

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, March 11, 2013**

EXECUTIVE SESSION – None scheduled

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

1. Approval of the Minutes for:
 - a. Regular Session of the Mayor and Council on February 25, 2013
 - b. Executive Session of the Mayor and Council on February 25, 2013
 - c. Statement of Closure for Mayor and Council on February 25, 2013
2. Proclamation 2013-06: Girl Scouts of USA 101st Anniversary
3. Requests for Special Events:
 - a. Burley Oaks Brewery – Announcement of Outdoor Event
 - b. Paint the Town Purple – April 12, 2013
 - c. 5K Walk/Run Memorial Event – April 13, 2013
 - d. Reindeer Run - December 7, 2013
4. Public Hearing – Ordinance 2013-02 - An ordinance amending Chapter 24, Solid Waste, Article II, Section 24-31 (A)(8)
5. Resolution 2013-02 – Declaration of Official Intent to reimburse prior expenditures made in connection with capital improvements relating to the Town's Stormwater Management System, from the proceeds of one or more obligations to be issued by the Town or any related interim financing.
6. Motions to Approve:
 - a. Berlin Police Department General Order No. 400 P-1a: Eyewitness Identification Guidelines
 - b. Multipurpose Building Siding Installation
7. Departmental Reports
 - a. Finance – Lynn Musgrave
 - b. Deputy Town Administrator – Mary Bohlen
 - c. Public Works – Mike Gibbons
 - d. Water Resources – Jane Kreiter
 - e. Electric – Tim Lawrence
 - f. Police – Arnold Downing
 - g. Planning and Zoning - Chuck Ward
 - h. Human Resources – Jeff Fleetwood
 - i. Economic and Community Development – Michael Day
8. Town Administrator's Report
9. Comments from the Mayor
10. Comments from the Council
11. Comments from the Public
12. Comments from the Press
13. Adjournment

REGULAR MEETING
MAYOR AND COUNCIL OF BERLIN MARYLAND
Monday, February 25, 2013

The Regular Meeting of the Mayor and Council for Monday, February 25, 2013 was called to order by Mayor Williams at approximately 7:10 PM. Councilmembers Brittingham, Burrell, Lynch and Purnell were present, as well as Town Administrator Tony Carson. Town Attorney David Gaskill, Chief Arnold Downing, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, and Planning & Zoning Director Chuck Ward were also present as well as Community and Economic Development Director Michael Day, Finance Director Lynn Musgrave, Water Resources Director Jane Kreiter and Deputy Town Administrator Mary Bohlen. Councilmember Lisa Hall and Human Resources Director Jeff Fleetwood were absent.

Following the recitation of the Lord's Prayer and Pledge of Allegiance, Councilmember Lynch moved to approve the Minutes of the February 11, 2013 Regular Session as written and approval was unanimous (4-0-0 with Councilmember Hall absent).

Ms. Melanie Windsor, Youth Coordinator for Worcester Youth and Family Counseling provided an update on the activities of the Berlin Youth Program over the fall and winter, as well as planned activities for the coming months. Discussion followed. Councilmember Burrell asked for a breakdown of the numbers of participants by ethnicity and that, for future presentations, a list of partners is provided. Discussion followed regarding other programs offered by the schools, and whether or not WYFC could work with them. Councilmember Burrell asked when the summer program would start and Ms. Windsor indicated that it would be late-June. Councilmember Lynch asked when the contract was due and Mayor Williams indicated that it would be discussed during the budget discussions for renewal effective July 1, 2013. Mr. Gabe Purnell asked several questions of Ms. Windsor and the Council regarding the location of activities and the funding for the program, and indicated that he did not feel that the east side of Berlin was being served. Mayor Williams thanked him for his comments.

Mayor Williams presented a Motion to Approve a contract with EA Engineering to provide data on impervious surfaces as per the Stormwater Ordinance passed at the last meeting. Discussion of the disparity between EA's bid and the other bids received followed. Mr. Carson indicated that EA's bid of \$5,990.00 was approximately what he anticipated. Brief discussion followed. Councilmember Burrell moved to approve the award of the contract to EA Engineering for \$5,990.00.

Mayor Williams announced a Motion to Approve a contract with EA Engineering for the design of four stormwater projects and Mr. Caron reviewed the bid process and results. Discussion of the anticipated timeline for design and construction followed. It was noted that the Town intended to seek Community Development Block Grant funds in the spring for the Flower Street project. Discussion of the permitting process anticipated also followed. Councilmember Brittingham moved to award the contract for the design of the projects to EA Engineering in the amount of \$197,000.00 (total). Approval was unanimous.

Mayor Williams presented a Motion to Approve the authorization for the Mayor to sign the agreement with DDU Magnetics to install a wind turbine at the Rayne's Property. Discussion followed. Mr. Carson indicated that Booth & Associates would need to review the contract to ensure that the terms and

activities were allowed within the Town's Purchase Power Agreement. Upon their approval it would be returned to Mayor Williams for approval. Councilmember Purnell moved to approve the motion and approval was unanimous.

Mayor Williams presented a Motion to Approve the transfer of \$300,000.00 from the Contingency Fund to the Stormwater Utility Fund as discussed during the passage of the Stormwater Ordinance. Councilmember Brittingham moved to approve the transfer. Following brief discussion regarding the internal mechanics of the accounting, the motion passed unanimously.

Mr. Gaskill read Ordinance 2013-02 amending Chapter 24, Solid Waste, Article II, Sec. 24-31(A)(8) regarding permitting only those existing trash and recycling customers to participate in the Special Bulk and Yard Waste Collections. Ms. Bohlen explained that Mr. Gibbons had been approached regarding offering Bulk Collection to a multi-family housing complex that currently uses a private hauler for regular trash collection and it was realized that the Town Code did not specify this situation, but that allowing participation could cause a significant increase for those collections. Mr. Gaskill noted that the Public Hearing was to be held on Monday, March 11, 2013.

Department Head reports followed. Finance Director Lynn Musgrave noted that the Finance Department had begun working on setting up the accounting end of the Stormwater Utility and working with the software provider to incorporate the fee into the utility billing to begin July 1. She also asked the Council for approval in scheduling the Budget Worksessions for Monday, April 15 at 6 PM (General Fund) and April 29 at 6 PM (Enterprise Funds). Without formal motion or vote, consensus was to approve this schedule.

Deputy Town Administrator Mary Bohlen noted that the Take Pride in Berlin Week committee had held their second meeting that afternoon and that the dates would be April 20-27, 2013, with the annual Clean-Up Day to be held on April 20. She indicated that further information would be forthcoming as the date neared.

Water Resources Director Jane Kreiter indicated that her departments were gearing up for the new Stormwater Utility work and getting ready to work on the West Street project, which was a combined effort between Public Works, Water Resources, and a private contractor, as well as other partnerships with organizations like Grow Berlin Green. In response to a question from Mayor Williams, Ms. Kreiter indicated that the West Street project should be complete by Memorial Day. Mr. Carson described the nature of the work to be completed and the funding sources. Ms. Kreiter also announced that the American Council of Engineering Companies recently awarded its "Engineering Excellence Award" to URS/Berlin for Innovative Wastewater Treatment System and Removal of Nutrient from Inland Bays Project.

Electric Utility Director Tim Lawrence thanked the Mayor and Council for their approval of the wind turbine project and provided updates on the Oxidation catalyst project and the re-installation of the #1 Generator following flooding abatement work. In response to a question from Mayor Williams, he indicated that the EPA deadline on the emissions reduction was May of 2013 and that the work should be completed in the first week of April.

Police Chief Arnold Downing brought the Council's attention to a copy of a General Order to be presented for approval at the next meeting and asked that they review it in the interim. This document dealt with suspect identification. He also indicated that officers were preparing to receive training on autism, sexual abuse and identification theft and noted that 80% of Berlin officers are qualified as trainers.

Community and Economic Development Director Michael Day noted that the Merchants Association was being reformed and that the Town was gearing up for the tourism season. He brought the Council's attention to a magazine on the dais and noted that the publisher intends to do a 10-page spread on Berlin in each issue. Discussion of the various committees and activities followed.

Town Administrator Tony Carson presented his report, presenting 11 Purchase Orders for approval. Following his review, Councilmember Lynch asked that, in the future, the account numbers be included on the report. Councilmember Lynch also asked about those accounts showing overages and Mr. Carson explained that expenses are coded to the line items where they belong to get the most accurate spending picture throughout the year, and that, at the end of the year, adjustments from contingency would be made to cover the overages. PO #201302292 was questioned and it was clarified that the report should refer to 9 services on Baker Street, rather than "at 9 Baker Street". Councilmember Burrell asked that when work is completed on PO #201302279, results be reported to the Council. Councilmember Brittingham asked if PO #201302291 for the tie-in to the Branch Street wellhouse was budgeted and it was indicated that it was part of the contract. Discussion of the color of the building followed and Ms. Kreiter was asked to research the price to have the building painted. Councilmember Burrell moved to approve the P.O.'s as presented and approval was unanimous.

Mayor Williams read a letter he had written on behalf of the Council and Town Staff to the Berlin Fire Company thanking them for their recent response to a minor fire in the public restrooms.

Councilmember Burrell noted that he appreciated the power points of the agenda items.

Councilmember Brittingham echoed that comment and indicated that he had had persons express an interest in another "Shred-It Day". Mr. Carson indicated that he would look into the possibility of holding another.

With no further comments from the Council, Mayor Williams asked for questions or comments from the public or press. Hearing none, Councilmember Burrell moved to adjourn the meeting and the meeting was unanimously adjourned at 8:30 PM.

Respectfully Submitted,



Mary T. Bohlen
Deputy Town Administrator

Mayor & Council of Berlin, Maryland

March 12, 2013

PROCLAMATION 2013-06

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN

WHEREAS, March 12, 2013 marks the 101st anniversary of Girls Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia, and;

WHEREAS, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character, and;

WHEREAS, more than three million Girl Scout members, as well as fifty million former girl scouts nationwide, will be celebrating 101 years of this American tradition, living proof of the impact of this amazing movement, and;

NOW, THEREFORE, be it proclaimed that the Mayor and Council of the Town of Berlin, hereby declare March 12, 2013 as Girl Scout Day in Berlin, and does commend this observance to all of our citizens.

WITNESS MY HAND AND SEAL THIS 12TH DAY OF MARCH, 2013



ORDINANCE 2013-02

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, AMENDING
CHAPTER 24, ARTICLE II, SEC. 24-31(A)(8).**

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT Chapter 24, Article II, Sec. 24-31(a)(8) be amended as follows:

- (8) Items too bulky for placement in an approved container, or as further defined, may not be placed for collection except at those times scheduled for special bulk waste or yard waste collection. SPECIAL BULK WASTE OR YARD WASTE COLLECTIONS ARE ONLY AVAILABLE TO REGULAR RESIDENTIAL AND COMMERCIAL COLLECTION ACCOUNT HOLDERS. All recyclable materials shall be separated from all other refuse as more particularly set forth in article III of this chapter.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ of _____, 2013 and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2013.

Adopted and effective this _____ day of _____, 2013 by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr., Vice-President

Approved and effective this _____ day of _____, 2013 by the Mayor of the Town of Berlin.

William G. Williams III, Mayor

ATTEST: _____
Anthony J. Carson, Jr., Town Administrator

RESOLUTION NO. 2013-02

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 CAPITAL IMPROVEMENTS RELATING TO THE TOWN'S STORMWATER MANAGEMENT SYSTEM, TOGETHER WITH RELATED COSTS AND FINANCING COSTS, FROM THE PROCEEDS OF ONE OR MORE OBLIGATIONS TO BE ISSUED BY THE TOWN OR ANY RELATED INTERIM FINANCING.

RECITALS

WHEREAS, Mayor and Council of Berlin, a municipal corporation of the State of Maryland (the "Town") intends to undertake a number of capital projects designed to expand, upgrade and improve the Town's stormwater management system, primarily to mitigate flooding concerns, and which may include (without limitation) wet ponds/constructed wetlands, associated conveyance piping, bypass piping, increasing culvert system sizing, flood proofing, new swales or regrading existing swales, new stormwater management ponds or increasing the capacity of existing stormwater ponds, and related street, sidewalk, curb, gutter and utility work, together with, as applicable, paying for or acquiring necessary property rights and equipment, related site and utility improvements and related planning, design, engineering, architectural, construction, reconstruction, upgrading, renovation, rehabilitation, installation, improvement, equipping, permitting, inspection, construction management, financial and legal expenses, other related costs and costs of issuance or any borrowing 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 Town expects to issue its bonds, notes or other obligations from time to time on a tax-exempt basis (the "Obligations") in order to (i) finance Project costs and/or (ii) refinance any borrowing incurred by the Town to finance Project costs on an interim basis; and

WHEREAS, the Town reasonably expects to spend Town funds on Project costs prior to issuance of the Obligations, and (i) to reimburse the Town from proceeds of the Obligations for all or a portion of such moneys previously expended, and/or (ii) to use Obligation proceeds to refinance all or a portion of any interim borrowing incurred by the Town that is 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 Obligations and any interim financing incurred by the Town to finance

Project costs on an interim basis (which would likely be in the form of bond anticipation notes) 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 Obligations (or any interim financing incurred in anticipation of the Obligations), and to utilize proceeds of the Obligations (or of such interim financing) to reimburse all or a portion of 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 purposes of the Project (and the maximum aggregate principal amount of any interim financing to be incurred by the Town in anticipation of the Obligations) as described in this Resolution is Five Million Dollars (\$5,000,000.00) each.

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 _____, 2013.

ADOPTED _____ AS INTRODUCED _____ AS AMENDED [CHECK APPLICABLE LINE] BY THE COUNCIL OF BERLIN BY A VOTE OF _____(YEAS), _____(NOS), _____(ABSTENTIONS) THIS _____ DAY OF _____, 2013.

ANTHONY J. CARSON, JR.
TOWN ADMINISTRATOR

ELROY BRITTINGHAM, SR.
VICE PRESIDENT OF THE COUNCIL

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2013:

WM. GEE WILLIAMS, III
MAYOR

EFFECTIVE THIS _____ DAY OF _____, 2013.

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