



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

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2014 Winner
Berlin, MD

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, JULY 28, 2014

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

Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

Town Attorney

David Gaskill

Town Administrator

Laura Allen

NO EXECUTIVE SESSION SCHEDULED

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

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, July 28, 2014**

NO EXECUTIVE SESSION SCHEDULED

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

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on July 14, 2014
 Executive Session of the Mayor and Council on July 14, 2014
 Statement of Closure for Mayor and Council on July 14, 2014
2. Request for Special Event – Berlin Fiddler's Convention
 Friday thru Sunday, September 19-21, 2014
3. Letter of Support – Berlin Fire Company's decision not to blow fire siren during
 certain hours.
4. Request for Deferral of EDU Fees for property located at Route 50 and Route 452
5. Public Hearing-Ordinance 2014-4
 An ordinance amending Chapter 8 of the Town Code regarding the peddling,
 solicitation or distribution of merchandise.
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
 - g. Human Resources – Jeff Fleetwood
 - h. Economic and Community Development – Michael Day
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

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, July 14, 2014

The meeting of the Mayor and Council for Monday, July 14, 2014 was called to order by Mayor Williams at approximately 7:00 p.m. Councilmembers Brittingham, Burrell, Hall, Purnell and Lynch were present, as well as Town Attorney David Gaskill, Town Administrator Laura Allen, Deputy Town Administrator Mary Bohlen, Human Resources Director Jeff Fleetwood, Finance Director Natalie Saleh, Water Resources and Public Works Director Jane Kreiter, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Planning Director Dave Engelhart was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Regular Session minutes of June 23, 2014. Councilmember Lynch made a motion to approve the Regular session minutes of June 23, 2014 and council voted to approve 5-0. Mayor Williams asked for a motion to approve the Executive Session minutes of June 23, 2013. Councilmember Brittingham made a motion to approve the Executive minutes of June 23, 2014 and council voted to approve 5-0. Mayor Williams read the Statement of Closure for the June 23, 2014 Executive Session which closed the meeting to discuss 3 items: (1) a personnel matter that affects one or more specific individuals; (2) to consult with counsel to obtain legal advice on a legal matter; and (3) to consult with staff, consultants or other individuals about pending or potential litigation.

Ms. Claudia Nagle, Executive Director of Diakonia was joined by Sandy Sribnick and Joel Todd for their powerpoint presentation which elaborated on the services they provide and how the donations received from the Town and other agencies are used. Ms. Nagle explained the needs for Emergency and Transitional housing, the food pantry and supportive services for veterans and their families. Councilmember Burrell thanked Diakonia for their commitment to the community and families and then made a motion to disburse funds in the amount of \$7,500 to Diakonia for Fiscal Year 2014 and to confirm appropriation of \$7,500 for Fiscal Year FY15. Council voted unanimously to approve the motion 5-0.

Ms. Diandra Bratten representing the non-profit Others Helping Others came before the council requesting approval for the Berlin Classic Basketball Tournament to be held on Saturday, August 16th at Dr. William Henry Park from 10 a.m. to 8 p.m. The funds collected by registration fees and the sale of hamburgers and hot dogs would be directed towards services for disabled and parapalegic children. Discussion continued regarding liability insurance. Ms. Bratten stated that a waiver would be signed by each participant. Councilmember Lynch stated that the Town needed a copy of the organization's 501-C3 showing non-profit status. Councilmember Brittingham made a motion to approve the event contingent that Ms. Bratten deliver the proper paperwork for the Tax ID# and 501-C3 to Ms. Bohlen by August 1st. Council voted to approve unanimously 5-0.

Police Chief Arnold Downing spoke to the council to request approval of the National Night Out event to be held Tuesday, August 5th from 4 p.m. to 7 p.m. at the Dr. William Henry Park on Flower Street. Berlin Area Ministries, Sonrise Church and Worcester Youth will be partnering on this event. Councilmember Lynch made a motion to approve the National Night Out and council voted unanimously to approve 5-0.

Economic and Community Development Director Michael Day came before the council requesting approval of the Shakespeare play MacBeth to be performed by the Brown Box Theatre group on Saturday, September 6th from 7:30 p.m. to 9:30 p.m. The play will be held at the intersection of Main and Pitts Streets. Councilmember Lynch made a motion to approve the performance of MacBeth by the Brown Box Theatre on September 6th, 2014 and council voted unanimously to approve 5-0.

Ms. Anna Mullis, Executive Director of the Worcester County Arts Council accompanied by David Simpson, Nancy Howard and Laura Jenkins came before the council to request support towards the 2014 Annual Paint Berlin plein air event in the amount of \$1,500.00. The Paint Berlin, plein art event will take place September 18-20, 2014 and hopes to have even more artists participating this year. Councilmember Brittingham made a motion to approve the financial support of \$1,500 to the Paint Berlin plein art event and council voted unanimously to approve 5-0.

Mr. William Outten and Mr. Walt Dennison came before the council to request the designation of 1 parking space to be used as a short term loading zone on Pitts Street. Mr. Outten presented a picture of the desired area. The loading zone would have a shared-use for the Town Center Antiques, Pitts Street Antiques, Burleigh Inn and other businesses along Pitts Street. Discussion continued. Mr. Dennison stated that a major problem is that many of the parking spaces are occupied by Main Street business merchants and employees. Mayor Williams suggested that the merchants need to establish a cooperative dialogue regarding the parking issues on Main Street and the side streets. Councilmember Lynch stated that she wanted to visit the area in question. No action was taken on the matter.

Mayor Williams announced the Public Hearing for Ordinance 2014-03, an ordinance amending Chapter 26 which establishes a stormwater fee credit policy. The policy makes it possible for non-profit, non-residential property owners to earn credits on the current stormwater utility fees if certain improvements are made with a maximum credit amount up to 50%. Mayor Williams opened the Public Hearing and asked for any comments from anyone from the State, County or public. There being no comments, Mayor Williams closed the Public Hearing. Councilmember Lynch made a motion to approve Ordinance 2014-03 and council voted unanimously to approve 5-0.

Mayor Williams introduced Ordinance 2014-4, an Ordinance amending Chapter 8, Article III, §8-52 of the Code regarding the peddling, solicitation or distribution of prepared food items. The public hearing will be held on July 28th. The Ordinance has been amended to add Item #9 which prohibits persons to peddle, solicit or distribute prepared food items, unless exempted under §8-53, without the prior approval of the Mayor and Council. This would not affect vendors which are part of a special event since they receive a vendor permit from the Police department and have registered with the event organizer.

Economic and Community Development Director Michael Day, Worcester County Economic Director Bill Badger and Mr. John Hickman spoke to the council on the motion to approve the Entrepreneur Assistance Program. The idea of the Entrepreneur Assistance Program is to attract professionals and assist them in getting established in the Town by offering free short term (6 months) rental space and utilities in the Berlin Visitors Center. Discussion continued. Mayor Williams asked for an informal vote from the council as to whether they wanted to further pursue the idea or stop at this point. Councilmember Brittingham was in favor of continuing, with Councilmembers Burrell, Hall, Lynch and Purnell wanting to end the discussion. The idea was considered dead and no action was taken.

Worcester County Economic Director Bill Badger gave the council an update on the Excursion Train project. The consultant has been chosen to complete the Phase 1 Feasibility Study and the results of Phase 1 will determine if Phase 2 is required and if so, what costs are associated with it. Mr. Badger stated that he hoped that the Town would still be able to contribute the \$5,000.00 towards the project. Discussion continued.

Human Resources Director Jeff Fleetwood explained the increase in volunteers that were manning the booths at the Visitors Center and Ambassador Program. Mr. Fleetwood stated that he felt a policy was needed and would include an application, rules and waiver of liability. Councilmember Lynch suggested that Ms. Houston's name be replaced by a "title" and that the words "and be in presentable condition" be added to the end of the paragraph titled Dress Code. Councilmember Lynch made a motion to approve the Volunteer Application, Policy and Waiver of Liability with the incorporated changes and council voted unanimously to approve 5-0.

Finance Director Natalie Saleh spoke on the motion to approve the Town of Berlin Capitalization and Depreciation Policy. The policy includes capital assets categories and descriptions, definitions and useful lives and establishes a \$5,000 minimum threshold including methods to establish any estimated costs. Councilmember Lynch suggested that the policy be reviewed and approved by our auditors. Councilmember Hall made a motion to approve the Capitalization and Depreciation Policy and council voted unanimously to approve 5-0.

Electric Utility Director Tim Lawrence explained the process involved with the search to choose a vendor for the upgrading of Town business phone services. Mr. Lawrence stated that staff had reviewed the 3 proposals submitted and Comcast was the recommended choice. The proposal includes all new equipment, software upgrades and no long distance charges. Town Administrator Laura Allen told council how antiquated the current phone system was and how the charges from Verizon had been steadily increasing since the State Government contract ended. Discussion continued with Comcast representative Dave Travis over customer service issues. Councilmember Burrell made a motion to approve a 3 year contract with Comcast Business for upgraded phone services in the amount of \$74,407.15 plus taxes and council voted unanimously to approve 5-0.

Ms. Allen explained the proposal from GFOA to provide RFP Development and Vendor Selection services for the new financial system in the amount of \$16,800.00. Ms. Allen reviewed the consulting services, products and schedule GFOA was offering to ensure the best financial product for the Town. Councilmember Hall made a motion to approve the proposal from GFOA to provide RFP Development and vendor Selection services for the new financial system in the amount of \$18,600.00 and council voted unanimously to approve 5-0.

Having completed the items on the Regular Agenda, Mayor Williams asked for Departmental Reports. Finance Director Natalie Saleh reported that the Finance department was preparing for the audit.

Water Resources and Public Works Director Jane Kreiter reported that the Water Resources department would be conducting two tours on Friday. Students from Del Tech would be visiting the new Spray Site and students from Wicomico Middle School would be touring the new wastewater treatment facility.

Electric Utility Director Tim Lawrence reported that the Electric department had been installing in-line connects throughout town and had generated 4 times since June. Mr. Lawrence also reported that both the Electric department and the Water Resources department would be placing entries in the Bathtub races to be held on Friday, June 18th.

Police Chief Arnold Downing reported that they had received a Grade "A" on the audit from the Governor's Office of Crime and Prevention regarding the review of the department policies and will be participating in another audit on Thursday from the Maryland Training Commission on background files.

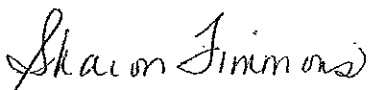
Economic and Community Development Director Michael Day reported that he would be attending a meeting in Baltimore at DHCD and presented the new State Highway Banner promoting the Smart Walk Program. Councilmember Hall spoke on her concerns about the back up of traffic at the light which turns left onto Assateague Road from Route 113.

Town Administrator Laura Allen presented 19 purchase orders to the council for approval. Councilmember Brittingham made a motion to approve the 19 purchase orders as submitted and the council voted unanimously to approve 5-0.

Councilmember Burrell asked staff to investigate three issues: (1) grass at Route 113 & Branch Street, (2) the placement of cones around the dumpster on Franklin Avenue, and (3) consideration of having liability insurance associated with events.

Mayor Williams asked for comments from the press and the public. There being no comments or questions from either, Councilmember Burrell made a motion to adjourn the meeting and the meeting ended at 10:00 p.m.

Respectfully submitted,



Sharon Timmons
Administrative Assistant

ORDINANCE 2014-4

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 8, ARTICLE III, §8-52 OF THE CODE

BE IT ENACTED AS FOLLOWS:

Sec. 8-52. General Regulations.

No person shall:

1. Peddle, solicit or distribute merchandise except between the hours of 9:00a.m. and 6:00p.m., unless specifically having been invited into a house by the occupant or having made an appointment with a person previously.
2. Attempt to peddle, solicit or distribute merchandise or printed material without first having identified himself as a peddler, solicitor or distributor registered with the town and having displayed his certificate or credentials, in the case of the solicitation of funds.
3. Have exclusive right to any location in the public streets or operate in any congested area where his operations might impede or inconvenience the public.
4. Enter or attempt to enter the residence of any person in the town without an express invitation from the occupant of such residence.
5. Conduct himself in such a manner as to become objectionable to or annoy an occupant of any residence.
6. Shout, cry out, blow a horn, ring a bell or use any sound-making or amplifying device upon any of the streets, parks or public places of the town or upon private premises where sound of sufficient volume is produced or emitted therefrom to be capable of being plainly heard upon the streets, avenues, parks or other public places of the town or upon private premises, for the purpose of attracting attention to any merchandise or services.

7. Distribute obscene merchandise or printed material or that which advocates unlawful contact.
8. Litter the streets, public places or properties within the town with any merchandise or printed material.
9. PEDDLE, SOLICIT OR DISTRIBUTE PREPARED FOOD ITEMS, UNLESS EXEMPTED UNDER §8-53, WITHOUT THE PRIOR APPROVAL OF THE MAYOR AND COUNCIL.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2014, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2014.

Adopted and effective this _____ day of _____, 2014 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2014 by the Mayor of the Town of Berlin.

Wm. Gee Williams, Mayor

ATTEST: Laura Allen, Town Administrator

TOWN ADMINISTRATOR'S REPORT

July 28, 2014

Purchase Orders

PO# 201500245 in the amount of \$19,999.00 to Homeworks Carpet One for carpeting for Town Hall. (01-4110-4092, 10-4210-4092, 20-4310-4092 & 24-4360-4092)

PO# 201500281 in the amount of \$3355.44 to Homeworks Carpet One for carpeting for Planning building. (01-4330-4060)

PO# 201500274 Blanket purchase order in the amount of \$18,000.00 to Intercoastal Trading for Hypochlorite solutions. (24-4370-4049)

PO# 201500276 Blanket purchase order in the amount of \$4,000.00 to Envirocorp for treatment plant discharge 001. (24-4370-4073)

PO# 201500277 Blanket purchase order in the amount of \$10,000.00 to Envirocorp for monitoring of wells. Required by MDE. (24-4380-4073)

PO# 201500278 Blanket purchase order in the amount of \$7,500.00 to Worcester County for sludge disposal. (24-4370-4121)

PO# 201500299 in the amount of \$1,570.34 to Sensus for yearly renewal support program. (20-4310-4060)

PO# 201500326 in the amount of \$1,800.00 to Cues for yearly support plan for camera truck. (24-4360-4060)

PO# 201500332 in the amount of \$86,736.00 to Joe Basil Chevrolet for (3) 2014 Chevrolet Tahoes - Police Package. (01-4200-4092)

PO# 201500338 in the amount of \$40,000.00 to Decatur Investments for DHCD Façade Grant for interior conversion from warehouse to office/retail. 2 phases at \$20,000.00 each. Approved by DHCD. (01-4115-4200)

PO# 201500346 in the amount of \$7,595.71 to Maryland Unemployment Insurance Fund for unemployment insurance. (01-4310-4011, 10-4220-4011)

PO# 201500342 in the amount of \$35,630.14 to Cards Computers for FY15 IT Services (01-4110-4050, 01-4110-4092, 01-4200-4053, 01-4300-4060, 01-4400-4060, 10-4220-4060 and 10-4230-4060)

PO# 201500360 in the amount of \$5,000.00 to Shore Transit for support for the Shore Transit Summer Trolley. (01-4115-4060)

PO# 201500154 Blanket Purchase Order in the amount of \$3,000.00 to Flag Publications for Main Street Promotions. (01-4115-4056)

PO# 201500154 Blanket Purchase Order in the amount of \$3,000.00 to Affordable Business Systems for monthly base rates and color charges for downstairs copier at Town Hall. (01-4110-4044)