



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, JULY 12, 2010

Town Administrator

Anthony J. Carson, Jr.

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, July 12, 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 28, 2010
Executive Session of the Mayor and Council on June 28, 2010
Statement of Closure for Mayor and Council on June 28, 2010
2. Special Event Request – Police Chief Arnold Downing
National Night Out – August 3, 2010, Henry Park 4-7 P.M.
3. Public Hearing – Ordinance 2010-05
An ordinance amending Chapter 107 concerning the definition of residential day care.
4. Resolution 2010-13
A Resolution for the purpose of making a declaration of official intent pursuant to the U.S. Treasury regulation Section 1.150.-2 regarding the Town's intention to reimburse prior expenditures made in connection with the Town's effluent storage and irrigation system project, together with related costs and financing costs, from the proceeds of one or more obligations to be issued by the Town.
5. Motion to Approve
Authorization of the Mayor to sign engagement letter from Funk and Bolton as bond counsel for the project known as the "Effluent Storage and Irrigation System".
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 28, 2010

The meeting of the Mayor and Council for Monday, June 28, 2010 was called to order by Mayor Williams at approximately 7:07 p.m. Vice President Brittingham, Council Members Lynch, Purnell, Burrell and Hall were present, as well as Town Administrator Tony Carson, Director of Community and Economic Development Michael Day, 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, Public Works Director Mike Gibbons and Police Chief Arnold Downing. Administrative Assistant Sharon Timmons was absent.

Mayor Williams asked for the recitation of the Lord's Prayer and the Pledge of Allegiance.

Mayor Williams introduced Brian Brushmiller, who is planning to open a Micro-Brewery on Ocean City Boulevard. Mr. Brushmiller gave a brief background of himself and the idea of opening a micro-brewery.

Mayor Williams asked for approval of the Regular Minutes of June 14, 2010. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0.

Ms. Nancy Belsz was not available to request approval of the Special Event for "Paint Berlin" which would take place August 13th through the 15th. Community and Economic Development Director Michael Day explained that no town services or street closures were needed. "Paint Berlin" is a weekend for artists to bring their easels into town and create paintings with a sale of the paintings to be held on Sunday. Councilmember Hall made a motion to approve the "Paint Berlin" event and council voted unanimously to approve 5-0.

The 1st Reading for Ordinance 2010-05 was announced. The ordinance amends Chapter 107 concerning the definition of residential day care. The Public Hearing will be held on July 12, 2010. Town Attorney David Gaskill read the Ordinance in its entirety.

The Public Hearing for Ordinance 2010-06 was announced. This ordinance amends Chapter 44 concerning the discharge from swimming pools into the drainage system within the Town of Berlin. Mayor Williams opened the Public Hearing. There being no comments from the public, County or State, Mayor Williams closed the public hearing. Town Administrator Tony Carson stated that he had received information from the State regarding restrictions. Vice President Brittingham made a motion to approve Ordinance 2010-06 and council voted unanimously to approve 5-0.

Police Chief Arnold Downing explained the request of approval of General Orders in reference to the towing of vehicles. Councilmember Burrell made a motion to approve the General Orders and council voted unanimously to approve 5-0.

Departmental reports began with Finance Director Lynn Musgrave reporting the Finance department was preparing for the end of the FY10 year and the beginning of FY11. Councilmember Burrell inquired as to the status of the software upgrade and Ms. Musgrave stated that the company would be on site on July 22nd. Deputy Town Administrator Mary Bohlen reported on the booth at the Maryland Municipal League Conference. Public Works Director Mike Gibbons reported that the business recycling container would be delivered on Wednesday, the Public Works employees had been spraying weeds around town, and that the engineered wood fiber would be placed at the playgrounds next week. Mayor Williams complimented the work done by the Public Works department on the parks. Vice President Brittingham inquired about the work being done on Seahawk Road, Flower and Branch streets. Water Resources Director Jane Kreiter reported on the presentation from USDA to Worcester Prep student Jamie Welch regarding the articles he had been writing on the Wastewater Treatment Plant upgrade. Ms. Kreiter continued in stating that last week was the one year anniversary of the start of the Wastewater Treatment Plant construction. Mayor Williams proposed that a tour be arranged on August 23rd at 6:00 P.M. prior to the council meeting for the public, press and council to see the progress. Police Chief Arnold Downing reported the deaths of two retired Berlin police officers and a P.G.

county officer and that there would be more general orders coming before the council in the next few weeks. Planning and Zoning Director Chuck Ward reported on the success of the rain barrel program and that he was working on zoning and code revisions. Human Resources Director Rachel Bomar reported that she had worked the booth at the MML Convention that day and there had been a lot of inquiries in our rain barrel program. She continued in stating that she would be completing her requirements for the Excellence in Local Government Academy tomorrow. Economic and Community Development Director Michael Day reported that the donation of a stay at the Atlantic Hotel was the door prize from our booth at MML, the Main Street annual meeting and awards reception was held last week and the Town of Berlin was named as their business partner of the year and Mike Gibbons received a certificate of appreciation. The way finding signs were installed last week and a \$1,000 grant was received from Worcester County Tourism to help with the Comcast Spotlight promotion, and the new billboard on Route 50 should be installed next week.


Town Administrator Tony Carson asked the Mayor and Council to consider the idea of a worksession for suggestions regarding changes to the zoning and codes for Mr. Ward to take back to the Planning Commission. Town Administrator Tony Carson presented 16 purchase orders (56230, 56240, 55838, 56558, 56559, 55300, 56263, 56671, 56672, 56670, 56615, 56656, 56674, 56659, 56565 and 56566) for approval. Councilmember Lynch inquired about PO# 56674 and Ms. Kreiter explained. Councilmember Burrell asked about PO# 56656 and brief discussion followed. This report will be included as part of the minutes. Mayor Williams left the dias briefly at 7:40 p.m. Vice President Brittingham asked for a motion to approve the purchase orders. Councilmember Purnell made a motion to approve the 16 purchase orders as presented and council voted unanimously to approve 5-0.

Vice President Brittingham asked for comments and/or questions from the council, there being none he proceeded to ask for comments and/or questions from the public. There being none, he asked for questions from the press. No comments or questions were brought forth. Vice President Brittingham commented on the great appearance of the booth at MML and that he was happy to see the large attendance at the convention from other towns. Mayor Williams returned to the dias.

Town Administrator Tony Carson commented that Berlin was receiving the Banner City Recognition due to efforts of Mary Bohlen and Rachel Bomar.

Councilmember Lynch made a motion to adjourn and the meeting ended at 7:50 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

RESOLUTION NO. 2010-__

A RESOLUTION OF THE COUNCIL OF MAYOR AND COUNCIL OF BERLIN (THE "TOWN") FOR THE PURPOSE OF MAKING A DECLARATION OF OFFICIAL INTENT PURSUANT TO U.S. TREASURY REGULATION SECTION 1.150-2 REGARDING THE TOWN'S INTENTION TO REIMBURSE PRIOR EXPENDITURES MADE IN CONNECTION WITH THE TOWN'S EFFLUENT STORAGE AND IRRIGATION SYSTEM PROJECT, TOGETHER WITH RELATED COSTS AND FINANCING COSTS, FROM THE PROCEEDS OF ONE OR MORE OBLIGATIONS TO BE ISSUED BY THE TOWN.

RECITALS

WHEREAS, Mayor and Council of Berlin, a municipal corporation of the State of Maryland (the "Town"), intends to upgrade the Town's wastewater treatment system by undertaking a project referred to as the "Effluent Storage and Irrigation System Project", which includes, without limitation, acquiring certain property, extending a line or lines from an existing spray site to the new property and constructing and equipping a spray irrigation and disposal system on such new property, together with, related costs and activities, the acquisition of necessary property rights and equipment, related site and utility improvements and related planning, design, engineering, construction, installation, improvement, equipping, financial, and legal expenses and costs of issuance and, if the Council so determines pursuant to a subsequent resolution, interest during construction and for a reasonable period thereafter (the "Project"); and

WHEREAS, the United States Department of Agriculture, acting through Rural Development or the Rural Utilities Service ("USDA"), has indicated that it probably will be able to loan money to the Town to fund Project costs, and it is anticipated that any USDA loan will be evidenced by one or more general obligation installment bonds issued by the Town to USDA from time to time; and

WHEREAS, based on communications with USDA, the Town currently anticipates undertaking borrowings from USDA for Project purposes in two phases; and

WHEREAS, in the event that USDA is not able to close on any loan with the Town, or in the event that USDA is not able to loan to the Town all of the money the Town expects to borrow from USDA for Project costs, the Town reasonably anticipates that it will have to borrow money for Project costs from another available source, and that such borrowing will be evidenced by one or more series of general obligation bonds or other evidences of indebtedness of the Town issued from time to time (any such series of bonds or other evidences of indebtedness, and any bonds issued to USDA to evidence an USDA loan as described above, are collectively referred to herein as the "Bonds"); and

WHEREAS, the Town reasonably expects to spend Town funds on Project costs prior to the issuance of any Bonds to USDA (or to any other purchaser in the event USDA is not able to close on a loan), and (i) to reimburse the Town from proceeds of the Bonds for all or a portion of such moneys expended in anticipation of a loan from USDA or another lender, and/or (ii) to use

Bond proceeds to refinance any bond anticipation notes issued by the Town in anticipation of the issuance of the Bonds that are applied to reimburse the Town for prior Project expenditures; and

WHEREAS, Section 1.150-2 of the U.S. Treasury Regulations (the “Reimbursement Regulations”) provides that an “issuer” funding “original expenditures” intended to be reimbursed from proceeds of “obligations” must make a declaration of “official intent” in order to qualify such original expenditures for reimbursement from a “reimbursement bond”, all within the meaning of the Reimbursement Regulations; and

WHEREAS, the Town constitutes an issuer for purposes of the Reimbursement Regulations and the Bonds and any bond anticipation notes issued by the Town to finance Project costs on an interim basis in anticipation of issuance of the Bonds constitute “obligations” and “reimbursement bonds”, as applicable, within the meaning of the Reimbursement Regulations; and

WHEREAS, the Town wishes to adopt this Resolution for the purpose of evidencing the clear and official intent of the Town to reimburse from reimbursement bond proceeds original expenditures made in connection with the Project.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MAYOR AND COUNCIL OF BERLIN that the Recitals hereto constitute an integral part of this Resolution and are incorporated herein by reference. Capitalized terms used in Sections 2 through 4 of this Resolution and not defined herein shall have the meanings given to such terms in the Recitals to this Resolution.

SECTION 2. BE IT FURTHER RESOLVED that in accordance with the Reimbursement Regulations, the Town hereby makes this declaration of official intent to expend money on the Project prior to the issuance of the Bonds (or any bond anticipation notes issued in anticipation of the Bonds), and to utilize the proceeds of the Bonds (or such bond anticipation notes issued in anticipation thereof) to reimburse such original expenditures. This Resolution is intended to be a declaration of official intent within the meaning of the Reimbursement Regulations.

SECTION 3. BE IT FURTHER RESOLVED that the maximum principal amount of obligations expected to be issued by the Town for the Project as described in this Resolution is Twelve Million Dollars (\$12,000,000.00).

SECTION 4. BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Mayor.

[CONTINUED ON FOLLOWING PAGE]

INTRODUCED THIS _____ DAY OF _____, 2010.

ADOPTED _____ AS INTRODUCED _____ AS AMENDED [CHECK APPLICABLE LINE] BY THE COUNCIL OF BERLIN BY A VOTE OF _____ (YEAS), _____ (NOS), _____ (ABSTENTIONS) THIS _____ DAY OF _____, 2010.

ANTHONY J. CARSON, JR.
TOWN ADMINISTRATOR

ELROY BRITTINGHAM, SR.
VICE PRESIDENT OF THE COUNCIL

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2010:

WM. GEE WILLIAMS, III
MAYOR

EFFECTIVE THIS _____ DAY OF _____, 2010.

#132032;50016

TOWN ADMINISTRATOR'S REPORT

07-12-10

Purchase Orders

PO# 55720 in the amount of \$1,097.33 to Sussex Irrigation for 50 impact sprinklers for Spray site.

PO# 56729 in the amount of \$8,018.00 to A.C. Schultes for repair of well at Spray site.

PO# 56724 in the amount of \$1,580.00 to Atlantic Pumping for hauling of sludge off-site to Ocean Pines.

PO# 56731 in the amount of \$1,910.98 to Hill's Electric for repair of frequency drive in control room at plant.

PO# 56628 in the amount of \$2,550.00 to Big Wireless for transfer of antenna on roof to new location.

PO# 56704 in the amount of \$16,416.90 to Pep-Up to 7,799 gallons of #2 low sulfur fuel oil.

PO# 56804 in the amount of \$5,850.00 to Card's Computers for IT Services remainder of contract. Will be invoiced monthly at \$1,950.00.

PO# 56664 in the amount of \$4,687.25 to Maryland Municipal League for membership dues and subscription.

PO# 56748 in the amount of \$1,000.00 to Comcast Spotlight for Worcester County Department of Tourism – pass through funds for matching grant.

PO# 56749 in the amount of \$15,600.00 to Fort Whaley Sign Company for billboard rental – will be paid monthly at \$1,300.00 per month.

PO# 56757 in the amount of \$2,814.00 to Lawmen Supply for 5 replacement handguns.

PO# 56570 in the amount of \$7,978.00 to LGIT for return of extra refund.

Updates