

Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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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

Anthony J. Carson, Jr.

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, JUNE 28, 2010

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

EXECUTIVE SESSION6:00 PM

REGULAR SESSION7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144
TTY users dial 7-1-1 in the State of Maryland
TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, June 28, 2010**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

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

1. Approval of the Minutes for:
Regular Session of the Mayor and Council on June 14, 2010
2. Special Event Request – Nancie Belsz
Paint Berlin – August 13th – 15th (No town services needed, approval only)
3. 1st Reading - Ordinance 2010-05
An Ordinance amending Chapter 107 concerning the definition of residential day care. Public Hearing to be held on July 12, 2010.
4. Public Hearing – Ordinance 2010-06
An Ordinance amending Chapter 44 concerning the discharge from swimming pools into the drainage system within the Town of Berlin.
5. Approval of General Orders from Police Department regarding Towing of Vehicles
6. Departmental Reports
 - a. Finance
 - b. Deputy Town Administrator
 - c. Public Works
 - d. Water Resources
 - e. Police
 - f. Planning and Zoning
 - g. Human Resources
 - h. Economic and Community Development
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, June 14, 2010

The meeting of the Mayor and Council for Monday, June 14, 2010 was called to order by Mayor Williams at approximately 7:02 p.m. Vice President Brittingham, Council Members Lynch, Purnell, Burrell were present, as well as Town Administrator Tony Carson, Director of Community and Economic Development Michael Day, Administrative Assistant Sharon Timmons, Town Attorney David Gaskill, Deputy Town Administrator Mary Bohlen, Director of Water and Wastewater Jane Kreiter, Finance Director Lynn Musgrave, Planning and Zoning Director Chuck Ward, Human Resources Director Rachel Bomar and Police Chief Arnold Downing. Public Works Director Mike Gibbons was absent. Councilmember Hall arrived late to the meeting.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Executive Minutes of May 24, 2010. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with 1 absent. Mayor Williams asked for approval of the Regular Minutes of May 24, 2010. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with 1 absent. Councilmember Hall arrived to the meeting. Mayor Williams stated that the closure for Executive Session on May 24, 2010 was to discuss a preliminary matter related to a proposal for a business or organization and to discuss the negotiation strategy related to the contents of a bid or proposal.

Mayor Williams requested that Chief Downing and Mr. Gary Carter come forth. Mayor Williams explained that Mr. Carter was a graduating senior from Stephen Decatur High School and had chosen to intern with the Police department. Mayor Williams presented Mr. Carter with a certificate of appreciation for completion of 224 hours of internship with the Police Department. Chief Downing congratulated Mr. Carter on his accomplishments and expressed the support of the Police department to Mr. Carter in his future endeavors. Mayor Williams stated that the Planning and Zoning department will also have an intern working with them over the summer.

James Gaynor came before the council requesting approval for the Kids Roc Independence Day Weekend Basketball Tournament to be held July 3-4th at Henry Park. Mr. Gaynor thanked the Mayor and Council for their past support with the last tournament and explained the schedule of events planned for the weekend. Mayor Williams requested that Mr. Gaynor ask the participants and spectators to the tournament to please keep the park clean from litter. Vice President Brittingham made a motion to approve the event and council voted unanimously to approve 5-0.

Susan Taylor representing the Berlin Heritage Foundation came before the council requesting approval for the Berlin Peach Festival to be held Sunday, August 8, 2010 at the Taylor House Museum from the hours of 12 noon to 6 p.m. with a concert on the lawn to follow. Ms. Taylor stated her request of services needed from the town. Councilmember Purnell made a motion to approve the event and council voted unanimously to approve 5-0.

Ordinance 2010-04, approval of the FY11 Budget was announced. Mayor Williams stated that there had been an addition of \$5,000 to the Public Works budget to cover two part time summer employees for park clean up and mowing and one additional cleaning per week of the porta potties in the parks. These monies were taken from the contingency fund. Councilmember Lynch asked what the percentage decrease was from last year's budget and Mayor Williams stated 20%. Councilmember Burrell made a motion to approve the FY11 Budget and council voted unanimously to approve 5-0.

Resolution 2010-12, a resolution forgiving a series of loans made by the Town's general fund to the Town's Water fund was announced. Mayor Williams explained that to try and recover this money in the past would have caused the Town to greatly increase the water rates. He continued in stating that the general fund reserves were healthy. Councilmember Lynch inquired as to the total amount of the loan and the inclusion of that amount to be written into the resolution. Discussion followed. Councilmember Purnell made a motion to amend the Resolution by adding the wording "not to exceed 1.4 million dollars" after the word forgiven in the last paragraph. Council voted unanimously to approve 5-0.

Resolution 2010-11, establishing a revolving loan fund to foster the growth of new businesses and to help with the expansion of existing business was announced. Economic and Community Development Michael Day came before the council and explained how this idea came about. Town Attorney David Gaskill read the resolution in its entirety. Mayor Williams stated his full support and felt that it would create a positive economic environment and would enhance and strengthen businesses within the Town. Mayor Williams asked for comments from the public. Terri Sexton of the Treasure Chest stated that she felt it was a wonderful opportunity. Bill Outten from A Step Above expressed his support that it was a great idea. Patrick Henry from Henry Fine Arts stated it was the wisest visionary idea, not a hand out, but a helping hand. Resident Jim Hoppa supported the idea, but did not think it wise for the Town to get into the banking business and was concerned that he saw nothing in the resolution regarding collateral for the loans. Mr. Day reported that most Main Street towns have these types of loans and are very successful. Mr. Gerry Mortensen stated that he thought this concept was an excellent idea to help promote economic development. Councilmember Hall stated that she was uncomfortable with the amount of \$25,000 and that she could not support the resolution the way it was written and she felt the Town needed to assist the businesses by working on the commercial electric rates. Both council members Lynch and Purnell echoed Councilmember Hall's comments and stated that they could not support the resolution. Discussion followed. Councilmember Burrell stated that the business owners are also rate payers of our community and that the decisions of the committee would be based on legitimate business decisions on the stableness and capability of the applicants to repay these loans and that this would offer another level of support to bring and keep jobs in Berlin. Vice President Brittingham stated that he supported the resolution and made a motion to pass Resolution 2010-11. Councilmembers Burrell and Brittingham voted to approve the Resolution while Councilmembers Hall, Purnell and Lynch voted against Resolution 2010-11 and the motion failed with 2 for and 3 opposed.

Ordinance 2010-06 was introduced. This ordinance amends Chapter 44 concerning the discharge from swimming pools into the drainage system within the Town of Berlin. The public hearing will be held on June 28, 2010. Town Attorney David Gaskill read the ordinance in its entirety. Councilmember Lynch inquired as to how someone was to drain their above ground pool. Director of Water Resources Jane Kreiter responded that due to the high toxic levels of chlorine and other chemicals, the pool water should not be drained into the streets or storm drains, but can however be used to water plants and lawns. Discussion followed. No action needed to be taken by the council.

Resolution 2010-06, adoption of the 2010 Comprehensive Plan for the Town of Berlin was announced. Councilmember Lynch asked Mr. Gaskill and Mr. Ward if all of the concerns with the State and County had been dealt with and if the incorporated changes had accomplished the purposes it was intended to. Mr. Ward stated yes. Councilmember Lynch made a motion to approve the 2010 Comprehensive Plan for the Town of Berlin and council voted unanimously to approve 5-0.

Town Administrator Tony Carson explained that the committee of Jane Kreiter, Mike Gibbons and himself evaluated the four Request for Qualifications which were received and were recommending that the Town hire EA Engineering as the Town's Stormwater Engineer. Discussion followed. Mr. Carson stated that a priority would be to establish policies and procedures. Mr. Carson asked Mr. Darl Kolar of EA Engineering to come forward and explain some of the processes associated with storm water submittals, applications, and reviews. Discussion followed. Councilmember Lynch and Councilmember Purnell simultaneously made a motion to approve EA Engineering as the Town's Stormwater Engineer and council voted unanimously to approve 5-0.

Departmental reports began with Finance Director Lynn Musgrave reporting that she would be meeting with the auditor regarding preparation for the audit which would take place in September. She continued in reporting that she would be participating in a phone conference with Logics regarding the new accounting and customer service software. Deputy Town Administrator Mary Bohlen reported that she had attended a meeting with the representatives of Grow Berlin Green and Maryland Coastal Bays regarding a Maryland Energy Administration Grant on behalf of the Town to purchase and distribute energy efficiency kits to help homeowners with their energy costs. Water Resources Director Jane Kreiter reported that George and Lynch was on site at the Lagoon

to begin repairs and that the damaged hydrant on Main Street had been replaced. Planning and Zoning Director Chuck Ward reported that the Historic District had issued approval to 10 South Main street to temporarily locate his business in a 31 foot travel trailer in the adjacent parking for a period of 4 months. The business Not Just Toys was destroyed in a fire last week. Police Chief Arnold Downing reported that no problems had occurred during a very busy weekend with many events throughout Town. Human Resources Director Rachel Bomar reported that the Town's 2nd Open Enrollment was a success and that Workrite would be measuring the Line Crew and Power Plant employees for the Personal Protective Equipment clothing on Thursday. Economic and Community Development Director Michael Day reported that he had completed the Business Retention course, had attended the DHDC workshop and annual conference. He reported that the recent Art Stroll had the highest attendance ever, Wednesday there would be a workshop between Maryland Main Street, Berlin Chamber of Commerce and DHCD on visual marketing, that he would be meeting with the new owners of Dave & Kelly's, and that the rack cards for Victorian Christmas would be coming out within the next few weeks.


Town Administrator Tony Carson presented 17 purchase orders (56345, 56091, 56099, 56402, 56532, 55299, 56197, 56347, 56533, 56433, 55983, 56198, 55988, 55989, 56499, 56425, and 55990) for approval. Discussion followed. This report will be included as part of the minutes. Vice President Brittingham made a motion to approve the 17 purchase orders as presented and council voted unanimously to approve 5-0.

Mayor Williams stated that the power outage that occurred earlier in the day had affected about two-thirds of the town. The cause was not known, but the electric department would be checking the substations on Tuesday to access the problem and re-balance the load. Councilmember Hall inquired as to the status of the homes on 202 and 204 Broad Street. Mr. Ward stated that the owners had received letters regarding actions to come. She continued in asking about the webpage and Ms. Bohlen stated that D3 Corp was working on. The question was raised about the additional trash cans and where they were located. Mr. Carson stated that they had been moved to the distribution plant.

Councilmember Burrell inquired about the location of the company completing the work regarding the new emblems for the Water Resources trucks. Ms. Kreiter stated in Salisbury. Vice President Brittingham stated he had received a complaint regarding trash being collected on one side of Burley Street, but not the other. He continued in reporting that there were serious grass issues on Flower and Branch streets between the curb and sidewalk and also Rt. 113 and Bay streets in front of the Uncle Willie's store. Councilmember Lynch asked Mr. Ward if the Bruce house was being fined on a daily basis. Mr. Ward responded that they were, but the attorney handling the estate was contesting the fines and asked to stand trial for the citations. Mr. Ward stated that the property will be fined for additional issues. Discussion followed. Mayor Williams reported that a home on Gay Street was to be demolished after many years. Councilmember Purnell reported that he had received compliments on how great the parks looked.

Mayor Williams asked for comments and/or questions from the public. There being no comments or questions from the public, Mayor Williams asked for comments and/or questions from the press. Nancy Powell of Ocean City Today asked how many additional trash cans the Town had purchased. Mr. Carson stated he would respond to her with a total. Councilmember Burrell made a motion to adjourn and the meeting ended at 9:26 p.m.

Respectfully submitted,


Sharon Timmons
Administrative Assistant

ORDINANCE 2010-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A
MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 107
CONCERNING THE DEFINITION OF RESIDENTIAL DAY CARE.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 107 be amended as follows:

§ 107.5 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DAY CARE, RESIDENTIAL – A dwelling unit in which daytime adult supervision is provided for up to ~~six~~ **eight** children not members of the caregiver's family under the age of ~~16~~ **twenty-one** and in which the dwelling is the primary residence of the caregiver.

ADOPTED BY THE COUNCIL OF THE TOWN OF BERLIN AS AN ORDINANCE ON
THIS ____ DAY OF _____, 2010 BY AFFIRMATIVE VOTE OF ____ TO ____ WITH ____
ABSTAINING.

Elroy Brittingham, Vice President

ADOPTED BY THE MAYOR OF THE TOWN OF BERLIN ON THIS ____ DAY OF
_____, 2010.

William Gee Williams III, Mayor

ATTEST:

Anthony J. Carson, Jr., Town Administrator

ORDINANCE 2010-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 44 CONCERNING THE DISCHARGE FROM SWIMMING POOLS INTO THE DRAINAGE SYSTEM WITHIN THE TOWN OF BERLIN.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 44 be amended as follows:

§44-3 Prohibited acts.

It shall be unlawful for any person to place any materials in a drainage ditch in the Town of Berlin which hinders drainage.

It shall be unlawful for any person, individual, corporation, company, partnership, firm or association to discharge water from swimming pools into the drainage system of the Town of Berlin. Said drainage system shall include all stormwater drains, stormwater management ponds, drainage ditches and swales. The discharge of pollutants to the municipal drainage system is also prohibited.

ADOPTED BY THE COUNCIL OF THE TOWN OF BERLIN AS AN ORDINANCE ON THIS ____ DAY OF _____, 2010 BY AFFIRMATIVE VOTE OF ____ TO ____ WITH ____ ABSTAINING.

Elroy Brittingham, Vice President

ADOPTED BY THE MAYOR OF THE TOWN OF BERLIN ON THIS ____ DAY OF _____, 2010.

William Gee Williams III, Mayor

ATTEST:

Anthony J. Carson, Jr., Town Administrator

TOWN ADMINISTRATOR'S REPORT

06-28-10

Purchase Orders

PO# 56230 in the amount of \$11,848.00 to Maryland and Delaware Railroad Company for FY11 License Renewal. Monies to be taken from FY11 Budget.

PO# 56240 in the amount of \$5,000.00 to Pitney Bowes Postage by Phone for annual postage for meter. Monies to be taken from FY11 Budget.

PO# 55838 in the amount of \$1,606.00 to Tyndale for personal protective gear for Line Crew and Power Plant employees.

PO# 56558 in the amount of \$3,205.20 to Atlantic, Smith, Cropper and Deeley for payment for Pollution Liability Insurance Policy.

PO# 56559 in the amount of \$1,449.95 to Tyndale for rain jackets and bib overalls Personal Protection clothing for Line Crew and Power Plant employees.

PO# 55300 in the amount of \$1,395.00 to Card's Computers for Firewall Software Renewal.

PO# 56263 in the amount of \$1,485.40 to Intercoastal Trading for 420 gallons of hypochlorite for Spray Site.

PO# 56671 in the amount of \$1,002.82 to Intercoastal Trading for 551 gallons of hypochlorite for Spray Site.

PO# 56672 in the amount of \$1,033.76 to Intercoastal Trading for 568 gallons of hypochlorite for Treatment Plant.

PO# 56670 in the amount of \$1,288.00 to Intercoastal Trading for 112 units of Soda Ash for Treatment Plant.

PO# 56615 in the amount of \$1,188.00 to Crime Reports for Annual Subscription.

PO# 56656 in the amount of \$1,300.00 to Fort Whaley Sign Company for monthly billboard rental on Route 50.

PO# 56674 in the amount of \$2,846.25 to Hill's Electric Motor for emergency replacement of hydromatic pump at Decatur Farms lift station.

PO# 56659 in the amount of \$4,635.70 to Max-R for additional trash cans for Stephen Decatur and Henry Parks and 1 bike rack each for Henry Park and Town Hall.

Updates