

# BERLIN MAYOR AND COUNCIL

## Meeting Agenda



Berlin Town Hall  
10 William Street  
Monday, July 8, 2019

### 6:00 PM EXECUTIVE SESSION – Conference Room

Pursuant to Section §3-305(b)(8) To consult with staff, consultants, or other individuals about pending or potential litigation

### 7:00 PM REGULAR SESSION – Council Chambers

1. Approval of the Minutes for:
  - a. Executive Session of 06/24/19
  - b. Statement of Closure for Executive Session of 06/24/19
  - c. Regular Session of 06/24/19
2. Berlin Falls Park Advisory Committee Report
  - a. Update on Committee activities
  - b. Park name recommendation
3. Stormwater Fees Increase – for discussion only
4. Departmental Reports
5. Town Administrator's Report
6. Comments from the Mayor
7. Comments from the Council
8. Comments from the Public
9. Comments from the Press
10. Adjournment

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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**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Monday, June 24, 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 Laura Allen, Managing Director/Public Works Jeff Fleetwood, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, 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 7:05 PM.

1. Approval of the Minutes for:

a. Executive Session of 06/10/19:

On the motion of Councilmember Gulyas, the Executive Session minutes of June 10, 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>	4				1

b. Statement of Closure for Executive Session of 06/10/19:

Mayor Williams read the Statement of Closure.

c. Regular Session of 06/10/19:

Councilmember Tyndall noted a correction on page three of five, on Motion 2019-16 the vote should be corrected to reflect a unanimous vote as he voted in favor of the Motion.

On the motion of Councilmember Gulyas with the correction noted by Councilmember Tyndall, the Regular Session Minutes of June 10, 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>	4				1

## 2. Motions to Approve:

a. Motion 2019-17: Motion awarding the Graham Avenue Submerged Gravel Wetlands Contract Darl Kolar, P.E., BCEE, MBA, with EA Engineering, Science, and Technology, Inc., PBC and Town Administrator Laura Allen discussed the two bids they received for the project and the grant they were awarded. Mr. Kolar said this would help alleviate flooding issues, but not take care of them completely because it is only a piece of what needs to be completed. He said it would help with small amounts of rainfall but not large rainfall events. Councilmember Tyndall expressed concerns about borrowing funds. Residents Marie Velong, Jason Walter, and Don Fletcher all voiced concerns over the project and borrowing funds. Ms. Allen said we will lose the grant funding if we choose not to do the project at this time.

On the motion of Vice-President Brittingham, Motion 2019-17 was not 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>	1	3			1

b. Motion 2019-18: Motion approving the General Order of the Body Worn Camera Program Police Chief Arnold Downing explained the General Order. Councilmember Tyndall asked when the cameras would be active; Chief Downing said with any officer engagement.

On the motion of Councilmember Tyndall, Motion 2019-18 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

c. Motion 2019-19: Motion approving the Berlin Fire Company Fiscal Year 2020 Contract Mayor Williams explained the FY2020 Fire Company Contract.

On the motion of Councilmember Tyndall, Motion 2019-19 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	1			1

3. Ordinance 2019-04: Amending Chapter 108, Article II, Division 5, Subdivision II, Section 108-165, Entitled "Variances"

Planning Director David Engelhart explained the Ordinance and said the first reading was held on May 28, 2019. Mayor Williams opened the Public Hearing at 7:47 PM and with no comments, the Public Hearing closed at 7:48 PM.

On the motion of Vice-President Brittingham, Ordinance 2019-04 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

4. Resolution 2019-05: Resolution establishing a tax rate review policy

Town Administrator Laura Allen explained the purpose of the policy and Councilmember Tyndall asked if we can add that there will be a presentation of general fund reserves. Mayor Williams said in the meantime they will be working to determine an appropriate level for Town reserves. On the motion of Councilmember Tyndall with the change he proposed, Resolution 2019-05 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

5. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh said the audit is scheduled for September 9<sup>th</sup>-13<sup>th</sup> and will be done by PKS. She is working on the year end review for FY2019. Lastly, she negotiated lower credit card processing fees and to have new terminals put in.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen said she is working with the Planning Department to confirm address changes in Town for the 2020 census and for election data. She asked that individuals complete their census because it helps the Town acquire grants. Lastly, there is a parks meeting on July 2<sup>nd</sup> and the August meeting will be held at National Night Out.

c. Electric Utility Director – Tim Lawrence

Mr. Lawrence said they are preparing for peak shaving and demand and meter reads. Lastly, the scheduled power outage has been postponed due to weather; the new dates will be July 10<sup>th</sup> and July 12<sup>th</sup> from 12:30am-3:30am weather permitting.

d. Police Chief – Arnold Downing

Chief Downing said they are planning for National Night Out and summer events with Worcester Youth. He said they have been providing meals to homebound individuals on Wednesday's from the Spirit Kitchen; if you know of anyone who needs that service let them know.

e. Planning and Zoning Director – David Engelhart

Mr. Engelhart said the Historic District Commission Meeting has been moved from July 3<sup>rd</sup> to June 26<sup>th</sup>. The Planning Commission will be meeting on July 10<sup>th</sup> and will be discussing the IG Burton Annexation and will submit their recommendation to the Mayor and Council. Mayor Williams asked if the septic will be sealed if they are annexed; Mr. Engelhart said it would be.

f. Managing Director and Public Works – Jeffrey Fleetwood

Mr. Fleetwood said they had a playground inspector come out and inspect the equipment at both Stephen Decatur Park and Henry Park and a number of items need repaired or replaced. The Electric Department has helped with herbicide spraying. They also cut four main ditch banks. Lastly, new insurance cards should have been received by employees and if you have an FY2019 bill that needs paid in FY2020 please let him know.

6. Town Administrator’s Report – Ms. Allen said Readers Digest has named Berlin as a small town that is about to become popular.

7. Comments from the Mayor – none.

8. Comments from the Council:

Councilmember Tyndall congratulated Town Clerk Kelsey Jensen on receiving her Certified Municipal Clerk Designation.

Vice-President Brittingham thanked Mr. Fleetwood and Ms. Bohlen for keeping up with the parks; they had a family reunion there and it was a great success.

9. Comments from the Public

Fire Company President David Fitzgerald thanked the Council for approving the FY2020 contract and asked that the unexpended funds for the second phase of the Fire Company study be used towards the EMS Ambulance; Mayor Williams said they will get back to him on that. Mr. Fitzgerald also mentioned that they donated an old ice machine to the Spirit Kitchen.

10. Comments from the Press – none.

11. Adjournment:

On the motion of Vice-President Brittingham, the Mayor and Council meeting was adjourned at approximately 8:10PM.

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  
Town Clerk

## Presentations:

### Berlin Falls Park Advisory Committee Report

- a. Update on Committee activities
- b. Park name recommendation



# STAFF REPORT

**To:** Mayor and Members of the Town Council

**From:** Town Administrator Laura Allen 

**Meeting Date:** July 8, 2019

**Subject:** Stormwater Fee Increase – For Discussion

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## EXECUTIVE SUMMARY

During the budget process, the Mayor and Council discussed increasing stormwater utility fees but did not approve an increase.

At the June 24, 2019 Mayor and County meeting, Town staff requested approval of a contract to construct a submerged gravel wetland on Graham Avenue using Town owned property. While the Town received a \$75,000 Outreach and Restoration Grant from the Chesapeake Bay Trust for the project, staff requested approval of a \$37,500 transfer from budgeted Water Fund to cover higher than estimated project costs (see Attachment A for more information). The construction contract was not approved.

The Stormwater Fund does not have the capacity to cover the costs of this project. The Fund has a deficit of approximately \$230,000 owed to the General Fund (GF). Increasing the stormwater utility fee will enable the Town to complete this and other critical stormwater projects.

## FISCAL IMPACT

Currently the fee generates about \$170,000 in annual revenue (\$70,000 from residential properties and \$100,000 from commercial properties. The fee for residential properties is \$50 per year. The fee for commercial properties is \$25 per 2,100 sq. feet of impervious surface (ERU).

Earlier this year, staff proposed doubling the residential fee from \$50 to \$100 per year (an increase from \$4.16 per month to \$8.33 per month) and increasing the commercial rate by 30% (from \$25 to \$32.50). These increases are estimated to generate an additional \$70,000 in residential fees and \$30,000 in commercial fees increasing annual stormwater revenue to \$270,000.

## **ANALYSIS**

Increasing the fees would enable the Mayor and Council to stop borrowing from the General Fund to support the Stormwater Fund. The increase would also enable the Town to set aside \$20,000 in Stormwater revenues per year to pay back the GF in 11 – 13 years.

The University of Maryland Environmental Finance Center (EFC) 2012 Stormwater Financing Feasibility Report (<https://berlinmd.gov/wp-content/uploads/2014/03/BerlinStormwaterFeasibilityStudyFinalReport1.pdf>) recommended a higher commercial fee of \$45 per ERU to address the Town's stormwater needs (page 32). This was expected to generate \$461,846 annually. The current fee structure doesn't generate enough funding to meet the needs of the Stormwater Utility.

The Stormwater fees have not been increased since they were established in 2013. The Bureau of Labor Statistics indicates prices have increased by approximately 11% since then. The EFC Report assumed a 2.5% per year inflation rate or a 17% increase in that same time.

It would be a mistake to return the grant funds to the Chesapeake Bay Trust. This would send a signal to the State of Maryland and our federal funding partners that we don't have the capacity to complete critical projects, making us less attractive for additional grants. Increasing the fee will enable the Town to complete the Graham Ave. Submerged Gravel Wetland Project as well as other critical stormwater projects on the Mayor and Council's priority list (Attachment B).

## **NEXT STEPS**

If the Mayor and Council support increasing the fee, staff will add a fee increase resolution to the August 12, 2019 agenda for approval with an effective date of October 1, 2019.

### Attachments:

- A. Graham Avenue Submerged Gravel Wetland Staff Report
- B. Mayor and Council Stormwater Priority Projects



# STAFF REPORT

**To:** Mayor and Members of the Town Council

**From:** Town Administrator Laura Allen

**Meeting Date:** June 24, 2019

**Subject:** Graham Avenue Submerged Gravel Wetland Contract Award

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## RECOMMENDATION

Staff recommends the Council adopt a motion awarding the construction contract for this project to Goody Hill Groundwork, Inc. and authorize the transfer of up to \$37,500 from the Water Fund contingency account to increase the funding for the project.

## EXECUTIVE SUMMARY

The Town received an Outreach and Restoration Grant from the Chesapeake Bay Trust in the amount of \$75,000 to install a submerged gravel wetland (SGW) on Town owned property on Graham Avenue. The Town committed \$40,000 in Stormwater Funds as a match for a total budget of \$115,000.

The construction bids came in much higher than expected. In addition, the quote we recently received for the stone to be installed by Town staff also came in higher than planned. As a result, the project has a budgetary shortfall of \$37,500. Staff recommends a transfer from budgeted Water Fund contingency of up to \$37,500 to enable the project to proceed.

## FISCAL IMPACT

The Mayor and Council approved \$115,000 for this project in the FY 20 Adopted Budget. The budgetary shortfall can be addressed by transferring (or borrowing) \$37,500 from budgeted Water Fund contingency (\$81,544) to the Stormwater Fund for this project. The Stormwater Fund will need to repay the Water Fund at some point in the future.

## ANALYSIS

Higher than expected costs created a budgetary shortfall in this project which can be addressed by borrowing from the Water Fund.

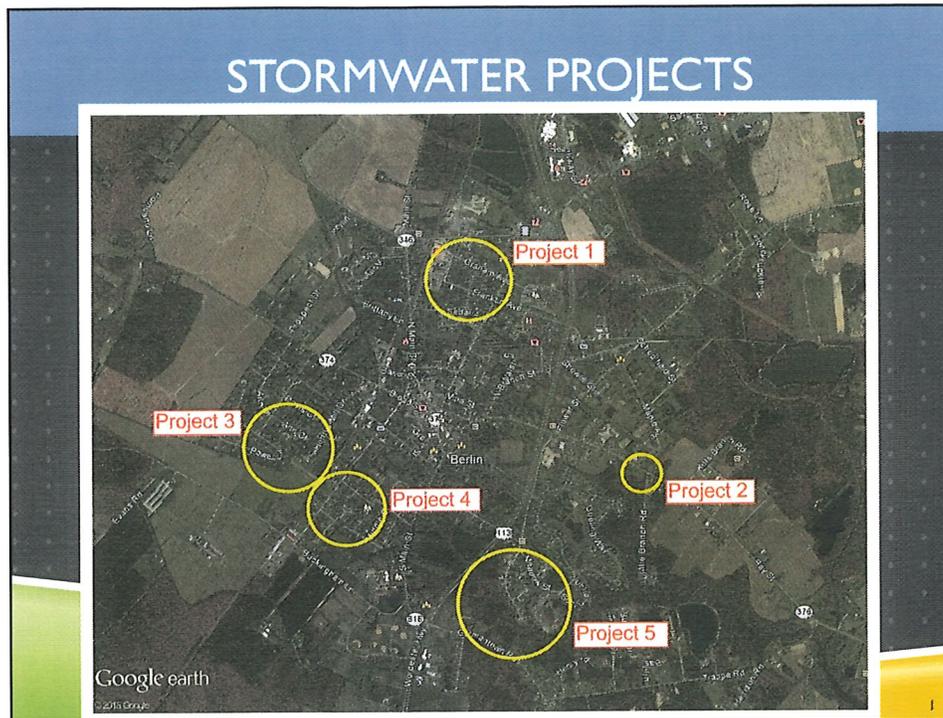
The Mayor and Council may return the grant funds to the Chesapeake Bay Trust and not proceed with the project, however, the SGW will help reduce flooding in one of the five areas identified as a Town Flooding Concern in the Worcester County Hazard Mitigation Plan (page 3-31). In addition, Maryland Coastal Bays, our grant partner, did an excellent job reaching out to the residents in this neighborhood who expect this project to be completed.

## **CONCLUSION**

Staff recommends the Council adopt a motion awarding the construction contract for this project to Goody Hill Groundwork, Inc. and authorize the transfer of up to \$37,500 from the Water Fund Contingency to increase the funding for the project.

### Attachment

- A. Bid Package Letter from EA Engineering, Science and Technology



## APPROVED PRIORITY ORDER

### Hudson Branch Projects

Project 1 – Complete Pine, Franklin, Grice and Nelson Streets

Project 2 – Bottle Branch Road – Channel Stabilization

### Bottle Branch Projects

Project 3 – Bottle Branch at Henry's Green and Henry's Mill

Project 4 – Bottle Branch at West Street and Abbey Lane

Project 5 - Bottle Branch at Decatur Street

PROJECT 1 – COMPLETION OF HUDSON BRANCH  
ALONG PINE, FRANKLIN, GRICE AND NELSON STREETS



PROJECT 2 - HUDSON BRANCH AT BOTTLE BRANCH  
ROAD – CHANNEL STABILIZATION AND RESTORATION



### PROJECT 3 – BOTTLE BRANCH AT HENRYS MILL AND HENRYS GREEN



### PROJECT 4 – BOTTLE BRANCH AT WEST STREET AND ABBEY LANE



PROJECT 5 – BOTTLE BRANCH AT DECATUR STREET –  
STREAM RELOCATION AND RESTORATION



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