



Mayor & Council of Berlin

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BERLIN, MARYLAND

Mayor
Wm. Gee Williams, III

Vice President
Elroy Brittingham, Sr.

Council Members
Dean Burrell, Sr.
Lisa Hall
Troy Purnell
Thomas L. Gulyas

Town Attorney
David Gaskill

Town Administrator
Laura Allen

MAYOR AND COUNCIL MEETING

MONDAY, NOVEMBER 10, 2014

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

EXECUTIVE SESSION.....6:00 PM

REGULAR SESSION7:00 PM

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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, November 10, 2014**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

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

1. Swearing in Ceremony - Councilmember Troy Purnell
2. Approval of the Minutes for:
Regular Session of the Mayor and Council on October 27, 2014
Executive Session of the Mayor and Council on October 27, 2014
Statement of Closure for Mayor and Council on October 27, 2014
3. Approval of Pilot Agreement with Cannery Village
4. Request for Use of Town Riser for Habitat for Humanity Gala
Saturday, November 15th; 7 PM to 11 PM
5. Request for Special Event – New Year's Ball Drop
Wednesday, December 31st; 10 PM – 1 AM
6. Approval of Contract for Purchase and Installation of Bleachers and Benches at
Henry Park.
7. Motion to Approve – Reimbursement for Councilmember's cell phone
8. 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
9. Town Administrator's Report
10. Comments from the Mayor
11. Comments from the Council
12. Comments from the Public
13. Comments from the Press
14. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, October 27, 2014

The meeting of the Mayor and Council for Monday, October 27, 2014 was called to order by Mayor Williams at approximately 7:07 p.m. Councilmembers Brittingham, Burrell, Hall and Gulyas were present, as well as Town Attorney David Gaskill, Town Administrator Laura Allen, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Human Resources Director Jeff Fleetwood, Police Chief Arnold Downing, Water Resources and Public Works Director Jane Kreiter, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart and Administrative Assistant Sharon Timmons. Councilmember Troy Purnell was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams swore in returning Councilmember Dean Burrell and new Councilmember Thomas Gulyas.

Mayor Williams asked for a motion to approve the Regular Session minutes of October 14, 2014. Councilmember Brittingham made a motion to approve the Regular session minutes of October 14, 2014 and council voted to approve 4-0 with Councilmember Purnell absent. Mayor Williams asked for approval of the Executive Session minutes of October 14, 2014. Councilmember Brittingham made a motion to approve the Executive Session minutes and council voted to approve 4-0 with Councilmember Purnell absent. Mayor Williams stated that the Executive Session was closed to discuss the appointment, employment, assignment, promotion, discipline, demotion, removal, compensation, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction.

Mr. Chris Comer, Director of Government and Community Affairs for Comcast came before the council and introduced himself as the replacement for Mr. Tom Worley.

Mayor Williams explained the Special One Day Permit request from the Berlin Fire Company for Saturday, November 15th from 12 noon to 8:00 p.m. for their cornhole tournament. Councilmember Hall made a motion to approve the Special One Day Permit and council voted to approve 4-0 with Councilmember Purnell absent.

Main Street Coordinator Megan Houston and Economic and Community Development Director Michael Day came before the council to request approval for the Tree Lighting and Holiday Arts Night event to be held on Friday, November 28th from 5:30 p.m. to 9:00 p.m. Ms. Houston reported that the Sweet Adeline's would be performing and that an ice sculpture artist would be on site. Mr. Day requested that Public Works provide fencing to surround the sculpture. Councilmember Burrell made a motion to approve the Tree Lighting and Holiday Arts Night event and council voted to approve 4-0 with Councilmember Purnell absent.

Kate Patton of the Lower Shore Land Trust came before the council requesting approval for a Special One Day Permit for their fundraiser "Get Blue Grass" to be held on Saturday, December 6th from 6:00 p.m. to 11:00 p.m. at the Berlin Fire Hall. Councilmember Brittingham made a motion to approve the event and council voted to approve 4-0 with Councilmember Purnell absent.

Town Administrator Laura Allen spoke to the council on the request to update the existing contract between the Town and EA Engineering, Science and Technology for on call services. Ms. Allen recommended that the contract be amended to add \$45,000 which would be funded from the professional services line item in the Stormwater Fund. Councilmember Hall made a motion to approve the contract amendment with EA Engineering, Science and Technology in the amount of \$45,000 and council voted to approve 4-0 with Councilmember Purnell absent.

Deputy Town Administrator Mary Bohlen requested that the fees of \$350-400 associated with the installation of bleaches and benches for the Henry Park basketball courts project be waived as this is a Town-owned and operated facility. The Town would still be obtaining the required building permit. Ms. Bohlen stated that the bid opening was scheduled for October 31st. Councilmember Gulyas made a motion to approve the wavier of permit fees associated with the Henry Park Bleacher and bench installation project and council voted to approve 4-0 with Councilmember Purnell absent.

Mayor Williams stated that Items 8 and 9 concerning recommendations from the Planning Commission would be moved to a future meeting.

Mayor Williams read Proclamation 2014-05 which proclaims November as Municipal Government Works Month.

Public Works Director Jane Kreiter reviewed the dates and times for the Bulk and Yard Waste Pickup and the items which would be permitted for collection.

Having completed the items on the Regular Agenda, Mayor Williams asked for Departmental Reports. Finance Director Natalie Saleh reported that PKS would be presenting their audit findings at one of the meetings in November. She also reported on the MDGFOA conference that the Finance department and Town Administrator Laura Allen had attended last Friday.

Deputy Town Administrator Mary Bohlen reported on the ribbon cutting for the new mural at Stephen Decatur Park would be held after the Just Walk event sponsored by the Worcester County Health Department on November 8th . She also stated that she had placed the 2015 Boards and Commission meeting schedule in the packets.

Water Resources and Public Works Director Jane Kreiter reported that staff had attended snow plow training last week and were currently reading meters. She also reported that Water Resources would be hosting a 2 day training course for the Maryland Center for Environmental Training and that construction on the Tripoli Street sidewalks should begin on November 10th.

Electric Utility Director Tim Lawrence reported that a new underground service for State Highway at Route 113 and Bay Street had been installed and that work was continuing on the lightning protection devices. Mr. Lawrence also stated that he was working with Comcast on the new phone system.

Police Chief Arnold Downing reported on the preparations for Halloween this Friday and the Community Outreach Harvest Festival with Sonrise Church on November 1st.

Planning Director Dave Engelhart reported that he had attended ADA Architectural Accessibility training last week and that several preliminary concept site plan meetings had been held on the proposed developments such as the Dollar General, the Library and Main Street Homes.

Human Resources Director Jeff Fleetwood reported that he would be attending the annual LGIT meeting in Annapolis. He also stated that the review for FY16 health benefits renewals would begin shortly and continue through February.

Economic and Community Development Director Michael Day reported on the huge success of OctoberFest and thanked all the departments for their assistance. Mr. Day reported on the \$500 grant received from the Worcester County Arts Council, the Berlin Florist business had been sold and that he and Megan would be attending the Main Street Quarterly meeting where they would receive information on becoming a Certified Local Government.

Town Administrator Laura Allen reported that shuttles would be available for visitors for the Christmas parade and thanked Tom Sholtis for his assistance with that endeavor. She then presented 7 purchase orders (201501031, 201500860, 201501120, 201501114, 201501049, 201501010 and 201501137) to the council for approval. Councilmember Brittingham made a motion to approve the 7 purchase orders as submitted and council voted to approve 4-0 with Councilmember Purnell absent.

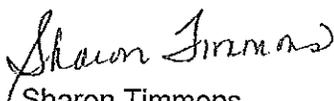
Mayor Williams and Councilmembers Hall, Brittingham and Burrell welcomed Mr. Gulyas to the council.

Mr. Tom Sholtis of 103 Washington Street came before the council requesting that Washington Street be closed from the hours of 5:00 p.m. to 7:00 p.m. for Halloween. Chief Downing spoke that he was in favor of the closure and stated that he would also have officers in the areas of West and Main Street to West and Broad Street and also at US Route 113 and Bay Street to monitor trick or treat traffic. Councilmember Hall made a motion to approve the closure of Washington Street on Friday, October 31st from the hours of 5:00 p.m. to 7:00 p.m. for Halloween and council voted to approve 4-0 with Councilmember Purnell absent.

Mayor Williams asked for comments from the press and the public. Beth Gourley of 13 Vine Street came before the council inquiring on the possibility of having a skate park in Berlin. Mayor Williams stated that he has been actively looking for a place to accommodate the park along with other recreational activities. The Mayor encouraged residents to speak with Ms. Bohlen and/or the Parks Commission regarding their wish lists. The Town will be holding Strategic Planning sessions in the future and residents are encouraged to attend and contribute their ideas. Residents Ben Smith, Matt Dove, Steve Farr and Patricia Dufendach all spoke on their support of a skate park.

There being no comments, Councilmember Burrell made a motion to adjourn the meeting and the meeting ended at 8:25 p.m.

Respectfully submitted,



Sharon Timmons
Administrative Assistant

TOWN ADMINISTRATOR'S REPORT
November 10, 2014

Purchase Orders

PO# 201501107 in the amount of \$2,275.58 to Maryland State Retirement for administration fees. (Distributed among all departments)

PO# 201501172 in the amount of \$1,189.50 to Storage Battery for replacement batteries for DPL Tie Point connection to transmission line. (10-4230-4041)

PO# 201501173 in the amount of \$1,712.50 to Feedwater Treatment Systems for chemicals for Power Plant Cooling Tower. (10-4220-4049)

PO# 201501216 in the amount of \$1,098.58 to A.E. Moore Janitorial for Floor mats for customer service areas. (01-4330-4040)

PO# 201501083 in the amount of \$3,000.00 to Betts & Holt for blanket order for professional services associated with electric utility matters. (10-4210-4020)

PO# 201501227 in the amount of \$35,009.00 to Game Time for purchase and installation of bleachers and benches for Henry Park. (01-4500-4092)

PO# 201501182 in the amount of \$3,000.00 to All Traffic Solutions for annual upgrades and warranties for all traffic speed boards. (01-4200-4060)

***TOWN OF BERLIN FALL 2014 SPECIAL TRASH & YARD
WASTE COLLECTIONS***

Please see below for information about what will be collected and what dates apply to your neighborhood.

If your <u>NORMAL TRASH DAY</u> is	then your <u>BULK WASTE PICKUP DAY</u> will be	and your <u>YARD WASTE PICKUP DAY</u> will be
Tuesday or Wednesday	Wednesday, November 5	Wednesday, December 3
Thursdays	Wednesday, November 19	Wednesday, December 10

Regular household garbage is not part of these collections. Collection is for residential properties only; commercial and industrial properties are not included. Items must be at the curb by 7:00 AM; materials placed for pickup at any other time may not be collected.

BULK ITEM COLLECTION

DO:

Include items such as: Furniture - Toilets and Sinks – Carpet – Mattresses Tables and Chairs
- Refrigerators, washers & dryers – Small appliances

Small items must be placed in a container at the curb and weigh no more than 100 lbs.

DON'T:

Include items such as: Hazardous Waste - Construction materials – Paint - Yard waste/brush -
Propane tanks – Tires - Chemicals - Computer components

YARD WASTE COLLECTION

DO:

Place leaves, grass clippings, pine needles and cones, and garden waste in a paper bag, plastic bag, or (maximum) 30 gallon container.

Cut brush into 4 ft. lengths and bundles no larger than 18 inches in diameter.

DON'T:

Mix in stones, rocks, metal, other inorganic matter, dirt, sod or other materials.

For more information about acceptable items for either collection, please call the Public Works Department at 410-641-4001.

MINUTES – PARKS COMMISSION
October 7, 2014

A meeting of the Berlin Parks Commission was held on Tuesday, October 7, 2014 at 5:30 PM. Board members Patricia Dufendach, Sarah Hooper, and Bruce Hyder were present as well as Deputy Town Administrator Mary Bohlen. Councilmember Lisa Hall and Town Administrator Laura Allen were also present. Commission members Mike Wiley and Loretta Briddell were absent.

The Commission reviewed the Minutes of September 2, 2014. Mr. Hyder moved to approve the Minutes as written and approval was unanimous.

Ms. Bohlen indicated that Kate Patton of the Lower Shore Land Trust had been scheduled to provide an update on the Bike/Pedestrian corridor project, but, as she had not yet arrived, that agenda item would be postponed until later in the meeting.

Ms. Bohlen provided an update on the installation of the Stephen Decatur Tot Lot fence, which was completed earlier in the day. Ms. Dufendach provided pictures of the rain gardens and Stephen Decatur Park and discussion of the rain gardens and protecting the trees along the parking lot from being struck by the mowers followed. Ms. Bohlen indicated that she would follow up with Public Works Director Jane Kreiter.

Ms. Bohlen indicated that the pre-bid meeting for the Henry Park Bleacher project would be held on Friday, October 10, 2014 and the bid opening would be Friday, October 24, 2014. Ms. Bohlen anticipated that, once awarded, the successful bidder should be able to complete the installation by the end of the calendar year, weather permitting. She also anticipated that, once the bleachers and benches were installed, use of the courts and the park in general would increase for organized events.

Ms. Bohlen reminded the Commission that the Just Walk Berlin event would be held on Saturday, November 8, 2014 from 9-10 AM and that it would be appreciated if the Commission members arrived at 8:30 AM to tidy up the paths. Following the Just Walk event, the mural ribbon-cutting would be held at 11:00 AM. Ms. Bolen brought the Commission members attention to a letter included in their packet that was being sent to local government representatives at the request of the Worcester County Arts Council acknowledging their grant toward the mural project. She also noted the invitation that would be sent to the participating students and the art teachers at Stephen Decatur High School.

Ms. Bohlen provided an update on the Bike/Pedestrian corridor. The MDoT Bikeways project that the Town had submitted on behalf of LSLT had been approved in the amount of \$30,000 and notification had been received earlier in the date that the FLAP (Federal Land Access Program) grant submitted by Worcester County on behalf of LSLT had been approved *

Melanie Windsor of Worcester Youth and Family Project joined the meeting in progress. Ms. Windsor described recent and upcoming projects being done by the Youth Program children. She indicated that she would be approaching the Parks Commission regarding a “rock” garden, a project in which the children would paint small rocks to create a mosaic-type design. She also indicated that WYFC would be hosting a Halloween event/activity on Halloween in which the children could trade their hard candy for an item to be determined. The hard candy would then be sent to troops overseas through a program sponsored by the Worcester County Health Department.

Kate Patton had joined the meeting in progress during Ms. Windsor’s presentation. Ms. Patton clarified that the MDoT monies had been awarded, along with an Assateague Gateway Trail Project

technical assistance grant – not the FLAP program funds as Ms. Bohlen had indicated earlier. She also spoke briefly regarding an initial discussion she had had with railroad representatives regarding utilization of the railroad right-of-way/easement for trail connections.

The meeting adjourned at approximately 6:00 PM.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Mary T. Bohlen".

Mary T. Bohlen
Deputy Town Administrator
Liaison to the Parks Commission

Town of Berlin
Historic District Commission
October 1, 2014

Approved
11/5/14

The meeting for the Historic District for the October 1, 2014 was called to order by the Chairman Carol Rose. In attendance were Carol Rose, Rick Stack, Mary Moore, Ellen Lang and Betty Tustin. Absent from the meeting was Joel Todd. Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy were also present.

Chairman Rose called the meeting to order at 5:30PM. She then called for a motion to except the agenda. Rick Stack made the motion to accept the agenda. Ellen Lang seconded the motion and it was unanimously accepted by the commission.

Chairman Rose called for a motion to approve the September 3th and the September 9th special meeting. Carol made motion to approve minutes and asked Carolyn to amend the minutes to say that they had voted at last month's meeting. Ellen Lang made motion and Rick Stack seconded.

Worcester Youth & Family located at 124 North Main Street. Case # 10-1-14-17 represented by Steve Taylor was requesting a new sign for the building. Mr. Taylor told the commission they have rooms inside the building that that they dedicate the pictures on the wall which are called the Ray. Most of the pictures have been dedicated to someone for giving or doing something or supporting the organization. The sign they want to put outside is larger and at this time has not been dedicated to anyone but plan to do that in the future. They met with contractor All State Construction has come up with a way to mount it on the building not to scale but close to it. Chairman Rose told they commission that the building was built in 1950 and was the old Acme Market. She also told the members that the building was not a Historic Building. Mary Moore wanted to know if the sign would rust on the building. Mr. Taylor told them they would be using spacers behind the sign to hold it off the building about 3 inches. Discussion continued about the color of the sign and if they would be dedicating anymore signs. The sign had been purchased years ago and just getting around to putting it up. Ms. Lang asked if this was their logo. Steven said their thought and logo for the sign were rays of hope. They would like to later put a sign under the ray sign to acknowledge the organization. Betty Tustin asked if they had metal signs inside. He replied they have metal and plastic signs they try to make the signs look like the people they are trying to emulate for example the police he has a hat or if the person was a Ravens fan used purple. Mr. Stack was concerned about the birds that could rouse behind the sign and whether they could paint the building. Mr. Taylor told them they leased the

building and they could paint if needed. He told the commission that they were responsible for the old side of the building. Chairman Rose called for a motion. Ellen Lang made the motion to approve Case# 10-1-14-17. Mary Moore seconded the motion and it was unanimously accepted by the commission.

There were no comments from the public. Mr. Engelhart mentioned Michael's Day's retirement luncheon that was held that same day. Comments from the commissioners about the amount of visitors that were coming to town. Meeting was adjourned 5:50PM.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Carolyn Duffy".

Carolyn Duffy

Town of Berlin
Board of Zoning Appeals
September 3, 2014

Approved
11/5/14

The meeting for the Board of Zoning for the September 3, 2014 meeting was called to order by Chairman Joe Moore. In attendance were Joe Moore, Woody Bunting, Geren Mortenson and Jay Knerr. Absent from meeting was Douglas Parks. Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy were also present.

Chairman Joe Moore called for a motion to approve the minutes from the last meeting March 20th 2013. Geren Mortensen made motion to approve minutes from the March 20th 2013 meeting. Woody Bunting seconded the motion and it was unanimously accepted by the commission.

Chairman Joe Moore read the second item on the agenda. The applicant requesting an exception from Article 1x Division 3 off street parking, section 108-788 Town of Berlin zoning ordinance seeking a reduction in the required amount of parking spaces within the B-1 zoning district. Property located on Old Ocean City Blvd Map 0301 Parcel 1713.

Chairman Moore asked Mr. Engelhart to explain that section of the code, Mr. Engelhart told the commission that the applicant would like to have 41 parking spaces instead of the 49 that is required by the town code. Mr. Chase's attorney, Mr. Randy Coates was requesting special exception to the town code. Mr. Coates showed the commission the dimensions of the property 455 feet east of route 113 less than an acre of land. The site plan showed location of structure that is to be the Dollar General. Mr. Chase had prepared a summary chart of the different Dollar Generals in the area and it showed how many parking spaces they each required, average number being only 35 parking spaces. His idea is that this is a great spot for a Dollar General Store to provide services to the residents they would not have to cross the road for goods. Mr. Coates told the commission that state highway has a bike path and the property is zoned B-1 and it is not possible to get 49 spaces that are required by the ordinance for the lot. He said that number is higher than any of the other stores.

Chairman Moore swore in Mr. John Camp. Mr. Camp told the commission that the corporation would approve supply parking spaces but the 49 spaces were a burden. He told them the average parking spots were 35 he had built two of the stores that were on the sheet and have not had any problems with the parking. Chairman told Mr. Coates and Mr. Kemp what they do at this meeting doesn't approve site plan. Mr. Coates said there is more work to be done on the site. They are there because of practical difficulties the size of the lot doesn't allow the parking. Mr. Jay Knerr asked if they would be installing the sidewalks. Mr. Camp replied no. He was asked

if they would buy the adjacent lot. He said no his budget doesn't get any higher. Discussion continued about parking space sizes, dumpsters and deliveries. Chairman Moore called for a motion.

Mr. Bunting made motion to approve the reduction in the parking requirements. Mr. Geren Mortensen seconded the motion and it was unanimously accepted by the commission. The Chairman told them the variance was granted but it only relates to the number of parking spaces on the site and that would be 41. It did not constitute a recommendation or a determination of site plan approval. That is the planning commission it has nothing to do with the entrance location. They liked the idea of the biking and sidewalks. Mr. Woody Bunting told them they didn't give a right-a- way width and it was going to be tight on Old Ocean City Blvd and narrow and they have some hurdles to go through.

Meeting adjourned at 6:55PM

Respectfully Submitted,



Carolyn Duffy