

BERLIN, MARYLAND
MAYOR AND COUNCIL MEETING
MONDAY NOVEMBER 23, 2015
COUNCIL CHAMBERS – BERLIN TOWN HALL
10 WILLIAM STREET
BERLIN, MD 21811

EXECUTIVE SESSION.....6:30 PM

REGULAR SESSION7:00 PM

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



**BERLIN MAYOR AND COUNCIL
MEETING AGENDA
Monday, November 23, 2015**

- 6:30 PM EXECUTIVE SESSION – BERLIN TOWN HALL**
- a. Pursuant to Section §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.
 - b. Pursuant to Section §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.
- 7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers**
1. Approval of the Minutes for:
 - a. Executive Session of 11/09/15
 - b. Statement of Closure 11/09/15
 - c. Regular Session of 11/09/15
 2. Atlantic General Hospital – Proclamation – Atlantic General Hospital Michael Franklin & Todd Ferrante
 3. Motion of the Mayor and Council 2015-09 Canceling 12/28/15 meeting
 4. Motion of the Mayor and Council 2015-10 Disposal of Vehicles, Chief Arnold Downing
 5. Departmental Reports
 - a. Water Resources/Public Works – Jane Kreiter
 - b. Administrative Services Director – Mary Bohlen
 - c. Electric – Tim Lawrence
 - d. Police – Arnold Downing
 - e. Planning – Dave Engelhart
 - f. Managing Director – Jeff Fleetwood
 - g. Economic and Community Development– Ivy Wells
 6. Town Administrator’s Report
 7. Comments from the Mayor
 8. Comments from the Council
 9. Comments from the Public
 10. Comments from the Press
 11. Adjournment



**BERLIN MAYOR AND COUNCIL
MEETING MINUTES
Monday, November 9, 2015**

6:30 PM EXECUTIVE SESSION - Berlin Town Hall Conference Room

- a. Pursuant to Section §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.
- b. Pursuant to Section §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.

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

Present: Mayor Gee Williams, Councilmembers Thom Gulyas, Elroy Brittingham, Dean Burrell and Lisa Hall

Council Absent Councilmember Purnell

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Finance Director Natalie Saleh, Planning Director Dave Engelhart, Chief of Police Arnold Downing

Staff Absent: Utilities Director Tim Lawrence, Public Works and Water Resources Director Jane Kreiter, Administrative Services Director Mary Bohlen, Economic and Community Development Director Ivy Wells

1. Approval of the Minutes for:

- a. Executive Session for 10/26/15

On the motion of Councilmember Gulyas, the Executive Session minutes of October 26, 2015 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>	4	0			1

1.b. The Mayor read statement of closure

1.c. Approval of the Minutes for:
Regular Session for 10/26/15

Councilmember Gulyas requested a correction to the minutes, the tax revenue comment was invalid. On his motion the Regular Session minutes of October 26, were approved by

the following vote: The minutes were approved with the corrections. Page 3, #5 the last sentence has been deleted.

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>	4	0			1

2. Application for one-day permit for Beer-Wine-Liquor for Boggs Disharoon American Legion Post 123 for November 22, 2015.

On the motion of Councilmember Brittingham, the one-day permit for Beer-Wine-Liquor at the Boggs-Disharoon American Legion was approved. (It was noted by Councilmember Brittingham that the permit should have included that it was for the Annual District Meeting). The motion 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>	4	0			1

3. Proclamation 2015-15 Proclaiming November to be Municipal Government Works Month – Town Administrator, Laura Allen

Ms. Allen read the proclamation and stated this is a requirement as part of the MML, Banner City program for which we have been recognized in the past.

On the motion of Councilmember Hall, Proclamation 2015-15 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>	4	0			1

4. Introduction of Resolution 2015-13, Withholding Permits And Licenses Because Of Overdue Town Accounts – Town Administrator, Laura Allen

This takes into account electric, water, sewer and other Town receivables. Approving the resolution ensures that each customer is treated uniformly concerning outstanding accounts.

On the motion of Councilmember Burrell, Resolution 2015-13, Withholding Permits and Licenses Because Of Overdue Town Accounts 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>	4	1			1

5. Motion to Approve 2015-07 Contract for Planning Services – ERM (Environmental Resources Management) - Town Administrator, Laura Allen

There is a correction in Motion; the dollar amount should be \$46,382, not the listed \$46,000. This is a community wide discussion on growth. The discussion is tentatively scheduled to begin in January 2016 over the weekend if the motion was approved. The purpose of this discussion is to analyze the vision for the Town of Berlin in incremental steps. The public is encouraged to bring input with an experienced group of people leading the discussion. This is a drill down from findings through the Strategic Plan; the Town of Berlin does not want unfocused growth. The goal is to concentrate on 'how we grow and where the growth should occur' growth.

On the motion of Councilmember Brittingham, the Motion to Approve 2015-07 Contract for Planning Services with ERM (Environmental Resources Management), with the corrected amount 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>	4	0			1

6. Public Hearing of revised Ordinance 2015-06 Text Amendment to the Town Zoning Ordinance Section 108-715(2)a. – Planning Director, Dave Engelhart

Planning Director Dave Engelhart read the Ordinance. The Mayor opened the Public Hearing at 7:20 p.m., asking if there was anyone from the State or County. With none present the hearing was opened to the public. Project developer Mr. Blair Rinnier and his attorney Mr. Mark Cropper explained that the ordinance went back before the Planning Commission on October 14, 2015. Mr. Cropper and Mr. Rinnier are looking for favorable support by capping the number of units in question to thirty-six (36). Mr. Rinnier passed out mock-ups of the development to the Councilmembers and then showed and explained pictures to the audience. Councilmember Hall questioned what was feeding the pond; Mr. Rinnier noted that it was stormwater and rainwater collection. Councilmember Gulyas asked if the thirty-six unit buildings equipped with elevators would be strictly for seniors. More affordable housing for seniors was a need that was noted in the Strategic Plan. Discussion followed; including that, Mr. Rinnier was asked about the expected price of the rentals and replied, that they would be starting in the \$900 per month range and going up from there.

The public hearing was closed at 7:39 p.m.

On the motion of Councilmember Burrell, Ordinance 2015-06 Text Amendment to the Town Zoning Ordinance Section 108-715(2)a 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	1			1

7. Public Hearing of Ordinance 2015-07 to authorize Town to issue and sell general obligation bonds to purchase property – Finance Director, Natalie Saleh

The Public Hearing was opened at 7:40pm., asking if there was anyone from the State or County. With none present, the hearing was opened to the public.

Finance Director, Natalie Saleh read the first paragraph only of the Ordinance due to its length. As a result of the Community's Strategic Planning Meeting, there were over thirty suggested uses for the property. EDSA was the company that came on sight and helped review that property and it's potential. There are over one-half dozen templates to choose from. This location will require a Director to run the facility. The facility will have to be self-sustaining. Mayor Williams stated that the goal is to take this property from "outhouse to penthouse" and that economics would drive the process. Several members of the audience discussed the general obligation bonds, their maximum pay off and possible tax impact. The public hearing ended at 8:20 p.m.

On the motion of Councilmember Hall Ordinance 2015-07 authorizing the Town to issue and sell general obligation bonds to purchase property 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>	4	0			1

8. Departmental Reports

a. Finance – Natalie Saleh

Tyler Technology has completed its first data pull, Logics pushed data to Tyler Technology, at this point, everything is on hold until that data has been verified by hand. There is another data pull planned for November 19, 2015. The Town of Berlin has accepted the schedule that we will be running Tyler Technology by Mid-April 2016, and live by May 2016. On November 9, 2015 (today), Ms. Saleh shared that she attended a Governor's Grant Conference about Sustainability, Transportation and Energy. Ms. Saleh reported that there is a lot of grant money available.

b. Police – Arnold Downing

Chief Downing commented that Halloween, October 31st went very well. There was a large amount of time contributed by partner agencies and Chief Downing thanked those who participated or volunteered their time. The event was an overall success with no issues or concerns.

c. Planning – Dave Engelhart

Councilmember Burrell asked for an update on the Sidewalk Signs and their ADA compliances. Mr. Engelhart stated that Economic and Community Development Director Ms. Wells would be talking to them about the ordinance and enforcement. Councilmember Hall suggested perhaps bringing them in at night, this is an ongoing discussion. Mr. Engelhart closed by saying the Welcome to Berlin Sign permits are ready.

d. Managing Director – Jeff Fleetwood

Mr. Fleetwood noted that the Holiday Season is quickly approaching and on behalf of the Department Heads and each staff person he wanted to personally thank the Council for all it does for the Town of Berlin employees.

9. Town Administrator's Report

Ms. Allen updated the parade statistics, that there were eighty three (83) entries in the parade, which included fourteen (14) new entries. The 'Just Walk Berlin' event has a record number of participants expressing interest on social media (i.e., Facebook).

10. Comments from the Mayor

See attached statement regarding the tax status / Davis-Taylor Farm 2015

11. Comments from the Council

Thom Gulyas – Councilmember Gulyas stated that he appreciated all the effort and staff power it took to man Washington Street, however even more could be used next year in addition to possibly closing more streets.

Lisa Hall – no comments

Elroy Brittingham – no comments

Dean Burrell – no comments

12. Comments from the Public

No comments from the public

13. Comments from the Press

No comments from the press

14. On the motion of Councilmember Burrell, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,



Vicki Magin

Administrative Assistant

TAX STATUS / DAVIS-TAYLOR FARM 2015

November 9, 2015

Statement by: Mayor Gee Williams

As a result of the land auction on October 30th in which two large properties were sold just north of US 50 there have been some questions and speculation about the tax status of the newly purchased land.

- First, there were two major purchases at the auction:
 - One was approximately 348 acres formerly known as The Beach Club Golf Course. That property has never been annexed, or ever has been sought to be annexed into the Town of Berlin. So no property taxes have been paid to the Town of Berlin, nor are they expected to be as long as the land remains outside the Berlin's municipal limits.
 - The second sale of property was approximately 245 acres known most commonly as the Davis-Taylor farm. The property was annexed into the town on December 20, 1999 and at that time the annexation agreement provided a tax abatement to the land which originally started as four parcels.
 - In 2003, all but 32 acres of the Davis-Taylor farm was purchased by a developer and property taxes have been paid to the Town of Berlin on all of the remaining 245 acres ever since. There are no outstanding taxes due on any of the 245 acres since property taxes became effective in 2003 under terms of the annexation agreement with the town.
 - Property taxes on these 245 acres within town limits total \$3,275.56 in the current fiscal year. Town taxes have been assessed and paid on this land every year since 2003, even as ownership has changed at least once in the past 12 years.
- According to the terms of the 1999 annexation agreement, the homestead for the farm properties, approximately 32 acres, has been exempt from Berlin property taxes.
- While it is true that most of the Davis-Taylor farm (about 245 acres) changed ownership as a result of the auction, the 32-acre homestead is still benefiting from the tax abatement.
 - The 32-acre homestead will remain exempt from town property taxes until either one of two things happen:
 - Until the 32-acres changes ownership; or
 - Until municipal water and sewer services are extended to the homestead.
- I trust this explanation will provide everyone with the past circumstances, and current and future expectations regarding Berlin property taxes for the properties sold at the recent land auction.

Proclamation 2015-16

AGH



MOTION OF THE MAYOR AND COUNCIL No. 2015-09

A motion of the Mayor and Council of the Town of Berlin changing the 2015 Council meeting schedule by canceling the meeting on December 28, 2015. The regular Council schedule will resume on January 11, 2016.

Approved this ____ day of _____, 20____ by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of ____ to ____ opposed, with ____ abstaining.

Elroy Brittingham, Sr. Vice President

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen, Town Administrator



MOTION OF THE MAYOR AND COUNCIL No. 2015-10

A motion of the Mayor and Council of the Town of Berlin for Disposal of Vehicles, that have surpassed their usefulness. Please reference memo from Lt. Robert Fisher dated November 10, 2015. This Motion covers seven vehicles being stored at Racetrack Auto at no charge to the Town of Berlin.

Approved this _____ day of _____, 20____ by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr. Vice President

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen, Town Administrator



Berlin Police Department

10 WILLIAM STREET
BERLIN, MARYLAND 21811

November 10, 2015

To: Laura Allen

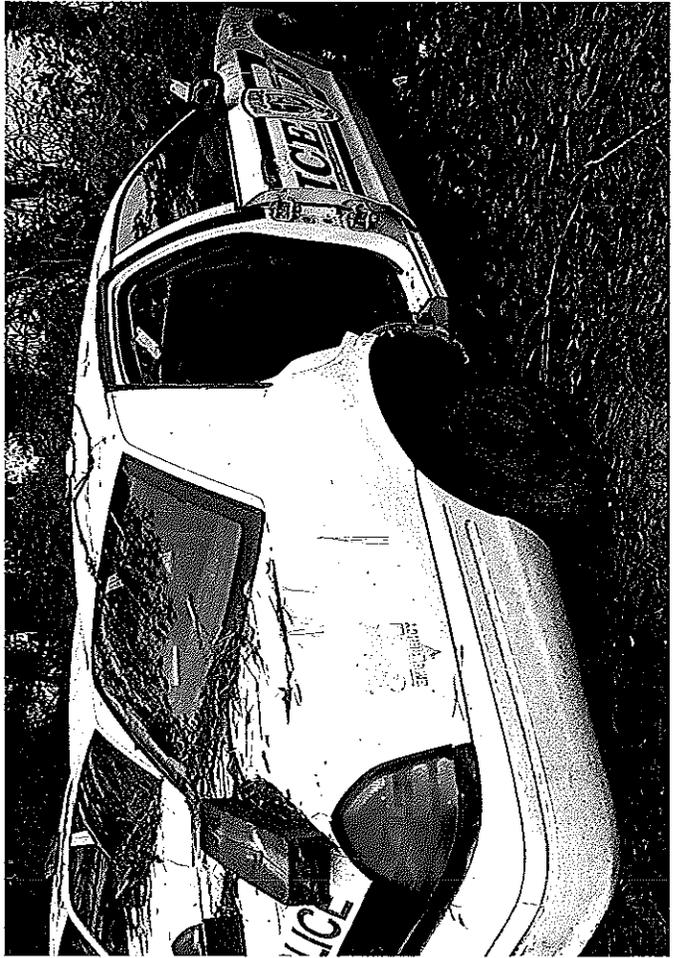
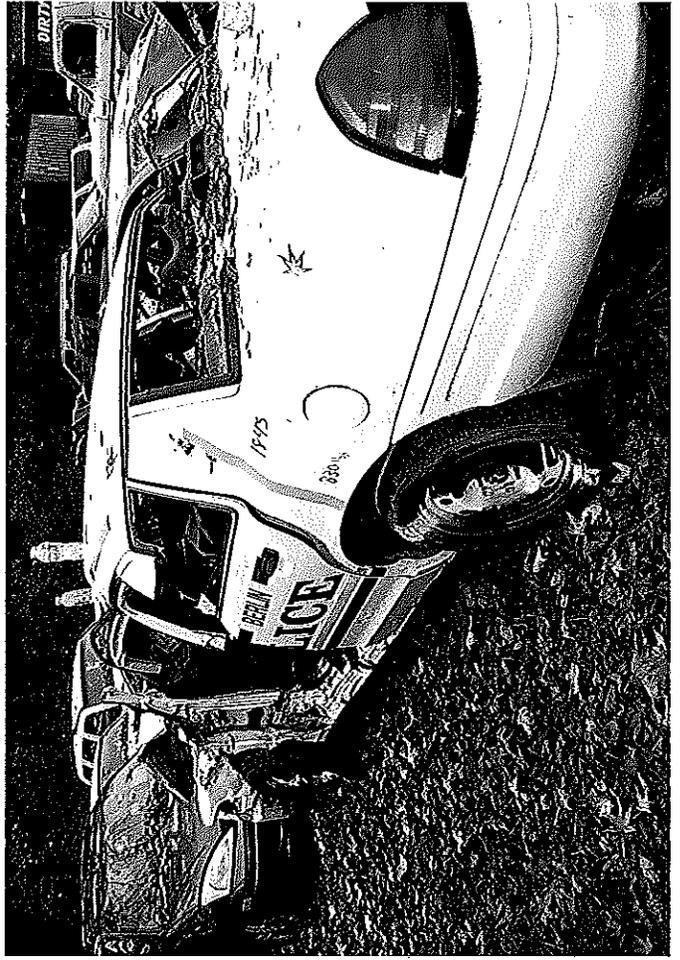
RE: Disposal of Vehicles

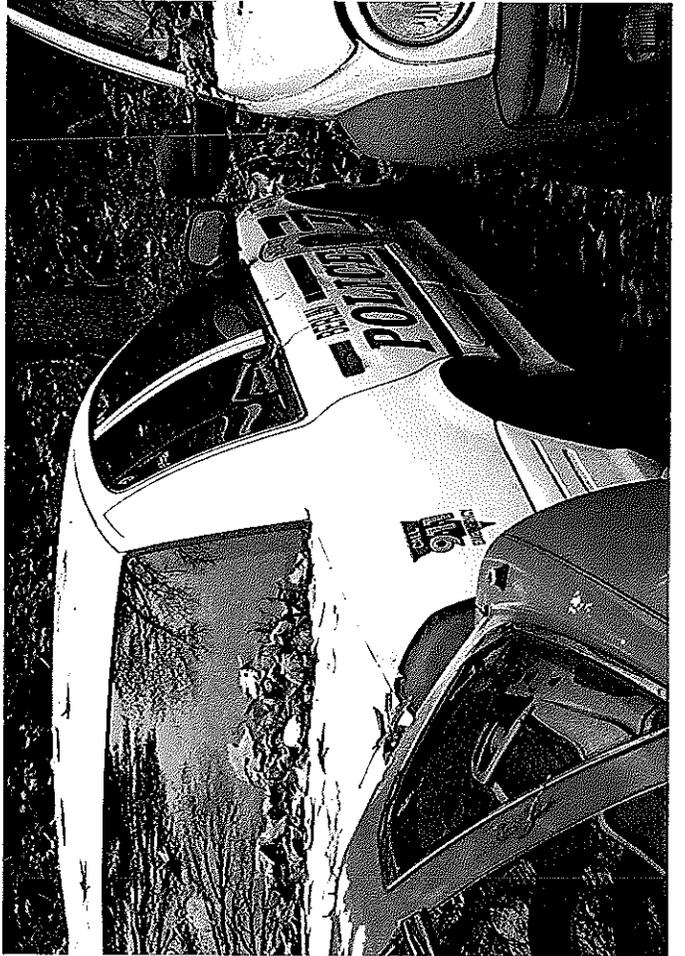
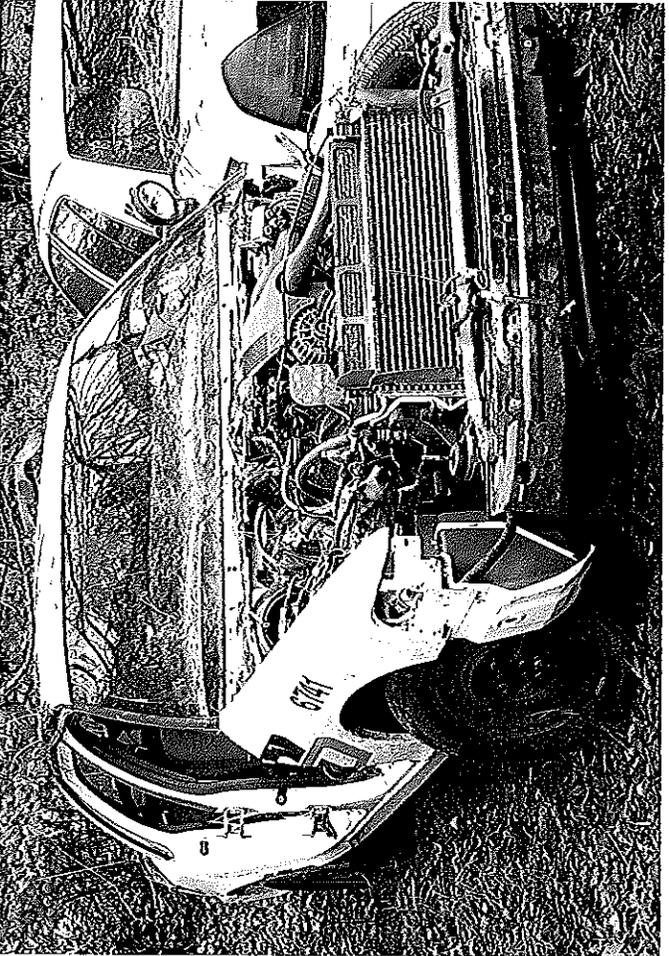
I would request that you sign the attached titles for vehicles that we no longer have in service. The vehicles have long surpassed their usefulness. Some of them have been at Racetrack Auto for eight years or more. The vehicles were used for parts for our vehicles, training for fire department cadets, staged collisions for collision investigators in school, and even parts for other departments. I would value the money saved by using these cars to be well over fifteen thousand dollars. The six Crown Victoria's we currently have on the road are later model years than these and the parts are not compatible. I would be giving the titles to Racetrack Auto, where the vehicles are located, so that they may salvage them and get them off their lots. They have never charged us storage fees to keep them there, and they would bring nothing on GovDeals since they have already been used for parts.

2FAFP71W23X171913
2FAFP71W01X138700
2FAFP71W43X158239
2FAFP71W03X171750
2FAFP71WX6X126142
2FAFP71W75X123665
2FAFP71W26X140147

Thank You,

Lt Robert Fisher





TOWN ADMINISTRATOR'S REPORT

November 23, 2015

Purchase Orders (numeric order)

20160080

Pittsville Motors

01-4200-4092

\$25,401.00

Purchase Order

Original

Town Of Berlin
10 William St
BERLIN, MD 21811

PO Number: 201600880
Issued To: 9090

Date: 11/16/15
Required: 11/16/15
Ship Via: Best Method
Ship To:

PITTSVILLE MOTORS
34690 OLD OCEAN CITY ROAD
P O BOX B
PITTSVILLE MD 21850
FOB : SHIPPING POINT

Police Department
William ST 10
BERLIN MD 21811
Terms: Not Applicable

Special Instructions: Vehicle Order# CNGP530

Quantity	UOM	Asset	Item Description	Unit Price	Extended
1	EA		2016 Ford Explorer Police Package	\$25,401.0000	\$25,401.00

UNAPPROVED

Sub Total	\$25,401.00
Total Tax	\$0.00
Total	\$25,401.00

Account Number	Type	Account Description	Amount
01-4200-4092	E	CAPITAL OUTLAY-EQUIPMENT	\$25,401.00
Total			\$25,401.00

Approved by M&C on _____
FOR _____ AGAINST _____ ABSTAIN

Finance Director

Purchasing Agent

Received By: _____

Date Received: _____

CNGP530

VEHICLE ORDER CONFIRMATION

11/16/15 12:37:46

=>

Dealer: F27560

2016 EXPLORER 4-DOOR

Page: 1 of 1

Order No: 1116 Priority: A1 Ord FIN: QD684 Order Type: 5B Price Level: 635

Ord Code: 500A Cust/Fit Name: BERLIN PD

PO Number:

RETAIL

RETAIL

KBA 4DR AWD POLICE \$30930

SP DLR ACCT ADJ

.112.6" WB

FUEL CHARGE

YZ OXFORD WHITE

B4A NET INV FLT OPT NC

9 CLTH BKPS/VNL R

DEST AND DELIV 945

W EBONY INTERIOR

TOTAL BASE AND OPTIONS 32355

500A EQUIP GRP

TOTAL 32355

.PREM SINGLE CD

THIS IS NOT AN INVOICE

99R .3.7L V6 TIVCT NC

44C .6-SPD AUTO TRAN NC

FRT LICENSE BKT NC

422 CALIF EMISSIONS NC

51R DRV LED SPT LMP 395

56M FLEET INCENTIVE NC

60A GRILL WIRING 50

68G RR DR/LK INOP 35

F1=Help

F2=Return to Order

F3/F12=Veh Ord Menu

F4=Submit

F5=Add to Library

S099 - PRESS F4 TO SUBMIT

QC00169

fmcdealr@PREMMAZDSALE04

Nov 16, 2015 12:37:52 PM

db 25,401

Subject: A note from Troy @ Pittsville Ford
From: Troy Snyder (TSnyder@prestonmotor.com)
To: rfisher@berlinmdpd.org;
Date: Monday, November 16, 2015 1:50 PM

Hi Lieutenant Fisher,

As you can see there was a \$310 price increase on the MSRP between the time you ordered the first two and the time we order this one. This is not out of the ordinary, but to try to be fair to you we only added \$150 to the selling price. I hope you will find this acceptable. If it turns out to be an issue please let me know and I'll see if I can do anything about it. If everything looks good just let me know and I'll get it ordered right away. Thanks!

Troy Snyder

Pittsville Ford

410-835-8338

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Attachments

- Berlin PD Interceptor.pdf (110.31KB)