BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, April 13, 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 March 23, 2015
   Executive Session of the Mayor and Council on March 23, 2015
   Statement of Closure for Mayor and Council on March 23, 2015

2. Request for Special Events:
   - **A.** Arts and Entertainment District- Movies
     1. April, 25, 2015 Henry Park (Lego Movie) 7:00p-9:30p
     2. May 30, 2015 Stephen Decatur Park (Fern Gully) 8:00p-10:30p
     3. June 27, 2015 8:00pm – 10:00pm - Jefferson Street (Runaway Bride)
   - **B.** Spring Cruisers – Berlin Chamber of Commerce
     Saturday, May 16, 2015; 10:00 am – 2:00 pm
   - **C.** Old Fashioned Memorial Day-Berlin Community Improvement Association
     Henry Park – Flower Street
     Monday, May 25, 2015; 8:00 am – 6:00 pm
   - **D.** Reindeer Run
     Main Street, Atlantic Hotel
     Saturday, December 5, 2015; 9:00am – 11:00am

3. Approval of Proclamations:
   - **A.** 2015-07: Recognizing April 2015 as Fair Housing Month
   - **B.** 2015-08: Recognizing April 18th-25th as Take Pride in Berlin Week

4. Introduction of Resolution 2015-04:
   Tax Exempt Bond Resolution – opposing the reduction or repeal of tax exempt municipal bonds.

5. Read and Introduce: Annexation Resolution 2015-03
   The requested area to be annexed consists of Parcels 165 and 438 on Tax Map 25 (West corner of Friendship Road and Rt. 50), totaling 15.2 acres of land. Public Hearing to be held May 11, 2015.

6. 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
    h Economic and Community Development – Ivy Wells

7. Town Administrator's Report

8. Comments from the Mayor

9. Comments from the Council

10. Comments from the Public

11. Comments from the Press

12. Adjournment

Town Hall, 10 William Street
Berlin, MD 21811
Monday, March 23, 2015
7:00 PM

CALL TO ORDER

Mayor Gee Williams called the Regular Meeting of the Town Council to order at 7:08 p.m.

Council Present – Mayor Gee Williams, Councilmembers Troy Purnell, Thom Gulyas, Dean Burrell, Lisa Hall, Elroy Brittingham

Staff Present – Town Administrator Laura Allen, and Deputy Town Administrator Mary Bohlen, Public Works/Water Resources Director Jane Kreiter, Finance Director Natalie Saleh, Economic Development Director Ivy Wells, Human Resources Director Jeff Fleetwood, Planning Director Dave Engelhart, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, and Town Attorney Dave Gaskill

1a. Approval of Minutes for Executive Session of the Mayor and Council on February 09, 2015

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

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5				

Statement of closure: The Mayor stated the Executive Session was held, pursuant to Section 10-508 (7) of the Annotated Code of the State of Maryland, to consult with counsel to obtain legal advice on a legal matter.

1b. Approval of Minutes for Regular Session of the Mayor and Council on February 09, 2015
On the motion of Councilmember Thom Gulyas, the minutes were approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5				

1c. Approval of Minutes for Executive Session of the Mayor and Council on February 12, 2015
On the motion of Councilmember Elroy Brittingham, the minutes were approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5				

Statement of closure: The Mayor stated the Executive Session was held, pursuant to Section 10-508 (10) of the Annotated Code of the State of Maryland, to discuss public security, if the public body determines that public discussions would constitute a risk to the public security, including: (i) the development of fire and police services and staff and (ii) the development and implementation of emergency plans.

2. **Request for Special Event: St. Paul UMC 5K Memorial Run, April 11, 2015**

Dale Smack of St. Paul UMC, spoke to the Council on the matter, same plan and layout as last year regarding the road closure. It would be from 7:45AM – 9:45AM

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

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5				

3. **Request for Special Event May Day Play Day, 5/8/15**

Tom Sholtis from Ocean 98.1 spoke and said this is the fourth year for the festival, with the only change being that there would be one stage this year compared to two stages last year. The layout will be similar to the New Year's Eve set-up.

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

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5				

4. **Request for Special Event Explore Berlin, Burley Oak Brewing Company May 16, 2015, June 13, 2015, October 3, 2015 and November 7, 2015**

All Festivals are scheduled 2:00PM – 8:00PM

Brian Brushmiller from Burley Oak Brew Company indicates this is the third year for this event; he also showed that the liquor license had been approved by the County. These dates do not coincide with any other Town events. Mr. Brushmiller noted that Burley Oak had also been invited back to Boston for The Craft Brewery Convention for the 3rd year.

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

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5				

5. **Motion to Approve Cannery Village Development**

Andrew Hanson summarized and highlighted The Cannery Village Development. Town Administrator Laura Allen presented the motion for approval. The following documents were presented for Council's consideration:

1. Public Works Agreement
2. Stormwater Management Construction Agreement
3. Stormwater Inspection and Maintenance Agreement

   The Motion to Approve also includes an authorization to allow staff to make purchases necessary to proceed with the project on a reimbursable basis.

Councilmember Hall noted that an exception to certain Town Road Standards. Mr. Hanson mentioned the reference to Exhibit B should be removed from the Public Works agreement and Ms. Allen agreed.

On the motion of Councilmember Burrell, these three documents were approved with the change to the Public Works Agreement by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham,			X		

VP					
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	4		1		

6. Public Hearing – Resolution 2014-06 Annexation Agreement

Mayor Williams opened the Public Hearing regarding Resolution 2014-06 Seahawk Road Annexation. He asked if representatives of the State or County were present to comment. Hearing none, the hearing was opened to the general public.

Mark Cropper, representative for Blair Rinnier (Principal) introduced Wes Guckert from The Traffic Group and Brock Parker of Parker Engineers. Mr. Cropper turned presentation over to his client, Blair Rinnier who described the proposed and envisioned project. A 144- apartment complex, growing to over 785 units (15-20) years from now; the construction rate would be 30-60 apartment homes per year.

Comments:

Trish Dufendach -of Berlin, asked questions about 'bike-able' Berlin; discussion followed regarding the difficulty of connectivity to the rest of the Town as certain nearby areas are not within the Town limits. Ms. Dufendach, asked if there would be a stated provided crosswalk or guard. Mr. Rinnier agreed to absorb all expenses related to the crossing guard and crosswalk.

Vererna Chase – Asked how the calculation of the number of additional school children in a two-three bedroom home was made; Mr. Rinnier responded that the number was based on a two to three bedroom floor plan that more than one child in a home, space would be tight.

Gregory Purnell –Asked about improvements along Seahawks from Rt. 50 to Flower Street. Planning Director Dave Engelhart, said yes sidewalks will run the length of Seahawk. Mr. Purnell also asked will sidewalks be down Flower Street? The Mayor stated that particular property was not in the Town Limits; also, the water and sewer were an issue.

Ron Casio – Stated that the land the park would be built on will be given to the Town. That people will be slow to obey traffic of no left turn out of development.

Gabe Purnell – Mr. Purnell asked about a service road. Attorney Mark Cropper stated that it wasn't commercial property so there would be no need, it would be a County issue.

Steve Farr- Mr. Farr stated that the entire process felt rushed.

At this point Councilmember Gulyas asked the top three benefits to the Town. Mr. Rinnier noted there would be quality and affordable housing. There would be the tax revenue, impact fees and EDU's. The

last noted benefit was the improvement to Seahawk Road. Mr. Rinnier also stated there would be on-site management twenty- four hours a day, seven days a week, three- hundred sixty five days a year. The office would be open 8:30-6pm including Saturdays. Rinnier Development is currently using a security-check software that checks prospective tenants; it has been used during the past 18 months.

A question was raised regarding the annexation agreement. It said, "with limitations." Mr. Cropper and Mr. Rinnier agreed to fix that error.

Mr. Cropper noted this is an annexation and zoning hearing for an R4 development, not a site plan.

Councilmember Brittingham asked if this will this become a subsidized housing project. Mr. Rinnier stated the answer was no, and the only Rinnier Property that is subsidized is in Fruitland, 10 units out of 1200, from 30 years ago.

Councilmember Hall, expressed concern that you've got to go out of Berlin, to get to Berlin.

The Public Hearing was closed at 9:05pm; the annexation agreement was modified as follows:

A. Recital F, with limitation, becomes without limitation.
B. Include crossing guard, if needed, at developer's expense.
C. Increase park acreage from one-half acre to one acre.

On the motion of Councilmember Purnell, Resolution 2014-06 and the modified annexation agreement was approved by the following vote:

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

7. Motion to Approve Program Open Space

Deputy Town Administrator, Mary Bohlen presented this motion, the facts and figures were the same as last year. Both Ms. Bohlen and Mayor Williams noted that this program would and has been withering away, without lack of support.

On the motion of Councilmember Lisa Hall, this program was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5		0		

8. **Motion to Approve contract with EA Engineering, Science and Technology Inc. Environmental Consulting and Remediation Services system.**

Town Administrator Laura Allen stated as part of the Town's due diligence in purchasing the former Tyson Property, EA Engineering represented by Darl Kolar, has been contracted at the cost of $20.995.93 to perform a phase one and two site assessment of the property to study and review any environment issues.

On the motion of Councilmember Thom Gulyas the contract was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell				X	
Thom Gulyas	X				
Voting Tally	4			1	

9. **Department Reports**

a. **Finance** – Ms. Saleh reported that each department is working on FY16 budgets.

b. **Deputy Administrator** – Ms. Bohlen reported that Park Clean-Up Day was 4/4/15 and Town Clean-Up Day was 4/11/15. Ms. Bohlen said there would be lots of announcements and information going out on both those events.

c. **Water Resources and Public Works** – Ms. Kreiter, announced that crews had been reading meters. Saturday April 28, 2015 there will be a tour of the Wastewater Treatment plant for Coastal Kids. Councilmember Burrell inquired how pothole repair was progressing; Ms. Kreiter stated that the department has been through two pallets of perma-patch. There are some streets such as Showell Street and Flower Street that are on their second round of repairs from this winter only. Councilmember Burrell asked about a piece of equipment purchased to repair cracks, Ms. Kreiter said that particular piece of equipment was more effective in warmer weather.

d. **Electric** – Mr. Lawrence reported that the Department has been trimming trees. A complimentary energy audit was conducted at 9928 Commerce Street. The department replaced a rotten pole at 232 West Street.

e. **Police** – No updates to report

f. **Planning** - Nothing major to report, with the exceptions of the large things in the Department, the Resolution of Seahawk Road Annexation and the resolution of the Public Works agreement with Cannery Village. Both items have been long running projects and Mr. Engelhart appreciated the cooperation between departments. Permits could be issued as soon as April 1, 2015 for Cannery Village. Councilmember Burrell inquired where we were with the Dollar General Store; at this point, the official decision has not been made. Mr. Engelhart believes anticipating his decision they may be taking the next legal step. Mr. Engelhart was asked to follow-up as to what the next process would be.

g. **Human Resources** – No updates to report. Councilmember Burrell did asked to be kept up to date on Health Insurance progress for the upcoming year.

h. **Economic Development:** Ms. Wells was pleased to announce that a MML Achievement Award has just been received and the presentation would be at MML June. Ms. Wells also

reported that the former Boomers location had been leased to a business, Crush and Crab, with a scheduled opening of June 1, 2915. Ms. Well's upcoming schedule include trips to Maryland Main Street on the Western Shore and National Main Street in Atlanta, GA.

10. Town Administrators report, Ms. Allen reported the following POs for approval:

201502129
201502154
201502169
201502109
201502105

Ms. Allen stated that Tim Lawrence Utility Director has been asked to serve on the AMP Smart Meter Committee, which is quite an honor.

On the motion of Councilmember Burrell, all Purchase Orders were approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Present but recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
Voting Tally	5				

11. Comments from the Mayor

The Mayor complimented all staff, department heads and Councilmembers on their professionalism, for leading by example in the Public Hearing and voting process.

12. Comments from the Council

Councilmember Gulyas spoke about the Seahawk Road Annexation and assured other members of the Council, staff and department heads. His intentions are not to alienate or upset anyone, but to please be patient with his learning curve in his government education.

Councilmember Hall, again complimented the Town's staff – including department heads and other council members. The amount of work and care that goes into The Town shows pride in a job well done.

Councilmember Burrell stated that this Town is so successful yes, because we have a splendid staff, we have a staff that I think is second to none. I also think that we have a splendid Council and one of our chief attributes, I believe is that we try to stay in our lane. There is a fine line between what we have been as elected to do and what you as staff do. We are a policy making group, we are also a regulatory making group, we make regulations, we make policy. The day-to-day operation of this town is the responsibility of Laura and her staff and I think we understand that. In Thom's remarks he talked about us being that policy making group in so many words and I that is so very important in so many ways.

Councilmember Brittingham stated that he went along with all statements prior to him.

Councilmember Purnell had no comments.

The meeting was adjourned at 9:31PM

Victoria Mag

Mayor & Council of Berlin, Maryland

April 13, 2015

PROCLAMATION 2015-07

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN RECOGNIZING FAIR HOUSING MONTH - APRIL, 2015

WHEREAS the Congress of the United States passed the Civil Rights Act of 1968, in which it was declared that the law of the land would guarantee the rights of equal housing opportunity, and

WHEREAS the month of April is recognized by the federal government as Fair Housing Month and realtors, developers, financial institutions, landlords, tenants and the public at-large are reminded that it is illegal to discriminate in housing on the basis of age, race, religion, sex or national origin, and

WHEREAS fair housing groups and the Maryland Department of Housing and Community Development have, over the years, received complaints of alleged illegal housing discrimination, and

WHEREAS the State of Maryland, through the Maryland Department of Housing and Community Development, supports fairness in housing through a variety of programs and working partnerships with the federal government, local governments and private sector businesses to ensure better living conditions for all Marylanders, and

WHEREAS equal housing opportunity is a condition of life in our community that can and should be achieved;

NOW THEREFORE, be it proclaimed that the MAYOR AND COUNCIL OF THE TOWN OF BERLIN hereby declare the month of April 2015 as FAIR HOUSING MONTH in the Town of Berlin and does commend this observance to all of our citizens.

WITNESS MY HAND AND SEAL, THIS 13th DAY OF APRIL, 2015

Wm. Gee Williams, III - Mayor

Laura Allen - Town Administrator

Mayor & Council of Berlin, Maryland

April 13, 2015

PROCLAMATION 2015-08

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN RECOGNIZING THE WEEK OF APRIL 18-25, 2015 TAKE PRIDE IN BERLIN WEEK

WHEREAS The Town of Berlin, Maryland embodies the way of life of small town America, while providing a thoroughly modern lifestyle; and

WHEREAS the citizens of Berlin are proud of their community, their neighborhoods and their neighbors; and

WHEREAS the organizations that call Berlin home are dedicated to maintaining and enhancing the many positive aspects of our community; and

WHEREAS the volunteer spirit of our citizens enables lasting and effective partnerships of people, organizations, commercial ventures and municipal government to make our town a wonderful place to live, work and visit; and

WHEREAS our Town boasts many characteristics that make evident the efforts of past and current generations to uphold the values of our citizens through stewardship of the natural, cultural, and civic environment,

NOW THEREFORE, be it proclaimed that the MAYOR AND COUNCIL OF THE TOWN OF BERLIN hereby declare the week of April 18-25, 2015 as the 4th Annual Take Pride in Berlin Week.

WITNESS MY HAND AND SEAL, THIS 13TH DAY OF APRIL, 2015

Wm. Gee Williams, III - Mayor

Laura Allen - Town Administrator

Resolution 2015-04

WHEREAS, tax-exempt municipal bonds are the primary means by which state and local governments finance three quarters of the critical infrastructure of our nation, including roads, bridges, hospitals, schools, and utility systems; and

WHEREAS, through the tax exemption, the federal government continues to provide critical support for the federal, state and local partnership that develops and maintains essential infrastructure, which it cannot practically replicate by other means; and

WHEREAS, the municipal tax exemption has enabled state and local governments to finance more than $1.65 trillion in infrastructure investment over the last decade; and

WHEREAS, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

WHEREAS, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

WHEREAS, tax exempt bonds benefit state and local governments who need the support of investors to finance critical infrastructure, taxpayers across the country who depend on this infrastructure for reliable transportation systems, schools, public health facilities, energy, clean water and affordable housing, the federal government, who gets quite a bargain on their partnership with state and local government to provide the nation's infrastructure through the exemption; and investors who buy bonds for many reasons, including the safe nature of these financial products; and

WHEREAS, municipal bonds are the second safest investment, aside from U.S. Treasuries, with state and local governments having nearly a zero default rate; and

WHEREAS, 72.4 percent of the total outstanding municipal debt is held by individual investors, either directly or through mutual funds and money market funds (Source - 2010 Thomson Reuters); and
WHEREAS, Congress and the President have proposed legislation to reduce or repeal the tax exemption on municipal bonds; and

WHEREAS, these proposals to reduce or repeal the tax exemption would have severely detrimental impacts on national infrastructure development and the municipal market, raising costs for state and local borrowers and creating uncertainty for investors; and

WHEREAS, if the proposal to cap the exemption on municipal bonds at 28 percent had been in place over the last 10 years it would have cost state and local governments an additional $173 billion in interest costs; and

WHEREAS, total repeal of the exemption over the last decade would have cost state and local governments over $495 billion in additional interest costs; and

WHEREAS, the municipal tax exemption has a long history of success, having been maintained through two world wars and the Great Depression, as well as the recent Great Recession, and it continues to finance the majority of our nation's infrastructure needs for state and local governments of all sizes when no other source exists to do so;

NOW, THEREFORE, BE IT RESOLVED that the Town of Berlin opposes any efforts by Congress and the White House to reduce or repeal the federal tax exemption on interest earned from municipal bonds; and

BE IT FURTHER RESOLVED that we oppose any action that would reduce or repeal the exemption on tax-exempt bond interest, and affirm that there should be no legislative action to apply any changes retroactively to current outstanding bonds; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to our Congressional Representatives and key members of the Administration.

ADOPTED BY THE MAYOR AND COUNCIL OF BERLIN BY A VOTE OF _____TO _____ WITH _____ABSTAINING THIS _____DAY OF _____, 2015.

_____
Elroy Brittingham, Vice President

ATTEST:_____
Laura Allen, Town Administrator

_____
Wm. Gee Williams, III, Mayor

ANNEXATION RESOLUTION 2015 03

THIS ANNEXATION RESOLUTION, made this ___ day of _____, 2015, by THE MAYOR & COUNCIL OF BERLIN, WITNESSETH:

1. A Petition for Annexation has been received by the Town, executed by the authorized attorney for the sole property owners in the requested area, Steven and Karen Black.

2. The requested area to be annexed consists of Parcels 165 and 438 on Tax Map 25, totaling 15.212 acres of land, as shown on the Plat of the property which is duly recorded among the Worcester County Land Records in Plat Book R.H.O. 125, page 21. Said Plat has been submitted as Exhibit "A" to the Annexation Petition.

3. The property is contiguous to the Corporate Limits of the Town.

4. There was submitted with the Annexation Petition, a proposed Annexation Agreement, the terms of which are satisfactory to the Mayor & Council and will constitute the conditions of the annexation upon the property.

5. The property, upon annexation, shall be zoned "B-2 Shopping District".

6. Upon annexation the normal rates of municipal taxation shall be applicable to the property.

THEREFORE, Be it resolved, the above described property shall be added to the Town, subject to the provisions of the Berlin Municipal Charter and the conditions of the Annexation Agreement referred to herein.

PASSED this ____ day of _____, 2015.

Attest: Mayor & Council of Berlin

_____ By:_____

Elroy Brittingham, Vice President of Council Wm. Gee Williams, III, Mayor

Town Administrator's Report
April 13, 2015

Purchase Orders

201502288
Christine Schwarz Becker – Milage/travel for Strategic Planning Seminars - $1035.00
01-4110-4025

201502219
Ditigal-Ally –In Car Camera, software, shipping/handling - $4120.00
01-4200-4092

201502317
Maryland & Delaware Railroad – FY15 license agreement – $13,054.68
10-4210-4094 - $3451.39
20-4310-4091 - $5007.53
23-4360-4091 - $4595.76

201502309
East Coast Shutter and Awnings – Vehicle Maintenance - $2034.00
20-4330-4031

201502326
Maryland Municipal League – Annual Conference Registrations $3,631.00
01-4100-4021 - $1,920.00
01-4100-4025 - $321.00
01-4120-4021 - $480.00
01-4400-4021 - $910.00