



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, FEBRUARY 9, 2015

**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

Troy Purnell

Thomas L. Gulyas

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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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, February 9, 2015**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

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

1. Approval of the Minutes for:
Regular Session of the Mayor and Council on January 26, 2015
Executive Session of the Mayor and Council on January 26, 2015
Statement of Closure for Mayor and Council on January 26, 2015
2. Request for Special Event – Spring Celebration
Saturday, April 4, 2015; 10:00 a.m. – 5:00 p.m.
3. Resolution 2014-06; Amendment of Growth Area 1 (GA1) into the 2010 Comprehensive Plan for the Town of Berlin
4. Motion to Approve – Allocation of \$5,000 to Worcester County Economic Development for Phase II of Tourist Train Study.
5. Motion to Approve - \$5,000 Grant to Assateague Coastal Trust for Grow Berlin Green's assistance with Sustainable Maryland Program
6. Motion to Approve – Contract with The Trice Group for appraisal of Tyson property
7. Membership in American Municipal Power
 - a. Motion to authorize membership
 - b. Resolution authorizing the execution of Berlin 2015 power supply schedule with American Municipal Power, Inc.
8. Departmental Reports
 - a. Finance – Natalie Saleh
 - b. Electric – Tim Lawrence
 - c. Police – Arnold Downing
 - d. Planning – Dave Engelhart
 - e. Human Resources – Jeff Fleetwood
 - f. Economic and Community Development – Ivy Wells
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, January 26, 2015

The meeting of the Mayor and Council for Monday, January 26, 2015 was called to order by Mayor Williams at approximately 7:11 p.m. Councilmembers Purnell, Burrell, Brittingham, 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, Economic and Community Development Director Ivy Wells, Planning Director Dave Engelhart, Electric Utility Director Tim Lawrence and Administrative Assistant Sharon Timmons. Water Resources and Public Works Director Jane Kreiter was absent.

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 January 12, 2015. Councilmember Gulyas made a motion to approve the Regular session minutes of January 12, 2015 and council voted unanimously to approve 5-0. Mayor Williams asked for approval of the Executive Session minutes of January 12, 2015 and Councilmember Brittingham made a motion to approve the Executive Session minutes and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed for Article 10-508 (a) (14), before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation, strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Worcester County Arts Council President Brian Garrett and Board member Erika Uebel came before the council to request approval for their 4K run scheduled for Saturday, May 16th from 8:00 a.m. to 10:00 a.m. Mr. Garrett stated that the group was working with OC Tri-Running and that a proposed route had been given to Chief Downing for his approval. Councilmember Hall made a motion to approve the 4K run sponsored by the Worcester County Arts Council for Saturday, May 16th and council unanimously voted to approve 5-0.

Mr. Steve Taylor, Executive Director of Worcester Youth and Family Counseling Service came before the council to present an update on the Berlin Youth Club. Mr. Taylor gave a powerpoint presentation summarizing the activities and programs they offer and explained the new program for adolescent boys called "SABERS". Mayor Williams stated that he felt that the engagement of WYFCS in the community was a great benefit to the young people and not only gave them a sense of pride and self- esteem, but also was important for the young people to feel that they are part of a larger family.

Ms. Emily Ranson and Mr. Matt Wempe of Bike Maryland came before the council to present the Bicycle Friendly America Program via a powerpoint presentation. Ms. Ranson reviewed the 5 E's (Engineering, Education, Encouragement, Enforcement and Evaluation Planning) and spoke on the benefits. Mayor Williams asked for Ms. Timmons to forward the presentation to the council via email.

Economic and Community Development Director Ivy Wells and Administrative Assistant Sharon Timmons came before the council requesting approval for the suspension of the open container law at the six (6) specific events of Cool Berlin Day, May Day Play Day, Berlin Jazz & Blues, Fiddlers Convention, OctoberFest and the New Year's Eve Ball Drop. Councilmember Gulyas asked Chief Downing if there had been any issues in the past and Chief Downing stated that there had been no major issues at the events. Councilmember Gulyas made a motion to approve the suspension of the open container law for the 6 events as submitted. Councilmember Burrell asked to have the time changed from 10 a.m. to 12 noon for the Fiddlers Convention event on Saturday, September 19, 2015. Ms. Timmons stated she would make the change. Councilmember Gulyas revised his motion to include the time change for Saturday, September 19th and council voted unanimously to approve 5-0.

Having completed the items on the Regular Agenda, Mayor Williams asked for Departmental Reports. Finance Director Natalie Saleh reported that the two vendors for the new financial software were still being scored and reviewed. Ms. Saleh also reported that \$2,600 in donations had been received towards the Energy Assistance fund and as the Town matches that amount, a check for \$5,200 would be mailed to Shore UP for distribution.

Deputy Town Administrator Mary Bohlen reported that a CodeRed notification had been sent out today regarding off street parking and possible delay of trash pickup due to the impending weather.

Electric Utility Director Tim Lawrence showed pictures of the transclosure replacement at the Atlantic Hotel and reported that all went well concerning the outage. Mr. Lawrence also reported that 3 energy audits had been completed and the phone conversion from Verizon to Comcast had begun.

Police Chief Arnold Downing thanked everyone for the cards and calls regarding the passing of his uncle and stated that the department had been receiving numerous calls regarding the passing of K-9 officer Titus. Chief Downing reported that they were preparing for the snow event and that they were investigating the recent incident of vandalism to vehicles and buildings.

Planning Director Dave Engelhart reported that there had been a kerosene spill earlier in the day at 111 Maple Ave and that the Fire Marshall and MDE's Hazmat team had been on the scene. The occupants of the home have been relocated until the scene is deemed safe. Mr. Engelhart stated that there was no evidence that any kerosene had reached the street or sidewalk.

Human Resources Director Jeff Fleetwood reported that he was still bringing on various insurance vendors regarding health insurance and they were close to extending an offer for the new Administrative Assistant.


Economic and Community Development Director Ivy Wells reported that the 120th anniversary party at the Atlantic Hotel is nearly sold out. Ms. Wells also spoke on the Friday, February 13th event which will be called "Indulgent Berlin" and corresponds with the 2nd Friday and will feature tastings of wine and food and lots of chocolate. Ms. Wells stated that she had met with DHCD Secretary Ken Holt to discuss what the budget cuts will mean to Community Legacy. The Welcome Center will also be highlighting February as Black History month with a book signing and a Charles Tindley display.

Town Administrator Laura Allen presented 5 purchase orders (201501658, 201501499, 201501766, 201501754 and 201501530) to the council for approval. Councilmember Brittingham made a motion to approve the 5 purchase orders as submitted and council voted unanimously to approve 5-0.

Councilmember Burrell asked about the progress of the sidewalks on East Branch Street. Josh Taylor of Davis, Bowen & Friedel stated that the design was 90% complete, but they were still reviewing areas for stormwater management. Discussion continued.

There being no comments from the public or press, Councilmember Burrell made a motion to adjourn and the meeting ended at 8:13 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sharon Timmons".

Sharon Timmons
Administrative Assistant

RESOLUTION 2014-06

**RESOLUTION OF BERLIN PLANNING COMMISSION
RE: AMENDMENT OF GROWTH AREA 1 (GA1)
OF THE 2010 COMPREHENSIVE PLAN FOR THE TOWN OF BERLIN, MARYLAND**

WHEREAS, on June 14, 2010, by Resolution 2010-06, the Mayor and Council of Berlin adopted the 2010 Comprehensive Plan for the Town of Berlin; and

WHEREAS, "Municipal Growth Element" was designated in said Comprehensive Plan as Plan Element 6 and established therein the Growth Areas for the future land use of the Town and, designated those Growth Areas as follows: "The Annexation areas shown on the future Land Use Map and described herein are based on areas most likely to request Annexation and are in locations that best benefit the future of Berlin. The 'Planning Area' indicates areas that the Town may consider annexing to address its future growth needs."; and

WHEREAS, "Growth Area 1 (GA1) is located to the east of the Town boundaries Flower Street and Maryland Route 346 as indicated on Map 5". (Comprehensive Plan Municipal Growth Element Page 34). Said future Growth Area 1 was denoted in said Plan for a future use of "Mixed Residential/Commercial" (Table 6-3 Growth Area Summary, Page 38); and

WHEREAS, the property hereinafter designated as the proposed additional property for inclusion in Growth Area 1 is a presently developed commercial use and, a potentially additional commercial mixed use area which provides additional commercial area for the citizens of the Town and is located in an area where existing commercial uses in close proximity to other commercial uses, makes it an appropriate addition for the inclusion in Growth Area 1.

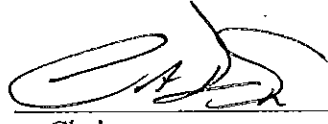
NOW THEREFORE, this Resolution Witnesseth: that the Town of Berlin Growth and Urban Growth Boundary Areas Map (Map 5) and Growth Area 1 as designated in the 2010 Comprehensive Plan for the Town of Berlin, Maryland be amended to provide that Growth Area 1 contain the additional specific component as follows:

The commercial area contiguous to the Town of Berlin lying on the north side of U.S. Route 50 and the westerly side of Maryland Route 452 (Friendship Road) designated as Part A and Part B on a certain Plat of the Reassembled Lands of Lester E. and Violet M. Black and Steve E. and Karen D. Black which said Plat is recorded among the Land Records of Worcester County, Maryland in Plat Book R.H.O. No. 125, page 21, said area containing 15.212 acres of land.

It is therefore recommended to the Mayor and Council of Berlin that said Mayor and Council amend the 2010 Comprehensive Plan for the Town of Berlin to provide the subject property being included in Growth Area 1 (GA1) as being a beneficial area for the inclusion of additional commercial uses within the Corporate Limits of the Town of Berlin in Growth Area 1.

Respectfully submitted this 29 day of JANUARY, 2015 by the Berlin Planning and Zoning Commission

Berlin Planning and Zoning Commission

By: 
Chairman

The following portion of the Comprehensive Plan is attested as true and accurate copy of the amended part of the Comprehensive Plan.

"It is hereby resolved that the Comprehensive Plan of the Town of Berlin be amended as to the Municipal Growth Element Section 6, on Page 34 defining "Growth Area 1" as follows:"

"Growth Area 1 (GA1) is located to the east of the Town boundaries Flower Street and Maryland Route 346 as indicated on Map 5. Sparse residential development currently exists in this area along Flower Street. Along Maryland Route 346 a mix of vacant properties, commercial enterprises and warehouses exist.

Six specific components existing within Growth Area 1 (GA1) are: (1) Commercial properties on Maryland Route 346, (2) Residential properties along Flower Street Extended, (3) Forested/wetland areas throughout GA1, (4) Vacant farmland to the east of Seahawk Road, (5) Vacant farmland to the west of Stephen Decatur Middle and High Schools and (6) The parcel of land on the north side of U.S. Route 50 and the westerly side of Friendship Road (Maryland Route 452) containing 15.2 acres, and being the property of Steven and Karen Black.

Properties along Maryland Route 346 and the commercial property on the north side of U.S. Route 50 should be considered as priority for annexation to continue the trend of specialized medical facilities and for providing service to residents.

The property north of U.S. Route 50 is appropriately zoned commercial and is thus appropriate for annexation for additional commercial facilities within the Town. //

The Plan as it amends Growth Area 1 is hereby certified to the Mayor and Council as the true copy of the part of the Plan to be amended.


Planning Commission Chairman

TOWN OF BERLIN
RESOLUTION NO. 2015-01
A RESOLUTION AUTHORIZING THE EXECUTION OF
BERLIN 2015 POWER SUPPLY SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")

WHEREAS, the Town of Berlin, Maryland (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the state of Maryland that owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and customers; and

WHEREAS, in order to satisfy the electric energy requirements of its electric utility system, the Municipality will purchase economical and reliable energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member; and

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric energy for ultimate delivery to its customers; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP dated February 9, 2015, which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality; and

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric energy for a term of no longer than thirty one (31) months, which will provide an economical source of electric energy (herein "Energy Purchase(s)") for Municipality and other AMP Members; and

WHEREAS, AMP, on behalf of the Municipality, desires to purchase from third party supplier(s) and then to resell the energy available from these Energy Purchase(s) to Municipality at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, or AMP service fees) not to exceed \$66.00 per MWh; and

WHEREAS, AMP, has prepared and delivered to the Municipality the form of a Berlin 2015 Power Supply Schedule, pursuant to which the Municipality may purchase electric energy; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Energy Purchase(s) to the Municipality, as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of the Energy Purchase(s), to take actions contemplated by the Resolution hereinafter set forth and to determine that the same are in the public interest; and

WHEREAS, Municipality is required to engage in competitive practices in procurement of power, Md. PUBLIC UTILITIES Code Ann. §4-402 (c) (2) (2014);

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BERLIN, MARYLAND.

SECTION 1. That the form of the 2015 Power Supply Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Town Administrator or the Town Administrator's designee are hereby authorized to execute the 2015 Power Supply Schedule and to acquire the Municipality's energy from Energy Purchase(s), with a term of no more than thirty one (31) months, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, or AMP service fees) not to exceed \$66.00 per MWh, and is further authorized to execute and deliver any and all documents necessary to participate in Energy Purchase(s), pursuant to the conditions set forth herein for a term of no more than thirty one (31) months, as set forth in the 2015 Power Supply Schedule.

SECTION 3. That competitive bidding is required on the Municipality's acquisition of its right to secure energy under the 2015 Power Supply Schedule, and the Town Administrator or the Town Administrator's designee have secured adequate evidence that competitive practices were followed in procuring the Energy Purchase(s) identified on the Berlin 2015 Power Supply Schedule.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. That this Resolution shall take effect at the earliest date allowed by law.

TOWN ADMINISTRATOR'S REPORT
February 9, 2015

Purchase Orders

PO# 201501808 in the amount of \$2,337.45 to Maryland State Retirement for administrative cost fees.

PO# 201501788 in the amount of \$1,967.75 to Hach Company for Emergency D.O. probe upgrade for treatment process. (24-4370-4073)

PO# 201501875 in the amount of \$2,419.20 to Card's Computer for additional cabling needed in several locations. (01-4200-4060, 01-4330-4060, 10-4220-4060)

PO# 201501881 in the amount of \$4,500.00 to The Trice Group for appraisals for purchase of easements. (30-4300-4131)