



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811
Phone 410-641-2770 Fax 410-641-2316
www.berlinmd.gov



BERLIN, MARYLAND

Mayor
Wm. Gee Williams, III

MAYOR AND COUNCIL MEETING

Vice President
Elroy Brittingham, Sr.

MONDAY, MARCH 23, 2015

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

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

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, March 23, 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:
 - a. Executive Session of the Mayor and Council on March 9, 2015
 - i. Statement of Closure for Mayor and Council on March 9, 2015
 - b. Regular Session of the Mayor and Council on March 9, 2015
 - c. Executive Session Minutes for March 12, 2015
 - i. Statement of Closure for Mayor and Council on March 12, 2015
2. Request for Special Event – St. Paul UMC 5K Memorial Run 7:45 AM – 9:45 AM
3. Request for Special Event – May Day Play Day, May 8, 2015, 5:00 PM – 9:00 PM
4. Request for Special Event – Explore Berlin Festivals Burley Oak Brewing Company
 - a. May 16, 2015, 2:00 PM – 8:00 PM
 - b. June 13, 2015, 2:00 PM – 8:00 PM
 - c. October 3, 2015, 2:00 PM – 8:00 PM
 - d. November 7, 2015, 2:00 PM – 8:00 PM
5. Motion to approve - Cannery Village Development
 - a. Public Works Agreement
 - b. Stormwater Construction Agreement
 - c. Stormwater Management Inspection and Maintenance Agreement
6. Public Hearing - Resolution 2014-06 Annexation
 - a. Resolution proposing the annexation to the Town of a certain area of land situated and contiguous to and adjoining upon the corporate limits of the Town of Berlin, on Seahawk Road.
 - b. Annexation Agreement
7. Motion to Approve - Program Open Space Annual Program
8. Motion to Approve - Contract with EA Engineering, Science and Technology, Inc. environmental consulting and remediation services.
9. Motion to Approve - Contract with Tyler Technologies for new financial system.
10. 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 – Ivy Wells

- 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

MINUTES
REGULAR MEETING
City Council of the Town of Berlin, Maryland
Town Hall, 10 William Street.
Berlin, MD 21811
Monday, March 9, 2015
7:00 PM

CALL TO ORDER

Mayor Gee Williams, called the Regular Meeting of the City Council to order at 7:08 p.m.
Council Present – Mayor Gee Williams, Councilmembers, Troy Purnell, Thom Gulyas, Dean Burrell
Council Members absent - Lisa Hall, Elroy Brittingham

Staff Present – Town Administrator Laura Allen, Public Works and Deputy Town Administrator Mary Bolen, Wastewater Treatment Director Jane Kreiter, Economic Development Director Ivy Wells, Human Resources Director Jeff Fleetwood, Planning & Zoning Director Dave Engelhart, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, and Town Attorney Dave Gaskill

1. Approval of Minutes for Regular Session of the Mayor and Council on February 23, 2015

On the motion of Councilmember Thom Gulyas, minutes were approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

2. Request for Special Events

Economic Director Ivy Wells, presented a 'Request for Special Event.'
Cool Berlin Day on April 18, 2015 1:00 PM – 6:00 PM.
This event will require a road closure from 12 PM. to 7 PM. This event is designed to kick off with a Berlin youth groups parade and then celebrate a Town party to celebrate the 1st year anniversary of Berlin's designation of being voted "Coolest Small Town." There will be food vendors, music, games and contests.
On the motion of Councilmember Purnell, event was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

3. Request for Special Events

Economic Director Ivy Wells & Pat Dinier, presented a 'Request for Special Event.'

Berlin Heritage Festival on April 25, 2015 10:00 AM – 5:00 PM, Rain date April 26, 2015

Prior to giving details about the requested Special Event, Director Wells informed the Mayor and Council, staff, and press that Ms. Dinier had been awarded the title of the event 'New Heritage Event by the by the Lower Eastern Shore Area Heritage Council. This event will create a place to put artists, cars and a general celebration of the Town's incorporation in 1886/1887 by the 1st Mayor, John Pitts. Invited guests are 15 period artisans, cheese vendor, street scenes (Victorian Era welcome by Mayor Williams), another scene from the Edwardian/Flapper period, ending with WWII singers and songs to bring the montage to an upbeat ending. Merchants and festival goers are encouraged to dress in period costume. Also noted, a local group the Pine Tones will be singing from the front porch of the Atlantic Hotel. Under discussion with the Economic Director and Ms. Dinier there is the possibility of a modern day bride arriving downtown by carriage, an opportunity to usher in to new and positive beginnings per Mayor Williams.

On the motion of Councilmember Gulyas, the event was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

4. Public Hearing – Arts and Entertainment District Re-designation (Resolution 2015-002)

Economic Development Director Ivy Wells, Robin Tomaselli and Heather Layton addressed the Mayor and Council regarding the need to re-apply every 10 years for the Entertainment district designation.

Councilmember Burrell asked what is the definition of an Arts and Entertainment designated area as defined by The State of Maryland. According to Economic Director Wells, the area must be of mixed use and areas of the Town that encompass no more than 100 acres. It also allows artists to take advantage of DBED (Department of Business & Economic Development), and tax credits. The Mayor and Council both congratulated Ms. Wells as well as her predecessors for the great impact their efforts have had culturally etc. and allowed room for growth. Councilmember Gulyas stated the Arts and Entertainment Designation attracts an excellent quality of volunteers, and shoppers to the area.

On the motion of Councilmember Purnell, the contract was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

5. Motion to approve – Contract with Department of Agriculture for Mosquito Control for 2015 Season

Town Administrator Laura Allen reported this is the same contract that has been approved for several years in the past; it is \$6,000 for the 2015 season. The contract has been extended in past years allowing for rainy seasons.

On the motion of Councilmember Purnell this designation was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

6. Motion to approve Contract with EA Engineering

TABLED: Until 3/23/15 Council Meeting, due to the lack of a quorum on this item.

7. Request for Special – 1 Day Permit

Berlin Fire Company Casino Night: Saturday, March 28, 2015 7:00 PM – 1:00 AM.

On the motion of Councilmember Gulyas, this event was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

8. Request for Special – 1 Day Permit

Berlin Fire Company Corn Hole Tournament: Saturday April 11, 2015 -12:00 PM – 7:00 PM.

On the motion of Councilmember Councilmember Burrell, this event was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

9. Department Reports

a. Deputy Town Administrator – Mary Bolen

Parks clean-up day is scheduled for April 11, 2015. This date is earlier than in past years, and turnout fluctuates from year to year, weather plays a large factor. This clean-up effort has been a tradition for 5, but closer to 10 years with the Town of Berlin. The week of April 18-25, 2015 is 'Take Pride in Berlin' week. A successful turnout is hopeful for each event.

b. Water Resources & Public Works – Jane Kreiter

AC Schultes is ready to rebuild two (2) spray irrigation pumps. These pumps are over 20 years old. There were 3 options; DBF recommended rebuilding for \$41,000, this is also used to treat transfer from Libertytown to Five Mile Branch. Without these pumps the entire system goes down. Approval has also been asked for a rental pump in the event of need. Councilmember Burrell, asked if this was a budgeted expense. Ms. Kreiter indicated it was not in the budget, but the purchase of a truck was. She stated that would not purchase the truck, they will pay for the pumps instead. Ms. Kreiter also reported that the roads have suffered a hard winter and there will be multiple pot holes due to snow and salt. It would take approximately one (1) month to find and fix pot holes. Any public concerns and pot holes discovered should be forwarded to Public Works. Mayor Williams, reminded the public that the 'more eyes the better, don't be shy.' The Mayor, Council and Department Directors recognized the last six weeks of hard work with snow removal and weather related conditions, kudos were passed to the Public Works and Wastewater Treatment staff.

c. Electric – Tim Lawrence

There were a few meter re-reads this week. A rotten pole was replaced at 232 West Street, the lights for Christmas trees on the light poles were removed.

d. Police – Chief Arnold Downing

Chief Downing expressed thanks and gratitude for the sympathies extended in the passing of PFC Leon Phillips. In regard to the bomb threat last Friday evening March 5, 2015; Chief said all businesses notified acted responsibly and followed all directions. He also noted that this is another sign of great downtown partners.

e. Planning – Dave Engelhart

Historic District commission committee voted on, 3/4/15 to replace the Claudia Nichols-State Farm billboard. There was a building inspection of the Tyson property. It was noted that there is a lot of square footage with opportunities for repurpose. There will be ample room and need for improvement, and those items will be discussed in the future. There is an upcoming Sustainable Maryland Resource meeting on Wednesday, March 11th, 2015. More details will be reported at next Council meeting.

f. Human Resources – Jeff Fleetwood

Each member of the GREEN TEAM has been tasked with a certain project; the goal is to get results to the Sustainable Maryland in advance of the June 30th, 2015 deadline. Mr. Fleetwood wanted to thank all Departments that worked in the sub-freezing temperatures in the last two weeks. All compliments, no complaints. ACSD (Atlantic, Cropper, Smith & Deeley) benefits meeting is set for March 10, 2015 to determine cost for upcoming fiscal year for employee benefits.

g. Economic Development – Ivy Wells

The Website berlinmainstreet.com is 90% ready. The Department is working on Maryland Historical Trust Grant. Those monies will be put to work on a Main Street Walking Tour app. There is a mid-summer target date for this project. Immediate upcoming events are a 'virtual ghost tour' at the Atlantic Hotel, this Friday the 13th, it includes dinner and listening to stories and lore from the town. Ms. Wells also reminded everyone that this Friday March 13, 2015 is the 2nd Friday Art Stroll; it was also noted that this month is student art month and many downtown merchants have children's art in their windows. Ms. Wells thanked the Mayor for the invitation to join the former Governor Parris Glendening for downtown revitalization seminar in Silver Spring on Friday. The Department is also working with the Chamber on events, the upcoming Alice in Wonderland Celebration; and the Sustainable Maryland group.

10. Town Administrator's Report – Laura Allen

Ms. Allen reported that all strategic plan meetings had been completed and there had been a summary produced that was emailed or mailed to all participants. This information was sent directly to the Mayor and Town Council as well. She also stated that copies of the report are available in Customer Service at the Town Hall and on the website.

Ms. Allen presented the following purchase orders for Council approval.

PO # 201502034 in the amount of \$1,200 to MD.DC Utility Association for Miss Utility Fee, to be distributed among 4 departments (10-4230-4060, 20-4310-4060, 24-4360-4060, 30-4300-4060)

PO # 201502047 in the amount of \$3,874.00 to Hach Company for replacement of dissolved oxygen probe (24-4380-4073)

PO # 201502077 in the amount of \$8,343.00 to Xylem Dewatering Solutions Inc. for Rental of pump. (24-4380-4092)

PO# 201502078 in the amount of \$41,750.00 to A.C Schulte's of Delaware Inc. to re-build two spray irrigation pumps. Pumps are 20+ years old. (24-4380-4092)

On the motion of Councilmember Gulyas, all purchase orders approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP					X
Dean Burrell	X				
Lisa Hall					X
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	3	0	0		2

11.0 Comments from the Mayor

The Mayor noted the Council Member Brittingham was not able to attend this evenings meeting as his grandson was playing in a championship basketball game. THEY WON!!

12.0 Comments from the Council

Council Member Troy Purnell noted that Berlin has the least expensive electric service in the area, and that he would like to get that information out to the public via the press. This is a great accomplishment for Berlin since the Town had the highest rates in the region in 2008. Mr. Purnell finished by saying, not only that we're cool, we're cheap too. He also noted that that Town is still doing energy audits at no charge. Tim Lawrence, Electric Utility Director said that bills went out on March 9, 2015 and this is typically the highest bill and the requests or energy audits would be coming in soon. The Mayor noted that customers do receive credit for doing noted items on the audit; but not that all items needed to be done at once to receive credit. Councilmember Burrell noted that this positive reduction in rates didn't happen overnight or by magic, but that it was the direct result of purposeful diligence, and leadership from the Mayor, Council and all staff members involved.

13.0 Comments from the public

None

14.0 Comments from the press

None

15.0 Adjournment

7:57pm

Respectfully submitted,

Vicki Magin

Administrative Assistant to the Town Administrator

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RESOLUTION NO. 2014-06

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROPOSING THE ANNEXATION TO THE TOWN OF A CERTAIN AREA OF LAND SITUATED AND CONTIGUOUS TO AND ADJOINING UPON THE CORPORATE LIMITS OF THE TOWN OF BERLIN AND PROVIDING FOR THE CONDITIONS AND CIRCUMSTANCES APPLICABLE TO THE PROPOSED CHANGES IN THE BOUNDARY OF THE TOWN OF BERLIN.

WHEREAS, the Town of Berlin has received, in accordance with Section 4-401, *et seq.* of the Local Government Article of the Annotated Code of Maryland (the "Code"), as amended, consent of the property owner of the land to be annexed, being contiguous to and adjoining upon the corporate limits of the Town of Berlin; and

WHEREAS, the Town of Berlin has furnished the affected property owner with its proposed "Terms and Conditions" of annexation as reflected in the Annexation and Development Agreement attached hereto as Exhibit "A" and incorporated herein by reference, which includes, among other things the proposed provisions for the extension of municipal services to that area; and

WHEREAS, it is the intent of the Town of Berlin to comply with existing State law and to ensure there are no enclaves created with the current annexation; and

WHEREAS, it appears that the consents received meet all requirements of Maryland State Law under the Code, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

SECTION A: It is hereby proposed and recommended that the boundaries of the Town of Berlin be changed so as to annex to, and include within said municipality, all that certain area of land, together with the improvements thereto, the property, contiguous to and adjoining upon the corporate limits of the Town of Berlin and more particularly described as follows:

Description of the lands of 9828 Seahawk Road, LLC (See Exhibit "B" attached hereto and incorporate herein by reference).

BEGINNING

SECTION B: Upon the effective date of annexation, all of the provisions of the Charter of the Town of Berlin and all Ordinances, Resolutions,

Rules and Regulations of the Town of Berlin in effect on said date shall apply to the property in the area to be annexed except as herein modified.

SECTION C: The annexation of said area is made subject to the terms and conditions as follows:

1. POLICE PROTECTION – Police services of the Berlin Police Department shall be extended into the annexed area immediately upon the effective date of annexation.
2. TRASH COLLECTION – Trash collection is available upon request, provided the Town is capable of providing the requested service with existing equipment, and for a fee to be established based upon uses.
3. WATER SERVICE – Town of Berlin currently has water service available to the area to be annexed.
 - (a) The property owner has advised the property will be utilized for residential development, with the first phase being up to 144 apartment units, and therefore has estimated that 144 Equivalent Dwelling Units (EDUs) will be required to service the property. The Town will therefore assess the property owner “ready to serve fees” for 144 EDUs. After one year of occupancy, the Town will review the water usage at the property and adjust the number of EDU’s accordingly.
 - (b) All wells on the property must be abandoned and capped in accordance with the Town’s Wellhead Protection Program
4. WASTEWATER SERVICE – The Town of Berlin currently has wastewater service available to the area to be annexed.
 - (a) The property owner has advised the property will be utilized for residential development, with the first phase being up to 144 apartment units, and therefore has estimated that 144 Equivalent Dwelling Units (EDUs) will be required to service the property. The Town will therefore assess the property owner “ready to serve fees” for 144 EDUs. After one year of occupancy, the Town will review the wastewater usage at the property and adjust the number of EDU’s accordingly.
5. PAYMENT FOR EDU’S – The property owner’s payment for the cost of the 144 Equivalent Dwelling Units (EDUs) shall be subject to an Allocation Agreement entered into between the Mayor and Council of the Town of Berlin and the owner.
6. ZONING – Parcel 91 shall be zoned R-4, Residence District under the Town of Berlin Zoning Ordinance, as identified on Exhibit “B”, and made a part of this document, with the consent of the Worcester County Commissioners.

7. VOTING RIGHTS -- In the event that in the future, persons would reside in the annexed area, upon the effective date of annexation, those persons shall have the right to vote in all general and special elections of the Town of Berlin, subject to the same requirements applicable to all voters in the Town of Berlin.

8. PROPERTY TAXES -- All property in the newly annexed area shall upon the effective date of annexation be subject to the payment of taxes, real and personal, and shall further be subject to a lien for the nonpayment thereof, in the same manner and at the same rate as properties now within the existing Town limits are subject as of the effective date of this resolution. Such taxes shall become due and payable within ninety (90) days of annexation. Commencing with the fiscal year beginning July 1, 2015, all such taxes shall be billed and collected in the same manner as all other taxes in the Town of Berlin.

Adopted this _____ day of _____, 2015 by the Mayor and the Town of Berlin,
Maryland, by affirmative vote of _____ to _____ opposed, with _____
abstaining.

Approved this _____ day of _____, 2015 by the Mayor and Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST:

EXHIBIT "A"

TOWN ADMINISTRATOR'S REPORT

March 23, 2015

Purchase Orders

PO# 201502129 in the amount of \$1096.00 to Mid-Atlantic Waste Systems for rear load container - (01-4310-4060)

PO# 201502154 in the amount of \$3475.00 to Water Testing Lab for lead and copper phase 2 and 5, remaining test required by MDE (20-4330-4073)

PO# 201502169 in the amount of \$2982.10 to Ferguson Waterworks for Non-potable water pump (24-4380-4092)

PO# 201502109 in the amount of \$2275.58 to Maryland State Retirement
Att: Data Control Div – Payroll Administrative Department, to be split in five departments.

(01-2001-1235)

(01-2010-1235)

(00-2020-1235)

(04-4024-1235)

(00-2030-1235)

PO# 201502105 in the amount of \$1432.00 to Stuart C. Irby Co.
PRYS 30115A Cable, Sweetbriar, 4/Alum, URD Triplex Yel/Blk/XLP
600V, Super Turf 1000 Ft. Reel
(10-4230-4053)

MINUTES -- PARKS COMMISSION
February 3, 2015

A meeting of the Berlin Parks Commission was held on Tuesday, February 3, 2015 at 5:30 PM. Board members Loretta Briddell, Patricia Dufendach, Sarah Hooper, and Bruce Hyder were present as well as Deputy Town Administrator Mary Bohlen. Town Administrator Laura Allen, Youth Coordinator Melanie Windsor, Lisa Chervtch, John Dale Smack and Steve Farr were also present. Chair Mike Wiley had notified Ms. Bohlen that he would not be present at this meeting.

The Commission reviewed the Minutes of December 2, 2014. Ms. Dufendach moved to approve the Minutes as written and approval was unanimous.

Ms. Bohlen indicated that Ms. Windsor had asked to be moved up on the agenda. Ms. Windsor provided an updated on the recent "Frozen"-themed party held by Worcester Youth & Family Counseling. She noted that they were currently partnering with Headstart in a book drive to send books to children in Africa and would be holding a Reading Carnival. On February 13th a Dr. Seuss game night was planned and Worcester Youth would be providing babysitting during two of the Town's upcoming Strategic Planning Meetings. Ms. Windsor left the meeting in progress.

Ms. Bohlen noted that the bleacher project was still waiting for the pouring of the concrete pads, which had been delayed by the weather. She noted that the concrete contractor was working on another project in Town and she was confident that the project would be complete by spring. She also noted that she was working on getting prices for a new sign and monument. Mr. Smack indicated that his spouse, Ms. Leola Smack had information regarding Dr. Henry

Discussion followed regarding crafts for the Spring Celebration and other upcoming events and activities.

Ms. Dufendach noted that Mike Wiley had asked her to pass along several items. The Commission discussed asking Public Works to cut a path through the no-mow zone at Stephen Decatur Park. Ms. Bohlen indicated that the Commission had previously discussed more signage for the meadow; discussion of benches and other "perks" followed. Mr. Farr also noted that a pollinator garden at Pemberton Park had recently been developed. Ms. Dufendach noted that, should the Town develop a Parks and Recreation Department, ideas for monthly activities could be developed.

Ms. Chervtch made several suggestions for crafts for the Spring Celebration, including pine-cone bird feeders and "Gyotaku" printing.

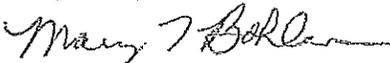
Discussion of planting trees and other plants followed.

It was noted that horseshoe pits were still requested for Henry Park, as well as game tables for both parks. Ms. Bohlen indicated that she would discuss the horseshoe pits with Ms. Kreiter.

Ms. Allen noted that the Town was applying for re-certification as a Sustainable Community and, as part of that process, was re-energizing the Grown Berlin Green program. She also noted that the Town was very busy working on the potential purchase of the Tyson property.

Ms. Briddell made a motion to adjourn and the meeting adjourned at approximately 6:25 PM.

Respectfully Submitted,



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