



BERLIN MAYOR AND COUNCIL Meeting Agenda

Berlin Town Hall
10 William Street

Tuesday, November 12, 2019

7:00 PM REGULAR SESSION – Council Chambers

1. Approval of the Minutes for:
 - a. Executive Session of 10/15/19
 - b. Statement of Closure for Executive Session of 10/15/19
 - c. Regular Session of 10/15/19
 - d. Executive Session of 10/23/19
 - e. Statement of Closure for Executive Session of 10/23/19
 - f. Executive Session of 10/28/19
 - g. Statement of Closure for Executive Session of 10/28/19
 - h. Regular Session of 10/28/19
2. Nominations for new or re-appointed Boards and Commission Members – Mayor Williams
3. Motion 2019-34: Motion approving the agreement between the Berlin Heritage Foundation and The Town of Berlin – Town Attorney David Gaskill
4. First Reading Ordinance 2019-05 – Trash Code and Bulk Pick Up Change beginning in 2020 – Town Administrator Jeffrey Fleetwood
This item for the first reading only- the public hearing will take place on November 25, 2019
5. Proclamation 2019-14 – Declaring November as Municipal Government Works Month – Town Administrator Jeffrey Fleetwood
6. Departmental Reports
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

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Town Administrator Jeffrey Fleetwood at (410) 641-4002. 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
Meeting Minutes
Tuesday, October 15, 2019

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

Present: Mayor Gee Williams, Vice-President Elroy Brittingham, Councilmembers Zackery Tyndall, and Dean Burrell.

Absent: Councilmembers Thom Gulyas and Troy Purnell.

Staff Present: Acting Town Administrator/Managing Director/Public Works Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Water Resources Director Jamey Latchum, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Economic and Community Development Director Ivy Wells, Town Attorney David Gaskill, and Town Clerk Kelsey Jensen.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:00 PM.

1. Approval of the Minutes for:

a. Executive Session of 09/23/19:

On the motion of Vice-President Brittingham, the Executive Session minutes of September 23, 2019 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

b. Statement of Closure for Executive Session of 09/23/19:

Mayor Williams read the Statement of Closure.

c. Regular Session of 09/23/19:

On the motion of Councilmember Tyndall, the Regular Session Minutes of September 23, 2019 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

2. Berlin Electric Department – American Municipal Power Transmission/Distribution Safety Commendation

Mayor Williams presented the award and congratulated the Electric Utility Director Tim Lawrence and the Electric Department on their safety efforts.

3. Special Event Request: Burley Street Party and Yard Sale, October 27, 2019 from 3pm-7pm
 Resident Alyssa Maloof presented the information on her request. Residents of Burley Street Andrea Cannon and Nate Reister came in support of the request. Acting Town Administrator Jeffrey Fleetwood asked if they would only be needing barricades and trash cans; she said yes, along with recycling. Councilmember Burrell asked if all of the residents were in support of this event, she said she had about half of their signatures, but received a lot of verbal support as well. On the motion of Councilmember Tyndall, the Special Event Request was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

4. Motions to Approve:

a. Motion 2019-28: Motion approving the Agreement with Edward Hammond III to review all options cited in the Army Corps report and consult with him prior to project design as it affects his property

Mayor Williams explained the purpose of the Motion and the Memorandum of Understanding (MOU) with Mr. Hammond. Mr. Hammond said he hopes that the MOU will serve as a means of being a good neighbor and working together to address issues that need addressed in regard to the Bottle Branch waterway and easements on his property. Mayor Williams thanked him for his cooperation and said they hope to work together to create minimal environmental impacts.

On the motion of Vice-President Brittingham, Motion 2019-28 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

b. Motion 2019-29: Motion approving park events and accepting the 2020 event schedule
 Economic and Community Development Director Ivy Wells went through the event dates and noted that Spring Celebration should be changed to 04/11/20 and they still do not have a date for Reggae Play Day, but it will be a Friday in May.

On the motion of Vice-President Brittingham, Motion 2019-29 was approved by the following vote:

Name	Counted toward Quorum	

	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

- c. Motion 2019-30: Motion approving an exception to Ordinance 2011-11, Chapter 30-1 to allow the consumption of alcohol in non-glass containers within the designated areas during six specified 2020 special events

Economic and Community Development Director Ivy Wells explained the six alcohol permitted events and said they have not changed from the prior year.

On the motion of Vice-President Brittingham, Motion 2019-30 was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

Ms. Wells also mentioned that the stage will be moving to run parallel to Main Street to allow access to the 11 businesses on South Main Street. She said the alcohol permit from the County has a boarder of the Welcome Center.

- d. Motion 2019-31: Motion approving the Mayor and Council Meetings and Town Holidays for calendar year 2020

Administrative Services Director Mary Bohlen said the dates are unchanged from the prior year holidays. Mayor Williams said they will likely cancel the second December meeting when it is closer; Councilmember Tyndall said he though they always removed that meeting so staff can spend time with their families around the holidays. Town Clerk Kelsey Jensen said she listened to last year's audio and Mayor Williams said they will always be cancelled if they fall between December 23rd and December 25th. Councilmember Tyndall said he believes the second meeting should be cancelled.

On the motion of Councilmember Tyndall, Motion 2019-31, with the exception of the second meeting in December, was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

- e. Motion 2019-32: Motion approving the Police Chief's Recommendations to Limit Parking on Washington Street

Mayor Williams explained the fire situation on Washington Street this summer. He asked Chief Downing to assess the roadways and make a recommendation on parking. Chief Downing said SHA suggests having 12 feet of navigable roadway and Washington Street only has seven feet when vehicles are parked there. Chief Downing recommended that there be no parking enforced on the southside of Washington Street and no parking at all on Grace Street. Councilmember Tyndall asked how it would be enforced. Chief Downing said with signage and red curbing. Councilmember Tyndall said he would like the corners of the adjacent streets to be no parking as well to allow for more turning radius.

On the motion of Councilmember Tyndall, Motion 2019-32 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

5. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh said she has the draft financial reports and is trying to set up a meeting time with PKS to go over them. She is hoping they will be able to make their audit presentation by the last meeting in November. She also said they will be doing their annual energy assistance mailings which are matched by the Town up to \$10,000, then given to ShoreUp to distribute back to those applicants in need who live in Berlin. Vice-President Brittingham thanked the Town on behalf of ShoreUp for their involvement in the program.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen said they will be shifting districts three and fours polling place from the Multipurpose Building to the Police Department for the 2020 election.

c. Water Resources Director – Jamey Latchum

Mr. Latchum said they are hoping to begin the Graham Avenue Submerged Gravel Wetlands Project by next week and should finish within a week. Acting Town Administrator Jeff Fleetwood said they have a 90-day completion window.

d. Electric Utility Director – Tim Lawrence

Mr. Lawrence thanked everyone for their participation with Touch-a-truck, it was a success. He said they have been doing some maintenance in the shop, but the main thing has been working on the generator. The temporary generator should be here by the end of November and will be installed at no cost to the Town.

e. Economic and Community Development Director – Ivy Wells

Ms. Wells said she received a \$10,000 non-matching grant for new trashcans, recycling bins, and cigarette butt containers on Main Street. Una Bella Salute received a grant to purchase a portable ADA accessible ramp. They are still hunting for a Christmas tree and are looking for one that is larger than 14ft tall. Lastly, she reminded everyone about Oktoberfest this weekend.

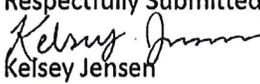
f. Police Chief – Arnold Downing

Chief Downing said they have been busy with events. Touch-a-truck was on the same day as Seagull Century and both were a huge success. He thanked SonRise Church for cleaning the Police

Department area and the faith based community for all they do in supporting the community. Mayor Williams asked if the Chief would be able to send them a letter thanking them; he said he would. Lastly, he thanked Larnet for a successful cruisers event.

6. Acting Town Administrator/ Managing Director/ Public Works Director's Report:
Mr. Fleetwood reported that the previous Town Administrator's contract ran from January 2017 through June 2021. Her severance package included three months pay and payout for vacation and sick leave which came out to \$68,048.89. Mayor Williams said there have been a lot of calls inquiring about this and rumors about how much was paid out so they wanted to be open with the public. He stated that Heron Park is still temporarily closed, but there is a Request for Proposal out for a scaled down clean up and they hope to move forward on that by the end of November. He also mentioned that the Purchase Power Agreement has been signed and will go into effect on January 1, 2021 and gave examples of how it would affect residents and businesses. Mayor Williams said it has gone down each time we have signed which is a huge plus for the Town. He reported that the controlled burn on Flower Street is still set to take place by the end of the month. Lastly, Mike Williams is retiring and there will be a retirement celebration for him on Thursday, October 24, 2019 in Town Hall, all are welcomed.
7. Comments from the Mayor: none.
8. Comments from the Council: Vice-President Brittingham thanked Mr. Lawrence for a great Touch-a-truck event.
9. Comments from the Public: Resident and Business Owner Ruth Koontz asked why the request to move the stage to be across from the Welcome Center cannot be approved. Mayor Williams said they discussed it with the Police Chief, and it would require the street to be closed to Tripoli which would majorly impact traffic in the area. He suggested trying it the way Ms. Wells has suggested and seeing if that helps the South-end businesses. Ms. Koontz Said she does not want to see it moved back after Oktoberfest, she hopes the new layout remains for all events.
10. Comments from the Press: none.
11. Adjournment:
On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 8:00PM.

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas					X
Zackery Tyndall	X				
<i>Voting Tally</i>	3				2

Respectfully Submitted,

 Kelsey Jensen
 Town Clerk



BERLIN MAYOR AND COUNCIL
Meeting Minutes
Monday, October 28, 2019

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

Present: Mayor Gee Williams, Vice-President Elroy Brittingham, Councilmembers Thom Gulyas, Zackery Tyndall, and Troy Purnell.

Absent: Councilmember Dean Burrell.

Staff Present: Town Administrator Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Water Resources Jamey Latchum, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells, Town Attorney David Gaskill, and Administrative Manager Kelsey Jensen.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:00 PM.

1. Approval of the Minutes for:
 - a. Executive Session of 10/15/19, Regular Session of 10/15/19, and Executive Session of 10/23/19:
 A motion was made by Vice-President Brittingham to approve the Executive Session minutes from October 15, 2019; Councilmembers Gulyas and Purnell said they were abstaining from the vote because they were not at the meetings on the 15th or 23rd. Councilmember Tyndall made a motion to table voting on all minutes due to a lack of voting members. Without formal vote, consensus was made to table voting on all minutes until the next meeting on November 12, 2019.
 - b. Statement of Closure for Executive Session of 10/15/19 and 10/23/19:
 Mayor Williams read the Statements of Closure for both meetings.

2. A) Berlin Fire Company Presentation
 President David Fitzgerald and EMS Captain John Holloway gave a presentation on Fire and EMS. Mayor Williams said Mr. Fitzgerald should get together with Town Administrator Jeffrey Fleetwood to discuss receiving the \$10,000 that was agreed upon last year. Councilmember Tyndall said he appreciated that they included numbers for Gull Creek and the Senior Center, but he would like to see them broken down next time by out of town calls, in town calls, Senior Center calls, and Gull Creek calls. Mr. Fleetwood asked if they’ve noticed a pattern on busiest days; Mr. Fitzgerald said they did not. Mr. Fitzgerald thanked the Council for their time and said he would be working with Mr. Fleetwood to be sure they are complying with their contract.

B) Application for Special Sunday Permit – Boggs Disharoon American Legion Post 123 for November 24, 2019

Vice-President Brittingham explained the purpose of the special Sunday permit. On the motion of Vice-President Brittingham, the Application for Special Sunday Permit was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					1

Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				X

3. Stormwater Presentation

EA Engineering, Science, and Technology, Inc., PBC Darl Kolar, P.E., BCEE, MBA presented information on past, present, and future stormwater projects. Councilmember Tyndall mentioned that he would like to see a pedestrian path at the Graham Avenue Project to allow for pedestrian access to Heron Park and interpretive signage explaining the purpose and benefits of the submerged gravel wetlands. West Street residents Marie Velong and Shane Warren expressed their concerns with ditches in their area and water flow backups. Mayor Williams asked them to contact Water Resources Director Jamey Latchum during the next rain event to see if they can make any repairs in the area to aid the flow of water; Mr. Warren said he has contacted the Town before, and nothing was done. He said the ditch belongs to the Town and is not being maintained; Mayor Williams asked him to please contact Mr. Latchum and he and Mr. Kolar can come take a look at the affected areas. Mayor Williams said they will need to raise funding for future stormwater projects, so they have funds for grant matching. Mr. Kolar said it is important to speak with residents and see what small improvements can be made to save money in the long run. Ms. Velong said the Town should reach out to representatives for infrastructure grants; Mr. Kolar said he can do that if that is what the Town would like him to.

4. Resolution 2019-07: I.G. Burton Annexation Agreement

William McAllister Esq., and Director of Operations Pete Renzi were present on behalf of I.G. Burton.

a. Public Hearing

Mayor Williams opened the public hearing at 8:15 PM; hearing no comments, he closed the public hearing at 8:16 PM. Councilmember Tyndall asked why the Town would not be taking over the electric on the annexed parcel; Mayor Williams and Town Attorney David Gaskill said the Public Service Commission (PSC) has a lot of regulations on this and it is not typical to see. Mr. Gaskill said for the last annexation the PSC agreed to the transfer the electric service years ago. He said we would not usually see that in future agreements.

b. Action on Resolution 2019-07

On the motion of Councilmember Gulyas, the Resolution and Annexation Agreement were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall		X			
<i>Voting Tally</i>	3	1			1

5. Motion 2019-33 – Motion approving the contract to replace the Power Plant’s number two generator

Town Administrator Jeffrey Fleetwood explained the need for a new generator, and that insurance will cover the cost of the new generator. The new permanent generator will be converted from diesel to natural gas, so is more than what insurance will provide, but the Electric

Department has funding for the difference. They will have a temporary generator arrive next week, the temporary generator will be covered by insurance and help with peak shaving. Electric Utility Director Tim Lawrence said they temporary generator will take about two weeks to install and have running. He then spoke about the cost savings to the Town by switching to natural gas, which will ultimately be passed on the customers.

On the motion of Councilmember Tyndall, Motion 2019-33 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

6. Departmental Reports:

a. Deputy Town Administrator – Mary Bohlen

Ms. Bohlen reminded everyone that the Just Walk event is taking place this Saturday, November 2, 2019 beginning at 8:30am.

b. Water Resources Director – Jamey Latchum

Mr. Latchum said they have been working on the Graham Avenue Submerged Gravel Wetlands Project, he gave a special thanks to employee Keith Dukes for taking the lead on the project. Councilmember Gulyas said he received a call from resident and business owner Bryan Brushmiller and he was very happy with the projects progress.

c. Electric Utility Director – Tim Lawrence

Mr. Lawrence said they replaced a rotten pole and had a disconnect for an upgrade on Branch Street, they assisted in installing the silt fence for the Graham Avenue project, and they have been working on removing engine three at the Power Plant.

d. Police Chief – Arnold Downing

Chief Downing said they are working on the community policing report which is due at the end of the month; Councilmember Tyndall said he would like a copy of it when it's available. He said they have been participating in the handle with care movement. Lastly, Halloween hours will be from 5:00pm to 7:00pm with candy checking from 5:30pm-7:30pm.

e. Planning and Zoning Director – David Engelhart

Mr. Engelhart said the Berlin Fire Company will be completing the controlled burn on Flower Street on November 2, 2019 at 8:00am. Homes for America met with Town Staff and will be renovating their properties in 2020. Lastly, he will be attending the 2020 Census Meeting tomorrow with Ms. Bohlen and Mr. Fleetwood; Mr. Fleetwood added that the Worcester County has the lowest participation for the census in Maryland, and it is important for future grants.

f. Economic and Community Development Director – Ivy Wells

Ms. Wells thanked everyone for a successful Oktoberfest. She said there is no rain date for Halloween. They have awarded the last façade grant with the funding provided by the Department of Housing and Community Development and she will re-apply in the spring and they will inform her around December 2020 as to if she has been awarded more funding. She posted some information on Isaiah Fassett and the Civil War Trails on Social Media today. She is not in need of a Christmas Tree anymore. The Christmas Parade is full and has a waitlist. She will be

traveling for work over the next two weeks and will miss the next Council Meeting. Lastly, she is celebrating her five year anniversary with the Town and talked about the successes since she has been here.

7. Town Administrator’s Report – Jeffrey Fleetwood

Mr. Fleetwood said weather permitting, Public Works will be cleaning out the ditch on West Street. On November 1, 2019 there will be a bid walk through at Heron Park to complete the cleanup at the park. Lastly, he thanked the Mayor and Council for their support in naming him Town Administrator and said he will give it his all.

8. Comments from the Mayor:

Mayor Williams said that as of today Jeffrey Fleetwood has been named as the Town Administrator.

9. Comments from the Council: the Council congratulated Jeffrey Fleetwood on his new role.

Councilmember Gulyas informed the Departments and the public that they have unanimously decided to close for a full day on Christmas Eve.

Councilmember Tyndall thanked Public Works for the new speed limit and pedestrian signs in Town.

Vice-President Brittingham congratulated Ms. Wells on celebrating her five-year mark with the Town.

10. Comments from the Public – none.

11. Comments from the Press – none.

12. Adjournment:

On the motion of Vice-President Brittingham, the Mayor and Council meeting was adjourned at approximately 8:50PM.

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

Respectfully Submitted,

Kelsey Jensen
Administrative Manager



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov

Agenda Item # 2



November 7, 2019

MEMORANDUM

To: All Council Members
From: Gee Williams, Mayor
Subject: Appointments – Boards & Commissions



I wish to recommend the appointment and reappointments to the following Boards and Commissions to fill expired terms or vacancies. I have reached out to the folks listed below who I wish to nominate. I have confidence they all will serve our community with integrity and uncommon, common sense.

Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.
Troy Purnell
Thomas L. Gulyas
Zackery Tyndall

Town Attorney

David Gaskill

Town Administrator

Jeffrey Fleetwood

I will be offering the following recommendations for your consideration at our next Mayor and Council meeting on Tuesday, Nov. 12th.

The following recommendation is for a **new appointments** to fill a vacancies on the Berlin Parks Commission and the Board of Zoning Appeals.

Parks Commission (2 year term)

Laura Sterns – 102 South Main Street

Board of Zoning Appeals (3 year term)

John Apple – 122 Austin Circle

All the following recommendations are for **reappointments**.

Historic District Commission (3 year term)

Carol Rose
Robert Poli
Laura Sterns

Bd. of Supervisors of Elections (4 year term)

John Briddell
Lou Creter

Planning & Zoning Commission (2 year term)

Chris Denny
John Barrett
David “DJ” Lockwood (Alternate)

Thank you for your consideration.



MOTION OF THE MAYOR AND COUNCIL 2019-34

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING THE AGREEMENT BETWEEN THE TOWN OF BERLIN AND THE BERLIN HERITAGE FOUNDATION, INC., REGARDING THE CALVIN B. TAYLOR HOUSE MUSEUM.

APPROVED THIS _____ DAY OF _____, 2019 BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED, WITH _____ ABSTAINING AND _____ ABSENT.

Elroy Brittingham, Sr. Vice President

Wm. Gee Williams, III, Mayor

ATTEST: _____
Jeffrey Fleetwood
Town Administrator

AGREEMENT
RE: CALVIN B. TAYLOR HOUSE MUSEUM

THIS AGREEMENT is made this 12th day of November, 2019 by and between Mayor and Council of Berlin, a municipal corporation of the State of Maryland, and Berlin Heritage Foundation, Inc., a corporation formed under the laws of the State of Maryland, for the purpose of setting forth the respective rights and obligations of the parties hereto.

Explanatory Statement

The Berlin Heritage Foundation was formed by virtue of Articles of Incorporation which were accepted by the State Department of Assessments and Taxation of the State of Maryland on November 10, 1981. The corporation was formed for the purpose of providing an entity to be the custodian of the Calvin B. Taylor House Museum and Grounds for the purpose of maintaining the property as a civic community museum and a cultural/historical educational location. The Berlin Heritage Foundation Statement of Purpose is attached hereto as Exhibit "A".

Foundation entered into a contract for the purpose of the Calvin B. Taylor House Property located on the westerly side of North Main Street and on the northerly side of Baker Street in the Town of Berlin on June 3, 1982, and, assigned said contract to Mayor and Council of Berlin which proceeded to settlement on the purchase of the property by deed dated June 29, 1982, which said deed is recorded among the Land Records of Worcester County, Maryland in Liber 824 Folio 308 et seq. Pursuant to the obligation of the Town Resolution of Purchase, noted above, the Berlin Heritage Foundation began all expenditures require to renovate the house, necessitating extensive work by contractors and volunteers, and, subsequently since the purchase of the property by Mayor and Council of Berlin, Berlin Heritage Foundation, Inc., has expended on a regular and reoccurring manner all funds necessary for the restoration, renovation and maintenance of the property and the structure thereon, and has through its volunteer and staff support operated the Calvin B. Taylor House as a civic museum and event location for the benefit of the citizens, residents and visitors to the Town of Berlin for the last thirty-seven years.

Agreement

By virtue of the long-standing relationship between the Mayor and Council of Berlin and the Berlin Heritage Foundation, Inc., the parties hereto do hereby agree as follows:

- A. Berlin Heritage Foundation, Inc., authority over property.
 1. Berlin Heritage Foundation, Inc., is the primary custodian of the Calvin B. Taylor House Museum and Grounds and has, during all the period of its incorporation, been responsible for the full operation of the property, both as to the interior and exterior of the house and the use by the public in general, or specific users at

specific times, of the museum grounds, and special events with respect to the interior of the house.

2. By authority of its By-Laws, Berlin Heritage Foundation, Inc., manages the property and business of the corporation, under the direction of its Board of Directors and, in accordance with that authority, from time to time, provides the following functions as directed and scheduled by the Board:
 - a. Maintenance of the house, museum and gallery
 - b. Maintenance of scheduled museum events as approved by the Board of Directors.
 - c. Participation in Town events, as promulgated by the curator and approved by the Board of Directors
 - d. Participation in county wide Worcester County Museum events
 - e. Collection of local historic data
 - f. Such private functions as are promulgated by the curator and approved by the Board of Directors
3. Berlin Heritage Foundation, Inc., also provides fundraising activities, engages in long range planning, and, is responsible for the expense of operation of the buildings on the property.
4. Berlin Heritage Foundation, Inc., shall maintain all necessary documents, records and tax information so as to continue its qualification as a 501(c)(3) Corporation, and shall pay all costs associated with the maintenance, upkeep, and historical preservation of the Calvin B. Taylor House on the property.

B. Mayor and Council of Berlin, participation.

1. Mayor and Council of Berlin is the title owner of the property upon which the Calvin B. Taylor House Museum is located, and, by virtue of the long-standing agreements made between Mayor and Council and Berlin Heritage Foundation, Inc., even though informal, agrees that the provisions of authority set forth in Paragraph A of the Agreement shall be that of Berlin Heritage Foundation, Inc. subject to the following conditions:
 - a. Berlin Heritage Foundation, Inc., maintains its good standing with the Maryland State Department of Assessments and Taxation and continues to qualify as a 501(c)(3) Corporation approved by the Internal Revenue Service regulations.

2. Mayor and Council agrees that it shall continue to provide the following contributions to the Berlin Heritage Foundation:
 - a. Lawn maintenance including grass cutting, tree/leaf removal, and other grounds maintenance activities necessary to maintain a neat and attractive appearance of the grounds of the Calvin B. Taylor House Museum.
 - b. Site preparation, including installation of trash disposal receptacles and other items necessary to facilitate public access to the property, when requested to do so by the curator or officers of Berlin Heritage Foundation, Inc.
 - c. Clean up and removal of all trash, debris and other necessary activities to return the grounds to their normal condition after such public events established by Berlin Heritage Foundation, Inc.
 - d. Maintenance of liability insurance on the property.
 - e. Mayor and Council shall provide such donations to Taylor House Museum, as it may, in its sole discretion provide to Berlin Heritage Foundation, Inc. in addition to its "in kind services" as noted herein above.
3. In addition to the above noted reciprocal authority and functions, Berlin Heritage Foundation, Inc. and Mayor and Council of Berlin may, from time to time, request of each other, participation in other activities to be located on the grounds, or in the Taylor House Museum and, such functions shall be subject to the mutual Agreement of the parties, as long as nothing is requested by Mayor and Council of Berlin which would interfere with or cause disruption to the qualification of Berlin Heritage Foundation, Inc., as a 501(c)(3) Corporation as stated within the limitation of purposes of such corporations in the Internal Revenue Code.

It is the intention of this Agreement to memorialize the longstanding informal relationship between Mayor and Council of Berlin and Berlin Heritage Foundation, Inc., which has acted in mutual cooperation for the period of time beginning in 1982.

This Agreement has been submitted to, and approved by, respectively, the City Council of Berlin, and the Board of Directors of Berlin Heritage Foundation, Inc.

IN WITNESS WHEREOF the parties hereto have executed this AGREEMENT as of the day and year first herein written.

MAYOR AND COUNCIL OF BERLIN

Elroy Brittingham, Vice President
Of the Council

By: _____
W. Gee Williams, III, Mayor

ATTEST

BERLIN HERITAGE FOUNDATION, INC.

Secretary

By: _____
Melissa Reid, President

Exhibit "A"

Statement of Purpose-Berlin Heritage Foundation

BERLIN HERITAGE FOUNDATION

Statement of Purpose

The purpose of the Berlin Heritage Foundation as stated in its Corporate By-Laws, is education. More specifically, this is best defined as cultural/historical education. Its focus is on the Town of Berlin and the surrounding area.

The principal method is through the operation of the Calvin B. Taylor House Museum. The Museum building and grounds fulfill four main functions:

- a. House Museum - located in the main block of the House,
- b. Gallery Space for Collections - located on the second floor rear of the House,
- c. Meeting Space - located in the Harrison Room on the first floor of the House; and
- d. Exterior Space - located surrounding the House and which is available for outdoor events.

In addition to operating a House Museum, displaying artifacts and memorabilia and providing places for both indoor meetings and outdoor events, the Museum has several ancillary functions as follows:

- a. Archival Functions - collecting photographs, documents, journals, ledgers, small historical artifacts and other ephemera relating to the Berlin area.
- b. Historical Research - not only among its records; but in other records.
- c. Presentation of Cultural Events - small concerts, fairs, audio video presentations, tours and the like.

With respect to each of the areas, the following guidelines have been adopted:

House Museum

The emphasis on the House Museum is on authenticity. Furnishings are not permitted in the House Museum unless they are historically accurate and preferably from the Berlin area, although it is recognized that having all furnishings from the Berlin area may be impossible. Careful cataloging and identification is mandatory. It is better to have empty spaces in the House Museum than to have inappropriate items displayed. The purpose of the House Museum is to portray the house as it was shortly after it's construction with furnishings that are accurate with the specific intent that no misleading representations be made. The house museum must be shown with all of it's charm, but with all of it's faults.

Gallery Space

Displays in the gallery space should be generally limited to those of local interest. It is not the intent to compete with the Smithsonian, nor for that matter, to compete with other local museums. Exhibits, therefore, should relate to Berlin and the Berlin area. It is recognized that recent history is also history, and of great interest to people. Events from as recent as ten years ago may well be appropriate subjects for exhibits. The Foundation should also seek out history hitherto unknown that relates to the area and develop displays commemorating it. The gallery space should have some permanent and some semi-permanent exhibits.

Meeting Space

The Harrison Room should be used only for appropriate and manageable meetings. It can also be used for audiovisual displays complementing the function of the museum. Extreme care should be used in permitting meetings in the Harrison Room in that damage could easily occur from third parties using the space.

Exterior Space

The grounds of the museum are remarkably beautiful, and although many trees have been recently lost to man and nature, nonetheless maintains its beauty. The South yard could be made available to Town of Berlin events which are small enough to be manageable. Promoters of such events should be held strictly liable for appropriate public facilities and clean up. The North yard can be used on occasion, but should generally be preserved as natural space. As time and money permits, the grounds should be transformed into a 19th Century garden setting for the house. The South yard, on the other hand, should remain a space for Town events. The directors should not forget that the Museum is municipally owned and the South yard, in effect, a public park. Extreme vigilance should be exercised in preserving and maintaining the large trees at the museum. They are among our greatest assets and are virtually irreplaceable. An emphasis should be given to such preservation.



ORDINANCE NO. 2019-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND,
A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 24 "SOLID WASTE".

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT CHAPTER 24 "SOLID WASTE" SHALL BE AMENDED AS FOLLOWS:

Chapter 24 - SOLID WASTE⁽¹⁾

ARTICLE I. - IN GENERAL

1 Sec. 24-1. - Word usage; definitions.

2 (a) For the purpose of this article, the following terms, phrases, words and their derivatives shall have
3 the meanings given herein. When not inconsistent with the context, words used in the present tense
4 include the future tense, words used in the plural include the singular and words in the singular
5 include the plural. The word "shall" is always mandatory and not merely discretionary. The use of a
6 masculine pronoun shall be assumed to include the feminine.

7 (b) The following words, terms and phrases, when used in this article, shall have the meanings
8 ascribed to them in this section, except where the context clearly indicates a different meaning:

9 *Automated collection containers* means any containers for refuse having a capacity of 95 gallons and
10 purchased, owned and provided by the town, equipped with wheels and a lifting bar for use in a
11 semiautomated or totally automated collection process.

12 *Building or Construction materials* means any material such as lumber, brick, block, stone, plaster,
13 concrete, asphalt, roofing shingles, gutters and other substances accumulated as the result of repairs or
14 additions to existing buildings or structures, construction of new buildings or structures, or the demolition
15 of existing buildings or structures. The list contained in this definition may not be considered to be all
16 inclusive.

17 ~~*Bulk waste means any waste items not considered to be normal household trash/refuse to include,*~~
18 ~~*but not necessarily limited to, appliances, building materials, electronics, such as computers, household*~~
19 ~~*furnishings, and items associated with automotive repair and the like. Bulk waste means any waste items*~~
20 ~~*not considered to be normal household trash/refuse including recyclables or yard waste. Bulk waste*~~
21 ~~*includes, but is not necessarily limited to, appliances, electronics, such as computers and household*~~
22 ~~*furnishings and any such other items that by their nature or size are not reasonably considered to be*~~
23 ~~*general refuse, recyclable material or yard waste, or as shall be designated by the Mayor and Council or*~~
24 ~~*their designated representative from time to time.*~~

25 *Business/commercial establishment* means any retail, wholesale, motel, hotel, and institutional,
26 religious, governmental or nonresidential establishment.

27 *Business/commercial trash* means any waste/refuse associated with the operation of a business
28 establishment. Home-occupied businesses may be subject to this definition. A determination of whether a
29 home-occupied business is to be considered to generate waste/refuse under this definition shall be made
30 by the ~~director of public works~~ Director of Public Works.

31 *Curb/curbside* means the sidewalk or lawn or other area of a property or building fronting on a public
32 street or road.

33 *Garbage (also refuse and trash)* means the waste materials from normal household living conditions,
34 including waste foodstuffs of vegetable or animal origin, paper products, fabrics, plastic and metal
35 containers, bottles, crockery and other similar materials, free of hazard of explosion, conflagration or

1 hazard to collection personnel. Items designated as "recyclables" under article III of this chapter shall be
2 excluded from this definition as are items designated by the ~~director of public works~~Director of Public
3 Works as "bulk waste" or "yard waste."

4 *Garbage container* means any container for refuse with a tightfitting lid and intended for the
5 placement of trash/waste/refuse.

6 *Hazardous refuse* means materials such as poisons, acids, caustics, harmful or dangerous
7 chemicals, infected materials, offal, fecal matter, explosives, highly flammable material and parts of the
8 human anatomy, including pathological specimens and includes, but is not necessarily limited to,
9 household chemicals such as paint, yard or garden chemicals, insecticides and other pest controls,
10 automotive fluids, cleaning chemicals and the like.

11 *Household garbage/trash/refuse.* See *Garbage*.

12 *Industrial waste* means all waste, including solids, semisolids, sludges and liquids, created or
13 generated by factories, plants or other manufacturing enterprises.

14 ~~[Multiple]^[MB1]-dwelling unit means a building or portion thereof used or designed as a residence for~~
15 ~~three or more families living independently of each other and doing their own cooking therein, including~~
16 ~~apartment houses.~~

17 *Person* means any individual, firm, company, corporation or association.

18 *Public containers* means any container owned by the town, located on public property or on property
19 publicly controlled, to be used for the deposit of public trash by the general public. The term "general
20 public" is not taken to mean a local resident and/or business owner/operator or employee of same and
21 shall not be interpreted to permit regular depositing of household and/or business trash.

22 ~~Public works department~~ Public Works Department means the ~~Public works department~~ Public
23 Works Department of the town; the term "sanitation department" (a division of ~~public works~~Public Works)
24 may also be used.

25 *Recyclable materials* means those materials and items which shall be designated as such by
26 regulations adopted from time to time by the Mayor and Council or their designated representative ~~and~~
27 ~~further defined in article III of this chapter.~~

28 *Sanitation department* means the division of the town ~~Public works department~~ Public Works
29 Department responsible for trash and recycling collection.

30 ~~[Single]^[MB2]-residential unit means any dwelling place occupied by one family.~~

31 *Town* means the Town of Berlin, Maryland.

32 *Yard waste* means tree and shrubbery trimmings, grass or weed trimmings and other waste
33 associated with the cleanup and/or maintenance of lawns and yards. Parts of trees including stumps,
34 provided that such parts of trees, or stumps do not weigh more than 50 pounds, shall be included in this
35 definition. Separate collection days for this type of refuse shall be scheduled by the ~~Public works~~
36 department Public Works Department and announced via local media, the town website and other
37 applicable public announcement venues.

38 (Code 1977, § 55-1; Ord. No. 1976-1, 4-5-1976; Ord. No. 2009-05, 3-23-2009)

39 Sec. 24-2. - Scavenging.

40 It is unlawful for anyone to disturb any refuse containers or to remove their covers or any contents
41 thereof, except the occupants of the premises on which the containers are placed or their duly authorized
42 agents or the duly authorized employees or agents of the town.

43 (Code 1977, § 55-7; Ord. No. 2009-05, 3-23-2009)

44 Sec. 24-3. - Administration.

1 The administration of the provisions of this article shall be the duty and responsibility of the ~~director~~
2 ~~of public works~~Director of Public Works.

3 (Code 1977, § 55-3; Ord. No. 2009-05, 3-23-2009)

4 ~~Sec. ^[MB3] 24-4. — Notice of violation; correction.~~

5 ~~Any person violating the provisions of this article shall be notified in writing by registered mail, return~~
6 ~~receipt requested, of said violation. Said notice shall describe the violation and notify the violator to~~
7 ~~correct same within five days or, for cause shown, a greater length of time. In the event that the violation~~
8 ~~is not corrected, the Mayor and Council may, at their option and on the recommendation of the director of~~
9 ~~public works, refuse to make collection of the refuse, trash, garbage, etc., of said violator.~~

10 ~~(Code 1977, § 55-8; Ord. No. 2009-05, 3-23-2009)~~

11 ~~Sec. 24-5. — Violations and penalties.~~

12 ~~Any person who shall violate any provisions of this article shall be guilty of a municipal infraction and~~
13 ~~shall be fined the sum of \$50.00 for any single initial violation and the sum of \$100.00 for each repeat or~~
14 ~~continuing violation.~~

15 ~~(Code 1977, § 55-9; Ord. No. 2009-05, 3-23-2009)~~

16 Secs. 24-~~64~~—24-28. - Reserved.

17 ARTICLE II. - GARBAGE, RUBBISH AND REFUSE COLLECTION^[2]

18 Sec. 24-29. - General regulations for storage and collection.

19 (a) It shall be unlawful for any person to cause or allow unsightly litter, foul or offensive odors or
20 potentially dangerous materials to remain on or emanate from any property under his control or to
21 discard, abandon or cause the same on any public or private property within the corporate limits of
22 the town.

23 (b) Every residence and commercial establishment in the town will, at all times, furnish or have
24 available garbage containers, with secure lids, as directed by this article and/or as directed by the
25 ~~director of public works~~Director of Public Works. No residence or commercial establishment will be
26 occupied without the presence of the correct container(s).

27 (c) It shall be the responsibility of the ~~department of public works~~Public Works Department to protect
28 the property of residents and businesses from unnecessary damage or abuse resulting from any
29 refuse collection activity ~~performed~~^[MB4] by the Town of Berlin. Claims for damage to premises or
30 containers must be supported by reasonable evidence to receive consideration for replacement or
31 reimbursement.

32 (d) The town may, at its option, provide refuse service where residences and/or businesses are
33 concentrated in high-density situations, such as apartment complexes with more than three dwelling
34 units. In these cases, the management, community association, homeowners' or condominium
35 association or the like shall be officially notified of the details of the service to be rendered. It shall be
36 the responsibility of the ~~Public works department~~ Public Works Department to determine if
37 reasonable arrangements can be made for the placement and collection of acceptably sized
38 collection containers on public, private, or common ownership property. The standard of service shall
39 be sanitary, and containers shall be maintained in a nonoffensive manner.

40 (e) Nothing in this article shall prevent a property owner or tenant of a property from entering into an
41 agreement with a private collection service at the expense of the property owner or tenant as
42 opposed to collection by town employees and equipment. Private individuals or firms engaged in the
43 business of refuse collection in the town shall be subject to all federal, state or local laws,

1 ordinances, codes or regulations applicable to the operation and maintenance of motor vehicles,
2 including air and noise pollution.

3 (f) Streets, roads, lanes or other vehicle-accessible travelways not dedicated as public for the purposes
4 of maintenance and other considerations by the town shall not be included in the trash/recycling
5 collection schedule unless the owner of said travelways enters into a written agreement acceptable
6 to the town providing for said services.

7 (g) Properties which do not receive municipal collection of waste shall adhere to those portions of this
8 article intended to preserve the aesthetic, safe, and healthy maintenance of properties as relates to
9 trash/waste/refuse.

10 (h) The Director of Public Works shall have the authority to determine if items placed for collection at any
11 time are of a nature or volume to incur additional considerations, such as classification as
12 commercial, bulk or yard waste, and to assess fees for that collection, or refuse collection by the
13 Town.

14 (i) It shall be unlawful for any person to place household or commercial refuse beyond ordinary litter in
15 any waste receptacle intended for the general use of the public for the disposal of litter and which
16 are provided in public areas such as, but not necessarily limited to, parks or the downtown
17 commercial district.

18 (Code 1977, § 55-2; Ord. No. 2009-05, 3-23-2009)

19 Sec. 24-30. - Collection days.

20 (a) Garbage, trash and refuse for residential and commercial properties shall be collected by the town
21 according to a schedule set by the ~~director of public works~~ Director of Public Works and approved by
22 the Mayor and Council. Said schedule may be changed from time to time as deemed necessary and
23 as necessitated by office closures due to holidays or other events.

24 (b) Garbage, trash and refuse shall be collected at least weekly by the town.

25 (c) Recyclables shall generally be collected at least weekly; however, in the event that a holiday or
26 other office closure shall prohibit the regular collection of recyclables, no more than two weeks
27 between collections shall occur.

28 (d) The Town may elect to offer one or more special collection schedules per year for bulk or yard waste
29 or other items. Scheduling, regulations and requirements, including fees to be assessed for such
30 service for such collections may be established by the Director of Public Works with the approval of
31 the Mayor and Council.

32 (Code 1977, § 55-4; Ord. No. 2009-05, 3-23-2009)

33 Sec. 24-31. - Responsibilities of ~~account holders~~ collection customers.

34 (a) ~~Residential account~~ collection ~~Residential collection~~.

35 (1) It shall be unlawful and a violation of this article for any person to place waste, including but not
36 limited to garbage, recyclables, yard waste or bulk items, on the property of another without the
37 consent of the owner of the property.

38 (2) Properties that have been supplied automated collection containers must use those containers
39 for all refuse except as specified below. Containers must be placed at the curb or roadside or as
40 otherwise directed, with the handle away from and parallel to traffic. Printed instructions on the
41 container shall be followed.

42 (3) Properties not provided with automated collection containers, but which will receive collection
43 by municipal employees and equipment shall provide containers no larger than 30 gallons which

1 shall be equipped with tightfitting lids, which shall be closed at all times, except when refuse is
 2 being deposited in said containers. Properties not provided with automated collection containers
 3 shall comply with all other standards as set forth in this article.

4 (4) Plastic trash bags may be used in all town-provided or privately-owned containers.

5 (5) Refuse containers, whether provided by the town or privately owned, must be maintained in a
 6 clean and sanitary condition. They shall not be set out for collection containing free liquids or
 7 rainwater. They shall be kept free of dead animals, vermin, lice, maggots or the like and
 8 unreasonably offensive odors resulting from the lack of cleanliness, animal feces or items which
 9 may be infectious or disease-bearing. Receptacles which have become excessively worn or
 10 corroded shall be promptly replaced.

11 (6) Town-supplied collection containers, supplied at no initial cost to the property owner, shall not
 12 exceed one per dwelling unit for residential properties. If town-supplied collection containers are
 13 available to a residential property, additional private receptacles will not be picked up. Should a
 14 property owner request additional town-supplied collection containers, such shall be provided at
 15 a one-time, non-refundable, cost of \$100.00 per container to be paid prior to delivery of the
 16 container. All provisions of subsection (a)(12) of this section shall apply to all containers
 17 provided to a given property.

18 (7) Containers shall be placed for collection by 6:00 a.m. on the day of collection and must be
 19 removed to the premises by no later than 11:00 p.m. on the day of collection. Containers shall
 20 not be kept at the curb or roadside between scheduled collections.

21 (8) Items too bulky for placement in an approved container, or as further defined, may not be
 22 placed for collection except at those times scheduled for special bulk waste or yard waste
 23 collection. Special bulk waste or yard waste collections are only available to regular residential
 24 ~~and commercial~~ collection ~~account holders~~customers. All recyclable materials shall be
 25 separated from all other refuse as more particularly set forth in article III of this chapter.

26 (9) All properties shall provide a location or locations readily accessible to the town sanitation
 27 department. Typically, such location shall be at the curb or roadside at the front of the
 28 residence. Sanitation department employees shall not enter private property to collect refuse.
 29 Should other arrangements for placement be required, such deviation shall be agreed upon by
 30 said resident and the ~~director of public works~~Director of Public Works or other proper agent of
 31 the town.

32 (10) It shall be the responsibility of the resident to transport the containers to and from the
 33 designated area or, as applicable, to transport refuse to the containers.

34 (11) The town sanitation department shall not be responsible for picking up any garbage, rubbish
 35 or refuse from the ground that is not contained in a proper garbage container, plastic trash bag
 36 or paper bundle unless the town sanitation department causes a spillage.

37 (12) Should the automated collection container provided to a given property require replacement
 38 due to damage or breakage or loss or theft, it shall be the responsibility of the owner of the
 39 property to reimburse the town for the cost of the replacement of the container if it is determined
 40 by the ~~director of public works~~Director of Public Works that such damage or breakage is not in
 41 the normal course of use. Such replacement cost shall be determined based on the current
 42 retail price paid by the town at the time of replacement and may include an administrative
 43 charge not to exceed ten percent of that price.

44 (13) Town-supplied collection containers shall remain the property of the town. Should ownership
 45 or tenancy of a property or unit change, the container assigned to that property or unit shall
 46 remain on the property for use by the next owner or tenant. The town reserves the right to
 47 remove containers from vacant properties until such time as the property or unit becomes
 48 occupied by a new owner/tenant.

49 (b) *Commercial ~~accounts~~collection.*

50 (1) All conditions as set forth in section 24-29 shall apply.

1 (2) A commercial customer shall be permitted to have up to two town-supplied collection
2 containers at no initial cost. Should a commercial customer request more than two town-
3 supplied collection containers, the provisions of subsection (a)(6) of this section shall apply.

4 (3) The rate schedule for garbage collection fees for commercial accounts shall be determined by
5 the Mayor and Council annually. The classification of a commercial account within that schedule
6 shall be determined by the ~~director of public works~~Director of Public Works.

7 (4) All fees for commercial accounts shall be due and payable at the time of rendering of the
8 statement by the Mayor and Council, and the Mayor and Council reserve the right to deny
9 collection service when, in their sole judgment, said commercial account is detrimentally in
10 arrears.

11 (Code 1977, § 55-5; Ord. No. 2009-05, 3-23-2009; Ord. No. 2009-15, 12-28-2009; Ord. No. 2013-02, 3-11-2013)

12 Sec. 24-32. - Items prohibited for placement for collection.

13 The following items are prohibited from being placed for collection:

14 (1) Motor vehicle tires.

15 (2) Building materials.

16 (3) Hazardous, radioactive or medical wastes.

17 (4) Burning or smoldering materials or any other materials which would create a fire hazard.

18 (5) Rocks, dirt, sod, paint or motor oil.

19 (6) Dead animals.

20 (7) Unbagged animal waste.

21 (8) ~~Household~~^[MBS] ~~appliances to include computer components.~~

22 (98) Items defined as recyclable under article III of this chapter.

23 (409) Items defined as bulk or yard waste under this chapter, except when a separate and specific
24 collection schedule is established for those items.

25 (10) Any other item, disposal of which falls under the regulation of a county, state, or federal agency,
26 such as, but not limited to, the county health department, the state department of the
27 environment, or the environmental protection agency.

28 (Code 1977, § 55-6; Ord. No. 2009-05, 3-23-2009)

29 Secs. 24-33—24-52. - Reserved.

30 ARTICLE III. - RECYCLING MANDATORY

31 Sec. 24-53. - Purpose.

32 ~~(a) The Mayor and Council of the town find that the amount of refuse needing landfill disposal can be~~
33 ~~further reduced by having a recycling program to include the collection of glass bottles and jars,~~
34 ~~aluminum beverage cans, bimetal cans, newspapers, certain plastics, household appliances and~~
35 ~~other articles designated by the Mayor and Council or their designated representative.~~

36 ~~(b) The Mayor and Council find that it is in the fiscal interest of the town to reduce refuse disposal fees~~
37 ~~and it is in the interest of sound environmental policy to have a mandatory recycling program within~~
38 ~~the town.~~

1 ~~(c) The state legislature passed a recycling law in the 1988 General Assembly Session requiring~~
2 ~~counties in the state to establish recycling programs to reduce their solid waste streams by 15~~
3 ~~percent by January, 1994.~~

4 ~~(d) [The^[MB6] purpose of this article is to make recycling mandatory.~~

5 ~~(Code 1977, § 81-1; Ord. No. 92-9, 6-22-1992)~~

6 ~~Sec^[MB7]. 24-54. Definitions.~~

7 ~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed~~
8 ~~to them in this section, except where the context clearly indicates a different meaning:~~

9 ~~*Bulk or special collection items* means all those large items, including, without limitation, furniture~~
10 ~~and appliances; yard waste, including, without limitation, stumps, branches, grass clippings and plant~~
11 ~~trimmings; and any such other items that by their nature or size are not reasonably considered to be~~
12 ~~general refuse or recyclable material, or as shall be designated by the Mayor and Council or their~~
13 ~~designated representative from time to time.~~

14 ~~*General refuse* means all trash, debris, garbage and discarded items presented to the town for~~
15 ~~collection other than those designated as recyclable materials.~~

16 ~~*Recyclable materials* means those materials and items which shall be designated as such by~~
17 ~~regulations adopted from time to time by the Mayor and Council or their designated representative.~~

18 ~~(Code 1977, § 81-2; Ord. No. 92-9, 6-22-1992)~~

19 ~~Sec^[MB8]. 24-55. Violations and penalties.~~

20 ~~Any person who shall violate any provisions of this article shall be guilty of a municipal infraction and~~
21 ~~shall be fined the sum of \$50.00 for any single initial violation and the sum of \$100.00 for each repeat or~~
22 ~~continuing violation.~~

23 ~~(Code 1977, § 81-5; Ord. No. 92-9, 6-22-1992)~~

24 ~~Sec. 24-5654. - Collection of recyclable material.~~

25 (a) All recyclable material to be collected by the town shall be separated by the property owner or
26 resident before collection and shall be presented separately from general refuse, as well as
27 separated from each other type of recyclable material, as those types or categories of material shall
28 be designated by the Mayor and Council.

29 (b) All recyclable material shall be separated and presented for collection in the manner and at the time
30 or times established by regulations promulgated from time to time by the Mayor and Council.

31 (c) ~~Periodically^[MB9], but in no event less than once a week, the town shall collect recyclable materials,~~
32 ~~which collection may either be in conjunction with or separate from the collection of general refuse.~~
33 ~~Generally, recyclables shall be collected once per week on a schedule determined by the Public~~
34 ~~Works Department and subject to change. In the event that recyclable collection is cancelled due to~~
35 ~~office closure or other unforeseen circumstances, collection shall occur no less than once every two~~
36 ~~weeks.~~

37 (d) The Mayor and Council may require that recyclable materials and general refuse be presented for
38 collection in separate specially designated containers, and any person desiring collection of
39 recyclable materials by the town may be required to obtain such designated container or containers,
40 which shall be used for no other purpose.

41 (e) It shall be unlawful for any person, other than the designated employees of the town or its
42 designated agent, to pick up or collect recyclable materials which are presented for collection by the
43 town pursuant to the provisions of this article and regulations adopted pursuant hereto.

1 (f) The town shall not collect refuse or garbage which is not separated from recyclable material nor shall
2 it collect recyclable materials that are not properly separated or contained as provided herein or in
3 any regulations promulgated pursuant hereto.

4 (Code 1977, § 81-3; Ord. No. 92-9, 6-22-1992)

5 Sec. 24-~~5755~~. - Bulk and special items.

6 (a) The town will not collect bulk or special items as defined in section 24-54 during the course of its
7 general refuse or recyclable materials collections.

8 (b) At the recommendation of the Public Works Director the Mayor and Council may establish
9 specific for the collection of bulk waste or other special items.

10 Sec. 24-56. Yard waste.

11 (a) The Town will not collect yard waste as defined in section 24-1 during the course of its
12 general refuse or recyclable materials collections.

13 (b) At the recommendation of the Public Works Director the Mayor and Council may establish
14 specific dates for the collection of yard waste.

15 (Code 1977, § 81-4; Ord. No. 92-9, 6-22-1992)

16 ARTICLE IV. - VIOLATIONS

17 Sec. 24-57. - Notice of violation; correction.

18 Any person violating the provisions of this article shall be notified in writing by registered mail, return
19 receipt requested, of said violation. Said notice shall describe the violation and notify the violator to
20 correct same within five days or, for cause shown, a greater length of time. In the event that the violation
21 is not corrected, the Mayor and Council may, at their option and on the recommendation of the Director of
22 Public Works, refuse to make collection of the refuse, trash, garbage, etc., of said violator.

23 (Code 1977, § 55-8; Ord. No. 2009-05, 3-23-2009)

24 Sec. 24-58. - Violations and penalties.

25 Any person who shall violate any provisions of this article shall be guilty of a municipal infraction and
26 shall be fined the sum of \$50.00 for any single initial violation and the sum of \$100.00 for each repeat or
27 continuing violation.

28 (Code 1977, § 55-9; Ord. No. 2009-05, 3-23-2009)

29 Footnotes:

30 --- (1) ---

31 **Charter reference**— Authority to provide for the removal of solid waste, § C5-1B(27).

32 **State Law reference**— Solid waste disposal, Md. Environment Code Ann. § 9-204 et seq.

--- (2) ---

Charter reference— Authority to provide for the removal of solid waste, § C5-1B(27).

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 20_____, and thereafter a statement of the substance of the Ordinance was published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this _____ day of _____, 20_____, by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ in favor to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice President

This Ordinance was approved this _____ day of _____, 20_____ by the Mayor of the Town of Berlin and was therefore effective twenty (20) calendar days later on the _____ day of _____, 20_____.

Wm. Gee Williams, Mayor

ATTEST:

Jeffrey Fleetwood, Town Administrator



Mayor & Council of Berlin

10 William Street
Berlin, MD 21811
410-641-2770
www.berlinmd.gov



SPECIAL WASTE COLLECTION POLICY Effective January 1, 2020

PLEASE NOTE: Effective January 1, 2020 new regulations are in effect. Please read the information below carefully.

The Town schedules three types of special refuse collections every year: Bulk Waste, Yard Waste and Live-Cut Christmas Trees. Regular household garbage is not part of these collections and collection is for improved, occupied, single-family residential properties only; undeveloped parcels, vacant residential units, commercial and industrial properties are not included and multi-unit properties may be included only at the discretion and with the prior approval of the Director of Public Works.

Items must be at the curb no later than 6:00 am on the scheduled collection day; items can be placed at the curb the night before.

The Town of Berlin will generally hold special collections for Bulk and Yard Waste in the spring and fall and in January for Live-Cut Christmas Trees. All dates will be announced in advance and announcements may appear in local newspapers, on the Town website, on the Town Public Access Channel, on social media (Facebook) and others.

Additional provisions of the Code of the Town of Berlin may apply. For complete information on Town of Berlin sanitation, please see the Code of the Town of Berlin, Chapter 24 – Solid Waste.

All collections are subject to the discretion of the Public Works Department.

LIVE-CUT CHRISTMAS TREE COLLECTION

Live-Cut Christmas trees will be collected the first two Wednesdays in January following New Year Day.

<p><u>DO:</u> Remove all decorations from tree.</p>	<p><u>DON'T:</u> Trees should not be in disposal bags at the curb. Artificial, potted or "ball" trees intended for replanting will not be collected.</p>
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YARD WASTE COLLECTION

<p><u>DO:</u> Place leaves, grass clippings, pine needles and cones, and garden waste in a paper or plastic bag. Cut brush into 4 ft. lengths and bundles no larger than 18 inches in diameter.</p>	<p><u>DON'T:</u> Include animal waste, stones, rocks, metal, other inorganic matter, dirt, sod or other materials.</p>
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BULK WASTE COLLECTION

Bulk waste is defined as waste items not considered to be normal household trash/refuse, recyclables, or yard waste.

- **If you have ANY items to place for collection on the designated date, YOU MUST call 410-641-2770 no later than noon on Monday the week of your designated collection date.**
- Free Bulk Waste Collection is limited to three (3) items per household, per collection date.
 - A box or bag containing multiple items and weighing fifty (50) pounds or less shall be considered one (1) item.
 - If you have more than three items for pickup, a BULK WASTE COLLECTION form must be completed and submitted no later than noon on Monday the week of your designated collection date.
 - A fee of \$25.00 plus \$25.00 per item is payable prior to collection. **NO EXCEPTIONS.**
 - Minimum charge over three items will be \$50.00.
 - When paid, a tag to be attached to the item(s) will be issued and must be affixed.
 - Tags will not be required for the first three items.
- **All collection is subject to the discretion of the Public Works Department.**

See below for guidelines.

<u>DO:</u>	<u>DON'T:</u>
<p>Include items such as:</p> <ul style="list-style-type: none">• Furniture*• Carpet/Rugs*• Mattresses*• Tables and Chairs*• Toilets• Sinks• Appliances/Electronics <p>Small items must be placed in a box or bag at the curb and weigh no more than 50 lbs.</p> <p>*Any fabric item, including mattresses, box springs, pillows/cushions, etc. must be wrapped in plastic and sealed with tape. Bags for mattresses/box springs are available at many local retailers and a limited supply will be available to pick up at Town Hall. Please call to request – 410-641-2770.</p>	<p>Include items such as:</p> <ul style="list-style-type: none">• Hazardous Waste• Construction materials which may include:<ul style="list-style-type: none">○ Doors/Windows○ Cabinets/Countertops○ Lumber○ Fencing○ Drywall• Paint• Yard waste/brush• Propane tanks• Chemicals• Insecticides• Automotive Fluids• Tires

For more information about special collections, please call the Public Works Department at 410-641-4001 or email dwheaton@berlinmd.gov.



PROCLAMATION 2019-14

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND PROCLAIMING NOVEMBER TO BE MUNICIPAL GOVERNMENT WORKS MONTH.

The Mayor and Council of the Town of Berlin does hereby proclaim November to be Municipal Government Works Month.

WHEREAS, the Town of Berlin was incorporated in 1868; and

WHEREAS, Maryland is home to 157 municipalities; and

WHEREAS, municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

WHEREAS, in an effort to educate citizens about municipal government and the importance of their participation, the Town of Berlin is proud to promote municipal government awareness; and

WHEREAS, during 2019 the Town of Berlin promoted Municipal Government Awareness by:

- Hosting or supporting 49 community events
- Partnering with local businesses to provide free shuttles to several Town events
- Collecting 138 tons of recycling
- Received AARP Grant to purchase outdoor café tables and chairs for use during our events
- Awarded \$50,000 in Facade Grant funding for the downtown district
- Receiving a safety award from American Municipal Power
- Issuing 36 Certificates of Occupancy
- Replacing sidewalks on Maryland Route 346, Burley Street, Powellton Ave, and Pitts Street
- Publishing the Berlin Bulletin monthly
- Welcoming seven new businesses

WHEREAS, municipalities have enhanced the quality of life for their respective residents maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play and explore.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the Town of Berlin, Maryland hereby joins the Maryland Municipal League in declaring November to be Municipal Government Works Month in the Town of Berlin.

WITNESS MY HAND AND SEAL, THIS 12TH DAY OF NOVEMBER 2019.

Wm. Gee Williams, III
Mayor

Elroy Brittingham, Sr.
Vice President

ATTEST: _____
Jeffrey Fleetwood
Town Administrator