



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

Town Attorney

David Gaskill

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, MARCH 12, 2012

Town Administrator

Anthony J. Carson, Jr.

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

BERLIN AMBASSADOR GROUP PHOTO – ATLANTIC HOTEL

6:30 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144. Written materials in alternate formats for persons with disabilities are made available upon request.

TTY users dial 7-1-1 in the State of Maryland.

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

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, June 11, 2012**

BERLIN AMBASSADOR GROUP PHOTO IN FRONT OF ATLANTIC HOTEL

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

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on May 29, 2012
2. Request for Special Event – Lisa Long of Live Long Fitness
 - a. Autism 5K, September 29, 2012
 - b. Reindeer Run, December 15, 2012
3. Request for Special Event and waiver of fees – LeShell Fooks
 Henry Park Church Service – June 19th, July 17th, and August 21st (Tuesdays)
4. Powerpoint Presentation – Enough Abuse Campaign
 PFC J. Collins, S/O J. Jerscheid, Wendy Myers & Angie Brittingham
5. Public Hearing – Ordinance 2012-07
 An ordinance amending Chapter 102.18.6 "G" of the Town Code of Berlin
6. Motion to Approve – Contract and Statement of Work with Card's Computers
7. Departmental Reports
 - a. Finance – Lynn Musgrave
 - b. Public Works – Mike Gibbons
 - c. Water Resources – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Planning and Zoning - Chuck Ward
 - g. Human Resources – Jeff Fleetwood
 - h. Economic and Community Development – Michael Day
8. Town Administrator's Report
9. Comments from the Mayor
10. Comments from the Council
11. Comments from the Public
12. Comments from the Press
13. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Tuesday, May 29, 2012

The meeting of the Mayor and Council for Tuesday, May 29, 2012 was called to order by Mayor Williams at approximately 7:05 p.m. Councilmembers Lynch, Hall, Purnell, Burrell and Brittingham were present, as well as Town Administrator Tony Carson, Town Attorney David Gaskill, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Finance Director Lynn Musgrave, Economic and Community Development Director Michael Day, Electric Utility Director Tim Lawrence, Water Resources Director Jane Kreiter, Public Works Director Mike Gibbons, Police Chief Arnold Downing, Planning & Zoning Director Chuck Ward and Administrative Assistant Sharon Timmons.

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 May 14, 2012. Councilmember Hall inquired if the word "taxis" on page 2 should be "taxes". Mr. Ward stated that the reference was to taxi cabs. Councilmember Lynch made a motion to approve the minutes as corrected and council voted to approve 5-0.

Teresa Fields and Melanie Windsor from Worcester Youth and Family came before the council to give a presentation on the spring activities held and their preparation for the summer program. They will be revising the program to hold activities throughout the week depending on the age group and concentrating on the areas of physical activity, reading, arts and science. Councilmember Burrell suggested that in the future formal swim lessons be an area of concern. Discussion continued on partnering with schools and advertising. Mayor Williams stated that he was pleased with the results and asked for the assistance of the community for volunteer time.

Chief Arnold Downing spoke to the council requesting approval on the event known as the Berlin Bathtub Races to be held on Friday, July 13th. Chief Downing stated that he had spoken to the Chamber and that the race route was being moved to begin at Commerce Street and end at the hotel. Councilmember Burrell made a motion to approve the event and council voted unanimously to approve 5-0.

Mayor Williams announced the Public Hearing on Ordinance 2012-04, approval of the FY13 budget. Mayor Williams stated that the FY13 budget was \$13,451,564.00 and had been reduced 2% from the previous year. He explained that the budget called for no raises for employees, but did include a one-time bonus of \$500 and reduced the tax rate from 73 cents per hundred to 68 cents per hundred. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State or County. There being none, Mayor Williams asked for comments from anyone from the public. There being no public comments, Mayor Williams closed the public hearing and asked for comments from the council. Councilmember Lynch inquired which account the \$500 bonus would be coming from and Mr. Carson stated fringe benefits. She then asked if the check would be paid as gross or net. Human Resources Director Jeff Fleetwood stated that the check would be grossed up so that the net amount would be \$500. Councilmember Burrell stated that he felt that the Town of Berlin has a professional and able staff and is committed to the citizens. Councilmember Brittingham made a motion to approve the FY13 and council unanimously approved 5-0.

David Gaskill read Resolution 2012-06, a resolution establishing the reduced property tax rate of 68 cents for each \$100 of assessed valuation and \$1.70 for each \$100 of assessed valuation for corporate and personal property taxes for the fiscal year beginning July 1, 2012. Councilmember Brittingham made a motion to approve Resolution 2012-06 and council voted unanimously to approve 5-0.

Mayor Williams announced the Public Hearing for Ordinance 2012-06, an ordinance amending Section 102.18.6 C and adding Section 102.18.13. The amendment of Section 102.18.6 requires the submission of the water and sewer application at the same time as the submission of the building permit due to the fact that site plans may change and the applicant may not know how many EDU's are needed. The addition of Section 102.18.13 adds the establishment of a financial hardship exemption plan for residential users from paying the Bay Restoration Fee. Water Resources Director Jane Kreiter stated that an application and criteria needed to be established and sent to MDE for approval, but would be

brought to the council first for their approval. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State or County. There being none, Mayor Williams asked for comments from anyone from the public. There being no comments, Mayor Williams closed the public hearing and asked for comments from the council. Councilmember Lynch inquired about Section 102.18.4 and suggested that it be revised to read the project will be "assessed additional charges as appropriate at the rate previously paid by the owner" for properties which show increased flows after a monitored period of two years. Attorney Gaskill stated that this change would necessitate a new Ordinance number and require a public hearing. The discussion this evening would be considered an introduction and first reading. The public hearing on the new Ordinance which would be 2012-07 will be held on June 11, 2012. Mr. Gaskill stated that Ordinance 2012-06 still needed to be voted on and Councilmember Purnell made a motion to approve Ordinance 2012-06 and council voted unanimously to approve 5-0.

Mayor Williams explained the motion to approve the installation of permanent No Parking signs on Powellton Avenue was due to the excessive parking on both sides of the street during town events and prohibits traffic and safety vehicles access to the street. Councilmember Burrell suggested that Showell Street be considered a No Parking street during the Memorial Day event at Henry Park. Discussion continued on signage and the responsibility of traffic control. Councilmember Purnell made a motion to approve the installation of No Parking signs on both sides of Powellton Avenue and council voted unanimously to approve 5-0. Mayor Williams asked Chief Downing and Mr. Day to keep the council advised of ideas for alternate parking.

Departmental reports began with Finance Director Lynn Musgrave thanking the Mayor and Council for approval of the FY13 budget. She then reported that the financials through April had been placed on the dias for their review.

Deputy Town Administrator Mary Bohlen reported that a copy of a press release that had been sent out regarding the Henry Park subcommittee had been placed in the council packet and that she had already received responses from interested persons. Mayor Williams asked Ms. Bohlen to incorporate information received from the past survey in their plans for improvement.

Public Works Director Mike Gibbons reported that debris had accumulated in the ditches located at St. Paul's Church and at Flower Street and Showell Street. Mr. Gibbons stated that his department had cleaned out the debris and re-seeded the area. He continued reporting that the herbicide treatments in the Flower Street area would be completed this week. Councilmember Hall asked Mr. Gibbons to look at the ditches from Esham Avenue to Thomas Court and to consider sending a letter to the homeowners in that area regarding the required maintenance.

Water Resources Director Jane Kreiter reported that thank you letters had been received from the students at Buckingham Elementary School regarding the presentation given on the camera truck by Jocelyn Aydelotte.

Electric Utility Director Tim Lawrence reported that all the street lights but one had been installed on Prospect Drive. Mr. Lawrence reported that his department had removed a tree at Church and Tripoli Streets, replaced two transformers damaged last summer, replaced energy efficient lighting in Town Hall, Planning and Zoning and the Police department, installed motion sensor lighting in the upstairs of Town Hall and had met with Comcast regarding the WIFI project. Mr. Lawrence also stated that the outage on Sunday was caused by an underground primary fault located at Worcester Preparatory School.

Police Chief Arnold Downing reported a safe May with all of the events and that his department would be concentrating on the last day of school, graduation and graduation parties. He continued that he would be speaking on Thursday at 10 a.m. on WQMR regarding public safety and would be planning an outreach with the businesses after school has ended.

Planning & Zoning Director Chuck Ward reported on the upcoming Historic District, Planning and Zoning and Board of Zoning Appeals meetings. He also reported that the first draft revisions would be discussed regarding the residential sections of the comprehensive rezoning process.

Human Resources Director Jeff Fleetwood reported on a smooth and successful Open Enrollment.

Economic and Community Development Director Michael Day reported on the various meetings he would be attending, the Bridal Art Stroll taking place in June and the buzz around town regarding the WIFI.

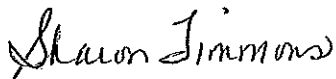
Town Administrator Tony Carson thanked the Mayor and Council for their support and positive statements regarding staff. He then presented and requested approval of 10 purchase orders (201203031, 201202807, 201203019, 201202692, 201203035, 201203055, 201203061, 201203070, 201203047 and 201203024). Councilmember Hall inquired if signage was allowed regarding grant monies for business improvements and Mr. Day stated yes. Councilmember Lynch inquired about the purchase order for the trash cans on Main Street and Mr. Carson explained. Councilmember Brittingham made a motion to approve all 10 purchase orders and council voted to approve 5-0.

Mayor Williams read the plaque from the Chamber of Commerce recognizing the Public Works department as Hometown Heros.

Mayor Williams asked for comments and/or questions from the council.

Being no questions or comments from the public or press, Councilmember Burrell made a motion to adjourn and the meeting ended at 8:40p.m.

Respectfully submitted,



Sharon Timmons
Administrative Assistant

ORDINANCE 2012-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND AMENDING CHAPTER 102.18.4, " G" OF THE TOWN CODE OF BERLIN.

WHEREAS, the Mayor and Council of the Town of Berlin deem it is advisable to provide for adequate water and sewage capacity for the residents of the Town of Berlin and to allocate water and sewage capacity among current and future developments in a fair and equitable manner in its effort to maintain water and sewerage allocation availability to the community; and

WHEREAS, the Mayor and Council desire to modify provisions regarding, ready to serve charges, special connection charges and other related matters so as to assist the Town in paying for water and sewer facilities.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF BERLIN, MARYLAND, that Chapter 102, of the Town Code entitled "Water", be amended to add Section 102-18 entitled "Water and Sewer Allocations, " to read as follows:

Chapter 102

WATER

SECTION 102-18

Water and Sewer Allocation; Special Connection, Connection And Ready to Serve Charges

CHAPTER 102-18.1. PURPOSE AND INTENT.

- A.** The Mayor and Council of the Town of Berlin ("Mayor and Council") find that temporary shortages of available capacity in water and sewer facilities may occur as a result of health, environmental, or financial considerations, as well as growth demands. The Mayor and Council have determined that in order to permit growth within the resources of the Town, it is necessary to establish a method by which available water and sewer capacity may be allocated and fees established to assist the Town in paying for water and sewer facilities.

- B. The Mayor and Council further find that an allocation procedure will help implement the comprehensive plan by ensuring that adequate public water and sewer facilities are available in a timely and well-planned manner. In addition, an allocation procedure will assist the Town in addressing the cost of providing needed public water and sewer capacity to ensure that Berlin remains a desirable place to work and live.
- C. It is the intent of the Mayor and Council that the provisions of this section shall accomplish the objectives stated in Sections A and B of this subsection and that a fair and equitable method of allocating available water and sewer capacity and creation of related fees are established.

CHAPTER 102-18.2 DEFINITIONS.

- A. **ALLOCATED READY TO SERVE CHARGE** - means a charge based upon the number of EDU's allocated to a lot and applied to all lots within the corporate Town limits that may or may not have water and/or sewer service available but for which an allocation has been approved pursuant to this Ordinance.
- B. **ALLOCATION** – means assignment of the number of EDU's required for a project and shall be based on a specific use and scope as indicated in the drawings and documentation submitted to the Town or one (1) EDU per existing lot.
- C. **APPLICATION** - means a request to the Town to reserve a water and sewer allocation made in the form required by the Town. The application shall clearly indicate the number of EDU's requested by the applicant and shall be simultaneously submitted with an application for either a building permit; site plan review; subdivision review, whichever is filed first after the effective date of this Ordinance.
- D. **CAPACITY MANAGEMENT PLAN** – means water and wastewater capacity plans prepared by the Town and submitted to the Maryland Department of the Environment pursuant to its published Guidelines.
- E. **EDU** – means an equivalent dwelling unit which is a measure where one unit is equivalent to the approximate amount of wastewater effluent generated from one home. An EDU is established to be 250 gallons per day (1EDU = 250 gallons of flow per day).
- F. **EXISTING SUBDIVISION** – means a parcel of land documented with a recorded plat having received final approval by the Berlin Planning Commission prior to December 31, 2008.
- G. **GRANDFATHERED READY TO SERVE CHARGE** – means a charge based upon the number of EDU's allocated to a lot and applied to all lots within the corporate Town limits which, as of December 31, 2008, have water and/or sewer service available but are not connected to the water or sewer system.

H. GRANDFATHERED SPECIAL CONNECTION CHARGE - a fee imposed upon applicants for New Service for lots subject to the Grandfathered Ready to Serve Charge to pay for:

1. portions of the Town's new and/or upgraded water and sewer system which are under design and construction by the Town as approved by an amendment to the 1994 Comprehensive Plan for Water and Sewage Systems, Worcester County, pursuant to Commissioner Resolution No. 07-36 adopted on December 18, 2007; and
2. portions of the Town's future water and those sewer facilities relating to effluent disposal.

The Town shall use Grandfathered Special Connection Charge revenues only for water and sewer capital and related financing activities.

I. NEW SERVICE – means:

- (1) a first time connection of a property to the Town water or sewer systems; or
- (2) a new connection or increased water meter size for a property previously or currently served by the Town if the new connection or increased water meter size is needed because of a change in the use of the property or an increase in demand for service at the property.

J. SPECIAL CONNECTION CHARGE – a fee imposed upon applicants for New Service to pay for:

- (1) portions of the Town's existing water and sewer system to be used by new connections;
- (2) portions of the Town's new and/or upgraded water and sewer system which are under design and construction by the Town as approved by an amendment to the 1994 Comprehensive Plan for Water and Sewage Systems, Worcester County, pursuant to County Commissioner Resolution No. 07-36 adopted on December 18, 2007; and
- (3) portions of the Town's future water and those sewer facilities relating to effluent disposal.

The Town shall use Special Connection Charge revenues only for water and sewer capital and related financing activities.

K. WATER AND SEWER CONNECTION CHARGES – designed to recoup only the cost of making individual connections from the water and wastewater mains in the street to the property line of an abutting lot and are due and payable at the time a request is made for service. In the case of New Service this fee is due and payable before a Certificate of Occupancy is issued.

CHAPTER 102.18.3 APPLICABILITY.

- A. Allocations made under this Ordinance are subject to the availability of water and sewer capacity. The Town is not responsible for any contingency that affects the timing or ability to connect to the Town's water and sewer systems which is beyond the control of the Town.
- B. This Ordinance shall be applicable to all lands within the corporate limits of the Town of Berlin.
- C. Holders of an allocation who have been paying a Grandfathered Ready to Serve Charge for such allocation as of December 31, 2008 shall be exempt from Chapter 102.18.7. Duration of Allocation of this Policy.

CHAPTER 102.18.4 CALCULATION OF EDU REQUIREMENTS.

- A. The water and sewer allocation for a single family residential unit shall require one EDU.
- B. For non-residential units, the number of EDU's required for a project shall be based on the specific use and scope as determined and approved by the Town in accordance with the provisions of this Ordinance.
- C. Unless otherwise provided for in this Ordinance, the calculation of the number of EDU's required for a project shall be based on the Guidance Document, titled "Wastewater Capacity Management Plans, 2006", published by the State of Maryland Department of the Environment as amended, ("Guidelines") attached as an Appendix to this Ordinance, and as amended from time to time by the Mayor and Council of Berlin, Maryland.
- D. If a project or use is not adequately addressed in the Guidelines, the Town may consult its engineer or other technical resources, at the expense of the applicant, to estimate the required EDU's.
- E. The Town may consider historical or representative data from similar projects of like use and scope in calculating the required EDU's for a project.
- F. The calculation of the required EDU's shall result in whole numbers. If the division of total estimated flow by 250 gallons per day results in a fractional portion, the result shall be rounded to the next highest whole number.
- G. The Town shall monitor water consumption as an indication of actual sewer flow to a non residential unit or project for a period of twenty-four months following completion of the entire project. If the flow exceeds the established EDU's allocated to the property, the owner of the non-residential unit or project will be assessed additional **Special Connection Charges as appropriate, at the rate previously paid by the owner** to reflect the additional flow in excess of the

previously allocated number of EDU's. Any fractional portion shall be rounded to the next highest whole number.

- H. The allocation for a pre-existing non-residential use shall be based upon the average use over the previous twenty-four (24) months of documented flow when such documented continuous flow history is available. Should such continuous flow history not be available, a determination using historical data for up to the prior ten (10) years shall be made. This documented historical data shall be available for subsequent use of the parcel provided:
 - (1) the utility account has remained active with uninterrupted payments for at least minimum usage billing; and
 - (2) there has been no change to the approved uses including any increase to or enhancement of a previously approved use.
- I. In the event neither the prior twenty-four month flow nor historical data is available pursuant to Section 102.18.4 (H) above, the Town shall determine the allocation for a pre-existing non-residential use pursuant to above Sections 102.1.8.4. (B) through (G).

CHAPTER 102.18.5 AUTHORITY.

- A. Water and sewer capacity allocations shall be recommended by the Berlin Utilities Commission for approval by the Mayor and Council.

CHAPTER 102.18.6 WATER AND SEWER ALLOCATION PROCESS.

- A. The Capacity Management Plan and its amendments shall specify the general distribution of available sewer capacity available for allocation by the Mayor and Council. The Plan divides available capacity into use categories to be available over a given period of time. Allocations shall be available within a given category on a "first come-first served" basis, subject to the provisions of this Ordinance.
- B. The developer of any property shall submit to the Town an application for site plan or subdivision approval in accordance with Chapter 94 and Chapter 107 of the Town of Berlin Code; or an application for a building permit in accordance with Chapter 37 of the Town of Berlin Code.
- C. Simultaneously with submission of a building permit application, the developer or property owner shall also submit an application for a water and sewer allocation. The allocation application shall be referred to the Berlin Town Administrator and Director of Water Resources for review and recommended action to the Mayor and Council. The application for the required allocation shall include a 10% deposit of the prevailing water and sewer Special Connection Charge or Grandfathered Special Connection Charge based upon the total number of EDU's requested in the application. The deposit will be deducted from the Special Connection Charge or Grandfathered Special Connection Charge at such time as the proposed

development seeks actual connection to the water and sewer system and pays the balance of the Special Connection Charge or the Grandfathered Special Connection Charge.

- D. If the Mayor and Council denies an application for water and sewer allocation, the 10% deposit will be refunded, except for a \$400 administrative fee plus any other additional expenses incurred by the Town in reviewing the application.
- E. No final plat of subdivision may be recorded unless:
 - (1) the Town has approved the application for water and sewer allocation and reserved adequate water and sewer capacity for the proposed development (only lots and portions of non-residential developments with an approved allocation may be recorded) subject to this Ordinance including, but not limited to, its forfeiture provisions; and
 - (2) an allocation agreement has been recorded where a certification of intended uses or Public Works Agreement has been executed.
- F. Once the allocation is approved and the plat of subdivision is recorded, all lots within the newly recorded subdivision shall be subject to the payment of the Allocated Ready to Serve Charge until the total Special Connection Charge or Grandfathered Special Connection Charge balance is paid.
- G. For projects where there is no existing town water and sewer utility services in place, no building permit may be issued unless the Special Connection Charge or Grandfathered Special Connection Charge balance (Connection Charge less the 10% deposit noted in Section C above), which shall be calculated using the prevailing rate at the time the application for allocation was filed less prior deposits, has been paid.
- H. For projects where existing town water and sewer utility services are in place, no Certificate of Occupancy or Zoning Certificate may be issued unless:
 - (1) the Town has inspected and improved all phases of construction; and
 - (2) the applicant has paid all monetary obligations to the Town of Berlin, including, but not limited to, the water and sewer connection charge.
- I. The Town shall maintain a report establishing the amount of water and sewer capacity available for allocation. This report shall account for any allocation made prior to the effective date of this Ordinance. The Town shall also maintain a list of applicants for water and sewer allocations submitted after the effective date of this Ordinance, subject to the provisions of this Ordinance.

CHAPTER 102.18.7 DURATION OF ALLOCATION.

- A. Projects receiving final site plan or final subdivision approval after December 31, 2008 shall be subject to the following:
- (1) The owner shall apply for the allocations required for its project by submitting the application as provided in this Ordinance.
 - (2) The approved water and sewer allocation shall be considered reserved for as long as the Allocated Ready to Serve Charge is continuously paid. A three month arrearage shall be considered forfeiture of the allocation and the Town shall be entitled to recapture the sewer and water allocation granted for any lots that fail to pay the Allocated Ready to Serve Charge for three consecutive months unless otherwise approved by the Mayor and Council.
 - (3) Any allocation forfeited under this Ordinance shall revert back to the Town for future allocation.
 - (4) Forfeiture of the reserved allocation shall not warrant a refund of any Special Connection Charge or Grandfathered Special Connection Charge deposit.

CHAPTER 102.18.8 ASSIGNABILITY OR TRANSFERABILITY OF WATER ALLOCATION.

All Allocations established by the Town for any applicant either before or after the effective date of this Ordinance shall be for the property specified in the application or for which property the readiness to serve charge was paid and shall not be transferable to any other property, without the approval of the Mayor and Council.

CHAPTER 102.18.9 EFFECT OF ZONING ACTION.

The grant of a special exception, reclassification of property or other zoning action does not entitle a property owner to an allocation of water or sewer capacity for that property.

CHAPTER 102.18.10 SPECIAL CONNECTION CHARGE AND GRANDFATHERED SPECIAL CONNECTION CHARGE ESTABLISHED.

- A. The water and sewer Special Connection Charge and the water and sewer Grandfathered Special Connection Charge shall be established by the Mayor and Council and shall be based upon a per EDU basis.
- B. The water and sewer Special Connection Charge and the water and sewer Grandfathered Special Connection Charge shall be reviewed annually in order to provide adequate revenue for related capital expenditures.

- C. The water and sewer Special Connection Charge and the water and sewer Grandfathered Special Connection Charge established by the Mayor and Council shall continue until modified by the Mayor and Council.
- D. The Town shall deposit all funds collected under the Special Connection Charge and the water and sewer Grandfathered Special Connection Charge into the water and sewer funds to be used only for water and sewer capital and related financing activities.

CHAPTER 102.18.11 MONITORING.

- A. There will be a review of water and sewer capacity by the Water Resources Director that shall occur at least annually. The Mayor and Council may request certain data more frequently in its role as the approval authority.
- B. As part of the annual review, the Mayor and Council shall receive information on:
 - (1) Calendar year beginning and ending annual average daily flow;
 - (2) Total number of EDU's allocated during the year;
 - (3) Available capacity, as of the most recent year ending December 31st;
 - (4) Pending and approved projects which have not connected to the system; and
 - (5) Other information deemed properly plan for and allocate relevant to water and sewer capacity.

CHAPTER 102.18.12 SEVERABILITY.

Should any provision, section, paragraph or subparagraph of this section, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having competent jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each other provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

CHAPTER 102.18.13 BAY RESTORATION EXEMPTION

Establishment of a financial hardship exemption plan for residential users from paying the Bay Restoration Fee. The plan must be submitted to MDE for approval.

CHAPTER 102.18.14 ADDITION TO CODE.

It is the intention of the Mayor and Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances and the sections of this Ordinance may be renumbered to accomplish such intention.

CHAPTER 102.18.15 EFFECTIVE DATE.

This Ordinance shall take effect at the expiration of twenty (20) calendar days from the date of approval by the Mayor or the approval of the full body of the Council if vetoed by the Mayor.

This Ordinance was introduced and read at a meeting of the Town Council of the Town of Berlin, Maryland held on _____, and passed for second reading in accordance with _____ of the Charter of Berlin, Maryland, a statement of the substance of the Ordinance has been published in a newspaper or newspapers having general circulation in the Town of Berlin and posted by law. Thereafter, the Ordinance was finally passed by the Town Council on the _____ day of _____, 2012.

Passed this _____ day of _____, 2012

William G. Williams III, Mayor

Elroy Brittingham, Sr., Vice-President

ATTEST: _____
Anthony J. Carson, Jr., MPA
Town Administrator

TOWN ADMINISTRATOR'S REPORT

06-11-12

Purchase Orders

PO# 201203109 in the amount of \$1,555.56 to Worth Construction for repair of sidewalks due to the repair of water meters.

PO# 201203110 in the amount of \$1,301.20 to Dover Plumbing for replacement fittings. Need to be compliant with new lead law.

PO# 201203161 in the amount of \$1,750.00 to Terra Firma for asphalt for patch in front of shop.

PO# 201203112 in the amount of \$1,188.00 to Crime Reports for renewal of annual subscription.

PO# 201203213 in the amount of \$12,398.82 to Maryland and Delaware Railroad for FY12 license fees.

Updates