

# Mayor & Council Of Berlin

10 William Street Berlin, Maryland 21811

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**BERLIN, MARYLAND**

**MAYOR AND COUNCIL MEETING**

**MONDAY, DECEMBER 14, 2009**

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

EXECUTIVE SESSION .....6:30 PM

REGULAR SESSION .....7:00 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  
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**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, December 14, 2009**

**6:30 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 November 23, 2009
2. Presentation to Mayor Williams – Lisa Challenger and Michael Day
3. Audit Presentation from Pigg, Krahl & Stern (Leslie Michalik)
4. 1<sup>st</sup> Reading – Ordinance 2009-15  
An ordinance of the Mayor and Council amending Chapter 55, Garbage, Rubbish and Refuse, Section 55-5. Public Hearing to be held December 28, 2009.
5. Approval of Engineering Services by URS for a Rate Study in water rates and charges not to exceed \$10,162.00.
  - a. Motion to Approve
6. Approval for Town Administrator to advertise for proposals from qualified engineering firms to provide Design, Contract Management and Surveying services to develop new spray site and associated force main.
  - a. Motion to Approve
7. Appointments to Boards and Commissions
  - a. Planning Commission
  - b. Parks Commission
  - c. Board of Zoning Appeals
  - d. Supervisors of Elections
  - e. Information Technology Committee
8. Departmental Reports
  - a. Public Works
  - b. Electric
  - c. Finance
  - d. Water & Wastewater
  - e. Police
  - f. Human Resources
  - g. Planning & Zoning
  - h. Community and Economic Development
9. Town Administrator's Report
10. Comments from the Mayor
11. Comments from the Council

12. Comments from the Public
13. Comments from the Press
14. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Council Minutes  
Monday, November 23, 2009

The Meeting of the Mayor and Council for Monday, November 23, 2009 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, Human Resources Director Rachel Bomar, Public Works Director Mike Gibbons, Director of Community and Economic Development Michael Day, Planning and Zoning Director Chuck Ward, Deputy Town Administrator Mary Bohlen, Police Chief Arnold Downing and Administrative Assistant Sharon Timmons. Absent were Electric Utility Director Dave Thomas, Water and Wastewater Director Jane Kreiter and Town Attorney Dave Gaskill.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Regular Minutes of November 9, 2009. Vice President Brittingham made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams then asked for approval of the Executive minutes of November 9, 2009. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams stated that Executive Session was closed due to discussion regarding a personnel matter and advice from the Town Attorney on a legal matter.

A request was brought forth for an additional 39 EDU's by Dave Dombert of Main Street Homes, LLC for an additional 39 EDU's for the property known as 312 Bay Street. Town Administrator Tony Carson stated that a request had been approved by the Berlin Utility Commission and Town Staff and that there was 1 existing EDU associated with the property. The developer had also paid his 10% deposit. He continued with saying that the application was being revised to show that balances due must be paid in full prior to being issued a building permit for lots or units to be developed. Councilmember Lynch made a motion to approve the request as recommended by the BUC and council voted 4-1 in favor. Councilmember Hall voted against the motion.

Discussion began regarding the changes to the guidelines to the Energy Audit Assistance Program. Mr. Carson explained the changes. Councilmember Lynch asked that a date be added and that items 1, 2, & 3 on page 2 be re-arranged to show the proper chronological order.

Discussion began on Resolution 2009-19, to establish water, sewer rates and connection fees pursuant to the Town of Berlin. Mayor Williams stated that the adjustments were needed to accomplish the improvements are that already under way. Discussion continued regarding the grandfathered and special connection fee changes. Councilmember Purnell requested that "Certificate of Occupancy" be removed from #1 and that "Building Permit" be inserted. Discussion followed. Councilmember Purnell made a motion to approve Resolution 2009-19 with the following amendment "changing Certificate of Occupancy" to "Building Permit", and increasing sewer user fees by 6.5% and increasing the grandfathered fees from \$8,000 to \$8,388 and the special connection fees from \$8,000 to \$12,261 as of January 1, 2010. Council voted unanimously to approve 5-0. Councilmember Purnell then made a motion to approve adoption of a policy for refunds if additional fees are paid regarding grandfathered and special connection charges if reductions occur through grants and loans in connection with the spray irrigation which the Town will apply for. Council voted unanimously in favor 5-0

Discussion began regarding Resolution 2009-20 which will authorize the Town the issuance and sale of general obligation bonds in the amount of \$5,988,000 and general obligation grant anticipation notes in the amounts of \$3,000,000. Mayor Williams explained that the Town had been assured that reimbursements would be much quicker than anticipated, therefore the Town applied for half of the full amount. Discussion continued. Vice President Brittingham made a motion to approve Resolution 2009-20 and council voted unanimously to approve 5-0.

Departmental Reports began with Public Works Director Mike Gibbons reporting that 800 trash cans had been distributed and the balance of deliveries should be completed in 2-3 weeks. Police Chief Arnold Downing reported on the upcoming Christmas parade and the audit for the training commission. Planning and Zoning Director Chuck Ward reported that they were working with the County on 911 address issues, had issued 15

zoning violations and were working on the draft poultry ordinance. He also stated that they were working the Historic and Preservation Commission to obtain funds for Historic District improvements. He stated there was also an appeal on December 2nd which had been submitted for the demolition of the house located on South Main Street. Councilmember Lynch inquired to the best way to notify residents regarding the safety issue with not having a house number on their residence. Human Resources Director Rachel Bomar stated that the department heads would be meeting with LGIT for a Risk Management meeting on November 24<sup>th</sup> and that billing for State Retirement had been put in and would show up in purchase orders at the next meeting. Economic and Community Developer Director Michael Day explained the various meetings and ceremonies that would be taking place in Town over the next few weeks. He announced that a matching grant had been secured for \$7,000 from Worcester County Tourism.

Town Administrator Tony Carson acknowledged and thanked the Water, Wastewater and Public Works departments for their assistance during the tropical storm last week. He then acknowledged Michael Day regarding the radio spot promoting the Town of Berlin and its festivities. He then presented 4 purchase orders (53676, 55129, 55105 and 53678) for approval. This report will be included as part of the minutes. Councilmember Lynch inquired about the account coding on the purchase order for General Code. Discussion followed. Mayor Williams asked to have the purchase order code moved from 1110/4060 to 1110/4064. Councilmember Hall made a motion to approve all 4 purchase orders as submitted and council voted unanimously to approve 5-0.

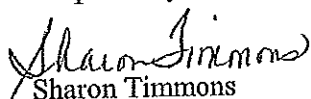
Mayor Williams announced that the Town had issued a check in the amount of \$2,500 to Shore Up in conjunction with the Energy Assistance Program. This check was the Town's match for the monies donated to the program from the citizens. He thanked the citizens who helped to contribute. He continued by giving an update on the Apartment Residents meeting which was held Saturday, November 21<sup>st</sup> at the Multi Purpose building on Flower Street regarding their concerns and comments regarding open air drug marketing and other issues. Councilmember Burrell stated that he was pleased with the meeting and attributed the positive attitude to the leadership of the Mayor. Vice President Brittingham spoke regarding having a paid part time person to assist in organizing activities in conjunction with the after school programs.

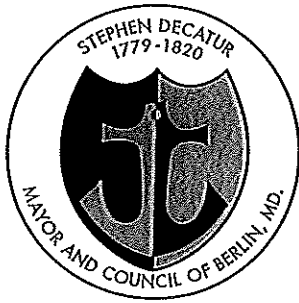
Mayor Williams recommended a re-organization in the Ethics Commission due to the resignation of Father Michael Moyer. His recommendation was to keep Paul Gorman as Chairman, promote Bill Burke from alternate member to full time member, appoint Anita Todd as a full time member and appoint Ari Smack as an alternate member. Councilmember Hall made a motion to approve the Mayor's recommendation and council voted to approve 4-0 with Councilmember Purnell abstaining from the vote.

Council member Burrell inquired as to the procedure for employees to use comp time. Ms. Bomar explained. Vice President Brittingham requested that Public Works Director Mike Gibbons inspect the repairs completed at two areas on Flower Street for additional patch work to be done. Councilmember Purnell noted that a section of Harrison Avenue from Adkins Company up to the railroad track needed work done. Town Administrator Tony Carson suggested that a not to exceed estimate be given to the Town from the company currently working on the Street Reconstruction to complete the work. He stated that the Town could utilize the funds in the Street Project. Councilmember Purnell made a motion to set an amount of not to exceed \$10,000 for work to be done on Harrison Avenue from the completed section at Adkins Company towards Broad Street using road bond proceeds for payment. Councilmember Lynch asked to have more than one bid. Council voted unanimously to approve 5-0.

There being no questions from the public, Mayor Williams asked for a motion to adjourn. Councilmember Lynch made a motion to adjourn and council voted unanimously to approve. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant



# Mayor & Council Of Berlin

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## ORDINANCE 2009-15

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AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 55, GARBAGE, RUBBISH AND REFUSE, SECTION 55-5.

BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin as follows:

That Chapter 55, Section 5-A (6) be amended as follows:

55-5. Residential, Commercial and Future Developments responsibilities.

A. Residential accounts.

- (6) The number of trash receptacles collected from any dwelling unit shall not generally exceed six per pickup. Town supplied collection containers supplied at no initial cost to the property owner shall not exceed one per dwelling unit for residential properties. If Town supplied collection containers are available to a residential property, additional private receptacles will not be picked up. Should a property owner request additional Town supplied collection containers, such shall be provided at a one-time, non-refundable, cost of \$100.00 per container to be paid prior to delivery of the container(s). All provisions of item (12) of this section shall apply to all containers provided to a given property.

That Chapter 55, Section 5-A (13) be added as follows:

- (13) Town supplied collection containers shall remain the property of the Town of Berlin. Should ownership or tenancy of a property or unit change, the container assigned to that property or unit shall remain on the property for use by the next owner or tenant. The Town of Berlin reserves the right to remove containers from vacant properties until such time as the property or unit becomes occupied by a new owner/tenant.

That Chapter 55, Section 5-B (2) be removed and replaced as follows:

B. Commercial Accounts

- (2) A commercial customer shall be permitted to have up to two (2) Town supplied collection containers at no initial cost. Should a commercial customer request more than two (2) Town supplied collection container, the provisions of Section 55-5-A (6) shall apply.



Adopted and effective this \_\_\_\_ day of \_\_\_\_\_, 2009 by the 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 \_\_\_\_\_, 2009 by the Mayor of the Town of Berlin, Maryland.

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

ATTEST:

\_\_\_\_\_  
Anthony Carson, Jr. Town Administrator

**TOWN ADMINISTRATOR'S REPORT**  
**12-14-09**

**Purchase Orders**

PO# 55211 in the amount of \$1,680.00 to Atlantic Pumping for transportation of 21,000 gallons of sludge from Treatment Plant.

PO# 55212 in the amount of \$3,400.00 to Atlantic Pumping for transportation of 42,500 gallons of sludge from Treatment Plant.

PO# 54585 in the amount of \$1,166.28 to Delaware Electric CO-OP for (6) 35 foot class \$3 utility poles for inventory

PO# 55305 in the amount of \$3,637.00 to Mid-Atlantic Waste for cart tipper for supplemental pickup for new containers.

PO# 55192 in the amount of \$ 250,600.00 to State Retirement & Pension for SRA Employer Match.

PO# 55112 in the amount of \$1,287.80 to General Code for supplemental updates to Code Book.

PO# 55247 in the amount of \$3,025.00 for a DVM 500 Digital Video In-Car Camera for Police department.

PO# 54592 in the amount of \$13,431.65 for 2010 Ford F150 Pickup Truck with towing package for Electric department (in 2010 budget).

PO# 54479 in the amount of \$1,000.00 to Easton Utilities for labor and travel for 2 employees for 8 hours of testing for polyphase meters. Town does not have necessary equipment for testing.

PO# 55231 in the amount of \$2,895.75 to Commercial Trailer Service for Sand/Salt spreader.

**Updates**