



**BERLIN MAYOR AND COUNCIL  
MEETING AGENDA  
Monday, May 11, 2015**

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

1. Approval of the Minutes for:
  - a. Executive Session of the Mayor and Council on April 27, 2015
  - b. Statement of Closure for Mayor and Council on April 27, 2015
  - c. Regular Session of the Mayor and Council on April 27, 2015
2. Commendation for Berlin Police Department SWAT Team
3. Non-Profit Presentations:
  - a. Claudia Nichols - Diakonia
  - b. Mark Thomas & Howard Sribnick – Worcester County Library
4. Request for Special Events:
  - a. Jazz & Blues – June 6, 2015 - Nicky Chavis
  - b. Flower Street Basketball League – William Johnson
5. Resolution 2015-06 AMP Mutual Aid Agreement
6. Public Hearing on the Annexation – 2015-03  
The requested area to be annexed consists of Parcels 165 and 438 on Tax Map 25 (West corner of Friendship Road and Rt. 50) totaling 15.2 acres of land.
7. Departmental Reports
  - a. Finance – Natalie Saleh
  - b. Deputy Town Administrator – Mary Bohlen
  - c. Water Resources & Public Works – Jane Kreiter
  - d. Police – Arnold Downing
  - e. Planning – Dave Engelhart
  - f. Human Resources – Jeff Fleetwood
  - g. Economic and Community Development – Ivy Wells
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

Town Hall, 10 William Street  
 Berlin, MD 21811  
 April 27, 2015  
 7:00 PM

**CALL TO ORDER – 7:00 PM**

Mayor Gee Williams called the Regular Meeting of the Town Council to order at 7:03 p.m.  
Council Present – Mayor Gee Williams, Councilmembers Troy Purnell, Thom Gulyas, Dean Burrell, Lisa Hall, Elroy Brittingham

Staff Present – Town Administrator Laura Allen, Deputy Town Administrator Mary Bohlen, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, Human Resources Director Jeff Fleetwood.

**1a. Approval of Executive Session (part 1) of the Mayor and Council on April 13, 2015.**

On the motion of Councilmember Gulyas, the minutes were approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          |                       |    | X       |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 4                     | 0  | 1       |                     |        |

**1b. Approval of Minutes for Executive Session (part 2) of the Mayor and Council on April 13, 2015.**

On the motion of Councilmember Hall, the minutes were approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**1c. & 1d. Statements of closure for April 13, 2015 Executive Session; part 1 & 2 no action required**

Mayor Williams read the statement of closure for the April 13, 2015 Executive Session which was closed pursuant to the Annotated Code 3-305(b)(1) regarding personnel matters and (7) to consult with legal counsel.

**1e. Approval of Minutes for Regular Session of the Mayor and Council on April 13, 2015**

On the motion of Councilmember Brittingham, the minutes were approved by the following vote:

- Motion reflects approval with the correction made by Councilmember Gulyas to change page eight, paragraph one, changing business name to Trond's Pool Care.

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**1f. Approval of Minutes for General Fund Work Session of the Mayor and Council on April 20, 2015.**

On the motion of Councilmember Hall, the minutes were approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**1g. Approval of Minutes for Executive Session of the Mayor and Council on April 20, 2015.**

On the motion of Councilmember Gulyas, the minutes were approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**1h. The Mayor read statement of closure for April 20, 2015 Executive Session; no motion required.**

Mayor Williams read the statement of closure for the April 20, 2015 Executive Session which was closed pursuant to the Annotated Code 3-305(b)(1) regarding personnel matters.

**2. Lindley Hill – Winner of “If I were Mayor I would” contest.**

Ms. Hill is a fourth grader at Worcester Prep School and is the winner of the 2015 district Mayor’s essay contest, “If I were Mayor I would” contest. This is multiple years in a row that the winner has been from the Town of Berlin. Ms. Hill read her essay. It will now go on to the statewide portion of the contest. Mayor Williams went on to thank Ms. Hill for her very well thought out effort and essay. Councilmember Hall noted that the Eastern Shore Association of Municipalities want to invite Ms. Hill and her family to a reception to be held in June at Fager’s Island during the Maryland Municipal League Convention. Information will be forthcoming to Ms. Hill.

**3. The following non-profit organizations made presentations about their work to the Mayor and Council:**

- a. The Cricket Center – Wendy Myers, Program Manger
- b. Worcester County Development Center – Jack Ferry, Executive Director
- c. Worcester Youth and Family – Maria Cusimano, CASA Volunteer Coordinator  
Steven Taylor, Executive Director

**4. Business Use of Park Application – Emily Keen**

Ms. Keen presented her application for Yoga in the Park, as a donation based Yoga class offering on Sundays. Ms. Keen has worked as a yoga instructor for several years, has liability insurance and is CPR certified. Her goal is to help spread the benefits of Yoga to Berlin residents in an outdoor setting at Stephen Decatur Park. Total attendees could be any number from five to ninety. This class would be offered regardless of basis of ability to pay or make a donation. Ms. Keen has proposed the idea that a portion of the proceeds would be given to local teachers to help pay for school supplies. Mayor Williams stated that Business use of a public facility would not work under the current fee structure. Councilmember Hall suggested that Ms. Keen partner with a 501C3 organization to work under them, and have a portion of the class proceeds go directly to that facility. Mayor Williams noted that per capita, this area has more charitable organizations than the average. The final statement was that it was not feasible to conduct business for the exchange of money in a public park. The Mayor and Council encouraged Ms. Keen to come back with a sponsor and re-apply in the future.

**5. Approval of Special Event - Touch-a- Truck Day, May 30, 2015, 10am-12 noon.**

A rain date of June 20, 2015 same time has been scheduled. The Mayor and Council reviewed the Special Event application submitted by Electric Utility. Director Tim Lawrence. This is the 2<sup>nd</sup> year for this event, involving vehicles from all departments of the Town of Berlin, and the Berlin Fire Company.

On the motion of Councilmember Burrell, the event was approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**6. Motion to Approve PJM Risk Management Policy:**

Town Administrator Laura Allen recommended that the Town Council adopt a motion approving the revised PJM Risk Management Policy, and re-authorizing the Town Administrator to represent the Town in hearings before the Maryland Public Service Commission and to take actions there on its behalf related to the proceedings.

On the motion of Councilmember Burrell, this motion was approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**7. Motion to Approve – Town of Berlin 2016-2018 Strategic Plan**

The Council and Public were presented with the final summarized document created by Mayor Williams, as a result of three Strategic Planning meetings where the public were invited to share what they loved about Berlin, changes they would like, and where the Town should be in twenty years. Each person that attended the meeting will be mailed a hardcopy. Copies are available in the Town Hall customer service area and a copy of the document has been placed on the Town website.

On the motion of Councilmember Hall, the 2016-2018 Strategic Plan was approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**8. Department Reports:**

Finance Department – Finance Director Natalie Saleh stated that work on the budget continues. The Town is in the final steps of approving contract for the new finance system with Tyler Technologies. Councilmember Burrell asked if there was a timeline for implementation, Ms. Saleh stated at this point there was not. Councilmember Hall inquired if the new phone system was a success, Ms. Saleh noted that Customer Service phone service was much better. At this point, the Police Department is still in progress and not converted completely. Ms. Allen noted that there are still a few outstanding issues that Mr. Lawrence is working on.

Deputy Town Administrator Mary Bohlen

Movies in the park scheduled for this past Saturday at Henry Park was cancelled due to rain and is rescheduled for May 9, 2015 at dark. The next movie is scheduled for May30, 2015.

Public Works and Water Resources – Jane Kreiter

Ms. Kreiter announced that Tripoli Street sidewalks would begin pouring tomorrow April 28, 2015 and would take approximately two weeks to complete. Bleacher pads have been installed at Henry Park and bleachers are scheduled to be installed at Henry Park by the end of May. Ms. Kreiter stated the Branch Street sidewalk plan has been put out for bid in the next two to three weeks. The department has been busy reading meters this week. Stephen Decatur Middle School students were out at Stephen Decatur Park last week; it is always nice to have their assistance. Next week is the Annual Conference for Water Resources in Ocean City, hosted by Maryland Rural Water Association. Ms. Kreiter added that bulk pick up was scheduled for May 6, 2015 and the next bulk pickup would be May 20, 2015 for household items, but no paint or chemicals.

In addition, Ms. Kreiter and Ms. Bohlen added that all information has been posted on Town of Berlin website and Facebook. Councilmember Hall encouraged the press in attendance to publish dates as well.

Ms. Kreiter discussed the submerged gravel wetlands that are part of the sidewalk contract; the decision has not been made if Town staff or contractors will perform the work. Planting of one thousand plants (two-inch plugs) in the Branch Street, submerged wetland with the help of Coastal Kids is scheduled on May 16, 2015. Branch street sidewalks are on track to be completed, barring weather or any of the problems that came up with Tripoli Street.

Electric Utility – Tim Lawrence

Mr. Lawrence said the department has been busy installing more squirrel protectors. A rotten pole was replaced on Quillen and Esham. The ordering process for Cannery Village has begun. The developer has started culling trees and clearing land on that project. A construction meeting between the Town of Berlin (Electric Utility) and the developer has been scheduled for a week or so after the construction trailer has been installed. All utilities will be invited to this meeting, Public Works, Water Resources and Electric. Comcast has been contacted for the installation of their service lines. There will be joint trenching for the utilities portion. There is no information on Verizon at this time.

Police Department – Arnold Downing

Chief Downing thanked all presenters for excellent and informative presentations. Recently there was the Heritage Festival and a wedding, this was a maiden voyage for both and they all were executed without any problems. In the wake of the death of Freddie Gray in Baltimore City, the department is on high alert. Currently there is one Berlin officer in Baltimore in Central Booking. At this point, the National Guard has been called into Baltimore.

Human Resources - Jeff Fleetwood

On May 1, 2015, a pre-bid is scheduled for the contracted janitorial service. Open enrollment for insurance is May 19, 20 and 21<sup>st</sup>. Each employee will need to be seen by Mr. Fleetwood during that time, whether participating or not.

Economic Development – Ivy Wells

Ms. Wells is at the Maryland Economic Development Association (MEDA) this evening per Mayor Williams. On April 26, 2015 The Mayor and Ms. Well’s hosted 12 to 14 members of that association to take a bus tour and a walking tour. The Mayor feels confident that the Town of Berlin made a good impression.

**9. Town Administrators Report – Laura Allen**

Ms. Allen presented the following Purchase Orders for approval:  
201501892, 201502289, 201502321, 201502374, **201502349\***, 201502377, 201502180,  
201502434,201502286 and 201501424.

Councilmember Burrell inquired about **201502349** to the Atlantic Hotel for \$1470.29. This was for work done during the transformer replacement. A backup generator was installed at the Atlantic Hotel, and created a small amount of damage for which the contractor refused to pay. The solution was to pay for damage at the Hotel as a result of the work and cease to do business with the contractor.

On the motion of Councilmember Brittingham, all Purchase Orders were approved by the following vote:

| Name                  | Counted toward Quorum |    |         | Present but recused | Absent |
|-----------------------|-----------------------|----|---------|---------------------|--------|
|                       | Aye                   | No | Abstain |                     |        |
| Elroy Brittingham, VP | X                     |    |         |                     |        |
| Dean Burrell          | X                     |    |         |                     |        |
| Lisa Hall             | X                     |    |         |                     |        |
| Troy Purnell          | X                     |    |         |                     |        |
| Thom Gulyas           | X                     |    |         |                     |        |
| <i>Voting Tally</i>   | 5                     | 0  |         |                     |        |

**10. Comments from the Council:**

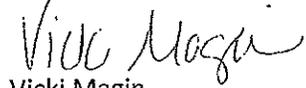
Councilmember Hall expressed concern over the parking problem at Buckingham Elementary in No Parking zones. The curb is scheduled to be painted and more signs placed in the affected area. The problem seems more prevalent during pickup time, assemblies and PTA. Chief Downing noted that the next solution is to send a letter to the parents, reminding them of the parking laws. Ms. Kreiter noted that more signs had been ordered and were due for installation in the next few weeks. Councilmember Brittingham asked Mr. Lawrence about the construction meeting with Cannery Village and if proper lighting was on the agenda; Mr. Lawrence said there would be two Victorian Style lights on each side of the drive. There will be fifteen lights in the sub-division. Councilmember Burrell inquired about potholes and repair status. Ms. Kreiter noted that repair was on going, and due to the recent weather may of the potholes that had been fixed require a re-visit.

**11. Comments from the Public:**

Mr. Jerome Wharton Jr inquired to the Council about the status of potholes on Harrison Avenue. Both Mayor and Council noted that the Town of Berlin does not own this entire portion road. Mayor Willams noted that before Richard Highland went out of town, there was an informal conversation about discussing and splitting the cost of the repair.

The meeting was adjourned at 8:45pm

Minutes respectfully submitted,



Vicki Magin  
Administrative Assistant



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



## TOWN OF BERLIN

### RESOLUTION NO. 2015-06

#### A RESOLUTION AUTHORIZING THE EXECUTION OF AMERICAN MUNICIPAL POWER, INC. (AMP) MEMBER MUTUAL AID AGREEMENT

WHEREAS, the Town of Berlin, Maryland (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the state of Maryland that owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and customers; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP dated February 9, 2015, which sets forth the general terms and conditions for the provision of power supply, membership and other services by AMP to the Municipality; and

WHEREAS, the Municipality recognizes the benefits of participating in the Mutual Aid Program organized and coordinated by AMP.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BERLIN, MARYLAND.

SECTION 1. That the form of the Town of Berlin, Maryland AMP Member Mutual Aid Agreement (Agreement), substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Town Council authorizes the Town Administrator or the Town Administrator's designee to execute the Agreement.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this Resolution shall take effect at the earliest date allowed by law.

\_\_\_\_\_  
Elroy Brittingham, Vice President

Approved this \_\_\_\_ day of \_\_\_\_ 2015 by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Wm. Gee Williams, III Mayor

ATTEST: \_\_\_\_\_  
Laura Allen, Town Administrator

ANNEXATION RESOLUTION 2015 03

THIS ANNEXATION RESOLUTION, made this \_\_\_ day of \_\_\_\_\_, 2015, by THE MAYOR & COUNCIL OF BERLIN, WITNESSETH:

1. A Petition for Annexation has been received by the Town, executed by the authorized attorney for the sole property owners in the requested area, Steven and Karen Black.
2. The requested area to be annexed consists of Parcels 165 and 438 on Tax Map 25, totaling 15.212 acres of land, as shown on the Plat of the property which is duly recorded among the Worcester County Land Records in Plat Book R.H.O. 125, page 21. Said Plat has been submitted as Exhibit "A" to the Annexation Petition.
3. The property is contiguous to the Corporate Limits of the Town.
4. There was submitted with the Annexation Petition, a proposed Annexation Agreement, the terms of which are satisfactory to the Mayor & Council and will constitute the conditions of the annexation upon the property.
5. The property, upon annexation, shall be zoned "B-2 Shopping District".
6. Upon annexation the normal rates of municipal taxation shall be applicable to the property.

THEREFORE, Be it resolved, the above described property shall be added to the Town, subject to the provisions of the Berlin Municipal Charter and the conditions of the Annexation Agreement referred to herein.

PASSED this \_\_\_ day of \_\_\_\_\_, 2015.

Attest:

Mayor & Council of Berlin

\_\_\_\_\_  
Elroy Brittingham, Vice President of Council

By: \_\_\_\_\_  
Wm. Gee Williams, III, Mayor

**TOWN ADMINISTRATOR'S REPORT**

May 11, 2015

**Purchase Orders (numeric order)**

|                                        |            |
|----------------------------------------|------------|
| <u>201502423</u>                       |            |
| Maryland State Retirement              | \$2,275.59 |
| Varied Accounts                        |            |
| Retirement & Employee Health Insurance |            |
| <br>                                   |            |
| <u>201502448</u>                       | \$1,721.22 |
| Maryland Unemployment Insurance Fund   |            |
| Varied Accounts                        |            |
| <br>                                   |            |
| <u>201502539</u>                       | \$4,600.00 |
| Utility Safety Displays, LLC           |            |
| Town Safety Display                    |            |
| 10-4210-4060                           |            |
| <br>                                   |            |
| <u>201502541</u>                       | \$3,662.00 |
| Bobcat of Sussex County                |            |
| To clean up sludge in drying beds      |            |
| 24-4380-4092                           |            |