audio recordings made by or on behalf of the Town or made with its consent, during my participation with any project, activity or event sponsored, managed, arranged, or promoted by, or otherwise affiliated or associated with the Town, including, but not limited to, any royalties, proceeds, or other benefits derived from such photographs or recordings.

Suitability for Volunteer Service. I understand that by offering to serve in a volunteer capacity for the Town, I do so at the sole pleasure of the Town, and as such the Town has the last and final judgement on my suitability for volunteer service and may, at any time, discontinue the relationship. I may also discontinue the relationship at any time.

Other. I expressly understand and agree that this Release is intended to be as broad and inclusive as permitted by law, and that this Release shall be governed by and interpreted in accordance with federal, state and county laws. I agree that in the event that any clause or provision of this Release shall be held

to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not otherwise affect remaining provisions of this Release. By signing below, I acknowledge that I have read and understand this Release and agree to its provisions.

Print Volunteer Name

Date

Signature of Volunteer

Date

06/11/2014

TOWN ADMINISTRATOR'S REPORT

July 14, 2014

Purchase Orders

PO# 201403549 in the amount of \$2,545.00 to Schweitzer Engineering Laboratories for emergency replacement of PLC for #5 engine and Nema 4 enclosure. (10-4220-4041)

PO# 201403475 in the amount of \$1,546.03 to Hill's Electric Motor Service for emergency repair of influent motor due to shorting out. (24-4370-4060)

PO# 201403582 in the amount of \$17,700.00 to Kershner Environmental Technologies for emergency pump replacement for sludge pump at treatment plant. (24-4370-4041)

PO# 201500193 in the amount of \$10,000.00 to Atlantic General Health System for donation. (01-4110-4076)

PO# 201500104 in the amount of \$8,000.00 to Purchase Power for annual pre-paid postage for postage meter. (01-4110-4023)

PO# 201403167 in the amount of \$3,260.00 to Goody Hill Groundwork for emergency sewer repair at 524 Flower Street. (24-4365-4043)

PO# 201403443 in the amount of \$2,168.95 to Barr International for emergency repair of recycling truck. (01-4320-4041)

PO# 201403344 in the amount of \$2,060.00 to Beacon Electric for control wires and electric to serve transformer cooling fans. To be submitted for bid bond proceeds (10-4230-4060)

PO# 201500087 in the amount of \$3,200.00 to Ashton Gardens for blanket purchase order for annual maintenance of Veterans Memorial Garden at Main and West Street. To be billed quarterly.(01-4110-4060)

PO# 201500086 in the amount of \$1,500.00 to D3 Corp for blanket purchase order for website hosting and maintenance. To be billed monthly. (01-4110-4064)

PO# 201500085 in the amount of \$2,000.00 to Worcester Youth and Family Counseling for 1st quarter FY15 expenses. Itemization to be provided at end of quarter after September 30, 2014. (01-4500-4113)

PO# 201500089 in the amount of \$1,080.00 to Comcast Cablevision for blanket purchase order for downtown WiFi. To be billed monthly. (01-4110-4024)

PO# 201500004 in the amount of \$3,157.91 to Public Service Commission for quarterly installment for Assessment of Expenses for maintenance. (10-4210-4026)

PO# 201500102 in the amount of \$2,559.00 to Great America Leasing Corporation for blanket purchase order for downstairs copier. Monthly payments of \$213.25. (01-4110-4042)

PO# 201500103 in the amount of \$4,869.84 to Maryland Municipal League for 2014-2015 membership dues and subscriptions. (01-4110-4026)

PO# 201500106 in the amount of \$2,000.00 to Holt Paper Company for blanket purchase order for general supplies. (01-4330-4053)

PO# 201500109 in the amount of \$2,000.00 to Home Depot for blanket purchase order for cleaning supplies and paper for building and grounds. (01-4330-4053)

PO# 201500196 in the amount of \$2,204.43 to American Public Power Association for annual APPA Membership Dues. (10-4210-4026)