



**BERLIN, MARYLAND**

**MAYOR AND COUNCIL MEETING**

**MONDAY – SEPTEMBER 12, 2016**

**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 Laura Allen, Town Administrator at (410) 641-4144. Written materials in alternate formats for persons with disabilities are made available upon request.*

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## **BERLIN MAYOR AND COUNCIL Meeting Agenda**

**Berlin Town Hall  
10 William Street**

**Monday, September 12, 2016**

### **6:30 PM EXECUTIVE SESSION – Conference Room**

- A. Pursuant to Section §3-305(b)(7) – To consult with counsel to obtain legal advice on a legal matter.

### **7:00 PM REGULAR SESSION – Council Chambers**

1. Approval of the Minutes for:
  - a. Regular Session of 08/22/16
2. Motions for Approval:
  - a. Motion to approve a Supplemental Letter of Agreement with SHA (State Highway Administration) for an estimated \$15,000 to be invoiced during the winter of 2016-2017. Motion 2016-36
  - b. Motion to approve the waiver of the permitting fees for the new Police Department for a total of \$50,169.00 to include Permit and Permit Review, Impact fees and the EDU fees. Motion 2016-37
3. Resolutions for Approval:
  - a. Resolution declaring a civil emergency exists if certain criteria are met and authorizing the Worcester County Health Department to abate said emergency to prevent the spread of the Zika Virus in the Town of Berlin. Resolution 2016-14 – Mary Bohlen
4. Departmental Reports:
  - a. Finance Director – Natalie Saleh
  - b. Administrative Services Director – Mary Bohlen
  - c. Water Resources/Public Works – Jane Kreiter
  - d. Electric – Tim Lawrence
  - e. Police – Arnold Downing
  - f. Planning – Dave Engelhart
  - g. Managing Director – Jeff Fleetwood
5. Town Administrator's Report
  - a. Requisitions to be approved:
    - Requisition 201700130
    - Requisition 201700132

- Requisition 201700147
- Requisition 201700148
- Requisition 201700153

6. Comments from the Mayor

7. Comments from the Council

8. Comments from the Public

9. Comments from the Press

10. Correspondence

- a. Letters (x2) from the Berlin Heritage Foundation, Inc. re: Peach Festival
- b. Attributes of a successful and thriving rural community (taken from conversation with the Mayor of Berlin, MD)

11. Adjournment



**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Monday, August 22, 2016**

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

**Present:** Mayor Gee Williams, Councilmembers Dean Burrell, Thom Gulyas, Lisa Hall, and Troy Purnell.

**Staff Present:** Water Resources/Public Works Director Jane Kreiter, Finance Director Natalie Saleh, Managing Director Jeff Fleetwood, Chief of Police Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells and Assistant Administrator Kelsey Jensen.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:05 PM.

1. Approval of the Minutes for:
  - a. Executive Session of 7/25/16:

On the motion of Councilmember Gulyas, the Executive Session minutes of July 25, 2016 were approved by the following vote:

Name	Counted toward Quorum			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	0	0	1

- b. Statement of Closure for Executive Session of 7/25/16:  
 Mayor Williams read the Statement of Closure.

- c. Regular Session of 7/25/16:  
 On the motion of Councilmember Gulyas, the Regular Session Minutes of July 25, 2016 were approved by the following vote:

Name	Counted toward Quorum			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	0	0	1

Mayor Williams introduced Mrs. Kelsey Jensen as the Towns Administrative Assistant.

2. Letter to Mr. Hugh Cropper, IV – The Bay Club  
 Councilmember Brittingham joined the meeting in progress; all Councilmembers are now in attendance.

Mayor Williams explained that The Bay Club has been considering campgrounds and they will go in front of the County Board of Zoning Appeals because the property is in Worcester County. Mayor Williams read a letter to Mr. Hugh Cropper, IV the attorney that represents Carl Freeman and Associates, the owner of The Bay Club. Mr. Cropper said the letter was pre-mature because they have not decided what to do with the property at this point. Mayor Williams reads the letter regarding possible re-development of The Bay Club on the record. Mayor Williams asked that the Councilmembers approve the letter so he may send it.

On the motion of Councilmember Gulyas the letter to Hugh Cropper, IV was approved by the following vote:

Name	Counted toward Quorum			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	0	0	0

3. Motion to Approve 2016-35, Contract Modification with EA Engineering, Science and Technology.

Steven Lemasters, of EA Engineering, Science and Technology, appeared before the Council on behalf of Darl Kolar who was not available. Mr. Lemasters explained that the contract modification is to cover construction inspection services for the two Hudson Branch projects, grants and easement paperwork for the Williams Street Project, and design funds for the Graham, Grice, Nelson Avenue Stormwater design.

Councilmember Hall noted some concerns with the amount of the modification and asked Ms. Kreiter if these items were in the original contract pricing. Ms. Kreiter informed the Council that these line items were not in the original contract, but the modification is grant eligible and this is coming before them today because the inspection needs to start. Councilmember Hall suggests bidding out for the project, Ms. Saleh explained that because this is a part of the project it is refundable by the grant. Ms. Kreiter explained that when they did the original bidding EA Engineering was awarded the project because they were the most qualified and it was always the Town’s intention to have them do the construction inspections. Councilmember Brittingham asked if we currently have the funds for this and Ms. Kreiter stated that we do. Councilmember Purnell asked when they will start on Nelson Ave and, Ms. Kreiter and Mayor Williams explained that they had to start the phases upstream first. Mr. Lemasters explains the Town is permitted for the Flower Street Culvert, and the offline wetlands, nearly permitted for the Williams Street Culvert and still in design for Graham Grice.

Councilmember Purnell moved to approve Motion 2016-35 as presented and approval was as follows:

Name	Counted toward Quorum			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	0	0	0

4. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh reported that the Tyler project is still moving through implementation of billing and financial and on August 15, 2016 they entered the final stage of the miscellaneous receivables modules, which will include all miscellaneous items and property tax. Mayor Williams asked when she expects this stage to conclude and Ms. Saleh said it should take about a month for them to do the checks and balances; she hopes that by November written invoices should be coming from Tyler. Ms. Saleh also noted that utility billing was run completely through Tyler and mailed with no negative comments; the customers enjoy the graphs and the barcodes are helpful to pull up the account, which eliminates human error when looking for an account. The online system has been working well. The website has a feature that shows how many people are accessing online; after a few months Ms. Saleh will print a graph to show the online usage.

Ms. Saleh informed the Council that the audit is coming and will take place on September 12, 2016 and they are working on all the reports and capital assets for each department.

Councilmember Hall congratulated Ms. Saleh on the successful printing of all the utility bills through Tyler. Ms. Saleh said they are still working on a few things with the system and it is a work in progress. The Mayor suggested doing a demonstration on the site to show its functions.

b. Water Resources/Public Works Director – Jane Kreiter

Ms. Kreiter stated that the construction of the offline wetlands has begun and is impressive. A six-foot fence has been added, as a safety precaution, so children cannot enter the construction area. The contractors are on site for the jack and bore at Arby’s and Royal Farms; it should be done by the end of the week. Dollar General is connected to water and sewer and the Police Station site will be hooked up soon. Mayor Williams asked if Ms. Kreiter feels that everything is on schedule, she says everything is on schedule and Cannery is almost done.

Councilmember Brittingham expressed concerns with Cannery due to the amount of dump trucks hauling from the community, he hopes that it will not become the towns concern. Ms. Kreiter said it is due to the storm pond and the amount of rain we have had; there needs to be at least 2&½ feet of the gravel and mulch. Councilmember Brittingham wants to be sure everything was done correctly and that the hauling ends soon. MDE will inspect upon completion of the project to ensure everything was done correctly and EA will sign off because they made the design. Ms. Kreiter indicated that the infrastructure that will be turned over to the Town will be subject to a two-year warranty, like the roads that were also subject to a warranty.

Mr. Engelhart added that he and Ms. Kreiter had a discussion about the Public Works agreement that Cannery signed with the Town - the Stormwater ponds and features are not the Town's responsibility and it will be up to MDE to track them down for any issues. Councilmember Hall would like to know if we will hang on to the Bonds for five years and Ms. Saleh said we will hold on to them as long as needed to pass inspections, and they will not be released until inspected.

c. Electric Utility Director – Tim Lawrence

Mr. Lawrence reported that 517 Bay Street, Bay Terrace Apartments, is being renovated so had new electric installed and the property will be responsible for the service from the transformer to the building and the Electric Department energized that service. This is new service for the first set of buildings, they will work on the second set after that.

The Electric Department is working on tree trimming throughout the town. A transformer was installed at Dollar General and electrical inspection is needed to start the service. The Power Plant has generated a total of nineteen (19) times this summer, the most on record and may run more this summer. At 107 Franklin Ave, they replaced a rotten utility pole. Today, Mr. Lawrence met with the site superintendent and developer of the new Twisters site and discussed where the new transformer will go and who is responsible for payment.

d. Police Chief – Arnold Downing

Chief Downing wanted to thank everyone for their help with National Night Out, it was very successful, they had a lot of community outreach including three new faith based groups. Compared to last year where the Police Department spent a total of \$1,500 for the event, this year they only spend \$27. He would also like to thank everyone for the support with the 23<sup>rd</sup> annual golf tournament that occurred on Friday. They are preparing to take the Berlin Youth Group (30 children) to Stratosphere in Delmar, and provide them with lunch at Delmar Pizza. The department is also participating in a back to school program to ensure that no child is unprepared in school. They are also preparing for Jeep Week, which is three days this year, they want to ensure everyone's safety.

e. Planning Director – Dave Engelhart

Mr. Engelhart stated that on the 10<sup>th</sup> of this month the Historic Commission and the Planning Commission met to discuss the proposed project at 15 Gay Street and to approve the mixed use building for Mr. Vorsteg. Permitting might happen this fall, with retail space on the first floor and apartments on the upper floor - like the rest of downtown. When this area was rezoned, it was placed in the historic district and B1 district. On the 11<sup>th</sup> there were two preconstruction meetings, one for the Police Department building and the other for the Oceans East project - both should be fully permitted by the end of the week. This Thursday, he will be attending a meeting in Snow Hill on their commercial development standards and guidelines, in particular the alignment of Samuel Bowen Blvd. Lastly he added that the Twisters project was finally underway.

Mayor Williams asked Mr. Engelhart for specifics about the meeting for Samuel Bowen Blvd. Mr. Engelhart informed the Mayor that the committee is headed up by Ed Tudor, Department of Review and Permitting, and they are meeting to discuss their structure standards. Councilmember Brittingham wanted to make sure that all the caution the town took with bringing traffic to Flower Street isn't affected by Samuel Bowen Blvd. Mayor Williams suggested Mr. Engelhart ask for a liaison from the State Highway Administration to be there, Councilmember Hall suggested he do the same for the Maryland Department of Transportation.

f. Managing Director – Jeff Fleetwood:

Mr. Fleetwood met with Chesapeake Employees Insurance Company (Worker’s Comp) and there were no issues with the audit; he will have a summary of that visit.

Mayor Williams thanked all the department heads, especially Mr. Fleetwood and Mr. Engelhart, for filling in while Laura Allen is in the Philippines representing the Town in the Young Southeast Asian Leaders Initiative Exchange Program.

g. Economic and Community Development - Director Ivy Wells

Ms. Wells shared that she and Ms. Allen have had correspondence while she has been in the Philippines. Ms. Wells has been following Ms. Allen’s blog and noted that it can be looked up by using hashtag ICMA on Facebook or her blog. She also stated that she is working on two grant opportunities - one is the Main Street Program grant and the other is the Technical Assistance Grant (TAG), both due September 15<sup>th</sup>. She is also attending meetings about the Crab Feast that is being held on Saturday, October 1, 2016, sponsored by Ocean 98 and located at Hoopers. She is still getting applications for facade grants, working on Christmas details and assisting Andrea at Habitat for Humanity on grants. The Department of Commerce is starting a new economic development group for Wicomico and Worcester County and their first meeting will be this Thursday. Their goal is to bring more jobs to the counties. She will also be meeting in regards to Berlin Falls in the first or second week of September with Jim Rapp and Dave Wilson to figure out ways to make the park more inviting. WMDT and WDRE will be broadcasting the two new Berlin commercials in September. She also wants to thank certain individuals for their letters of support for the Great American Main Street Award she applied for.

5. Town Administrator’s Report – Jeff Fleetwood on behalf of Laura Allen

Mr. Fleetwood was asked to touch on three topics that were originally scheduled for the August 8<sup>th</sup> meeting that was cancelled due to a lack of quorum. These items were approved via email proxy, one was the approval of the Community Parks and Playground Grant application for bathrooms in the parks, the next was approval of the Hudson Branch Stormwater project which was awarded to Southside Lane Management and lastly the purchase of a new John Deer Tractor by the Water Resources Department. Councilmember Hall points out that the bathrooms are only partially funded by town money because of a grant we were awarded.

Mr. Fleetwood asked the Council to approve requisition 201700047 for the LED Christmas lights. Mr. Lawrence said these are heavy duty lights and will last much longer, they are warranted for three years, are more energy efficient, and there are enough to cover all the trees in the downtown area.

On the motion of Councilmember Gulyas, requisition 201700047 was approved by the following vote:

Name	Counted toward Quorum			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	0		



## 6. Comments from the Mayor:

Mayor Williams had no comments.

## 7. Comments from the Council:

Councilmember Gulyas stated that Ms. Wells has grant money that businesses are not taking advantage of - the façade grant is for improving the appearance of the buildings. Ms. Wells explained that she can match up to \$10,000 for the work done to the building. Ms. Wells approved eight (8) last year and has \$40,000 left to give out. Mayor Williams suggested taking photos to show what the grant has improved thus far. Councilmember Hall noted that she has received this grant for her new business and stated that it is a very simple form to fill out and Ms. Wells will help. Ms. Wells stated that on October 20, 2016 some politicians will be out to see what has been improved with the grant money thus far.

Councilmember Hall thanked Chief Downing for a successful National Night Out.

Councilmember Brittingham also thanked Chief Downing for a successful National Night Out and is thankful for the police in our community.

Councilmember Burrell asked Ms. Saleh if she can send the check register in Excel format because he cannot adjust the columns, she said she can try to import it into Excel.

Councilmember Purnell had no comments.

## 8. Comments from the audience:

Jack Orris had a question in regards to Harrison Ave and Mayor Williams responded that all questions need to be directed to the Adkins company. Mr. Orris also asked about the letter regarding The Bay Club and if that had been approved, Mayor Williams states that it had.

Sara Rayne, Coastal Association of Realtors, will host a forum for the candidates running for Council on September 7, 2016 in their offices at 314 Franklin Avenue suite 106 in Berlin.

Mitchell David asked to speak with the Mayor about architectural standards in town. Mayor Williams stated that Ms. Allen is trying to look into this now, but it will not be done until after the elections. Mr. Engelhart said that they have to inspect the projects and make recommendations before any new buildings are approved, certain projects may not be approved if they do not pass inspections. Mr. David also brought up that he would like community wide meetings that were discussed earlier in the year and Mayor Williams informed him that people are busy and it just hasn't happened yet, but they will try.

## 9. Comments from the Press – none

10. On the motion of Councilmember Brittingham, Council meeting was adjourned at approximately 8:35 pm.

Name	Counted toward Quorum			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	0		

Respectfully Submitted,

*Kelsey Jensen*  
Kelsey Jensen  
Administrative Assistant



**MOTION OF THE MAYOR AND COUNCIL No. 2016-36**

A motion of Mayor and Council of the Town of Berlin approving a Supplemental Letter of Agreement with SHA (State Highway Administration) for an estimated \$15,000 to be invoiced during the winter of 2016-2017. This is for salt and/or other aggregate for winter storm events.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr. Vice President

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

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



Larry Hogan, *Governor*  
Boyd K. Rutherford, *Lt. Governor*

Pete K. Rahn, *Secretary*  
Gregory C. Johnson, P.E., *Administrator*

August 24, 2016

Laura S. Allen  
Town Administrator  
Town Hall  
10 William St.  
Berlin, MD 21811

RE: Supplemental Letter of Agreement  
Salt and/or Aggregate for Winter Storm Events  
**BY297M84**

Dear Ms. Allen:

This Supplement Letter Of Agreement (“**SUPPLEMENTAL LOA**”) between the Maryland State Highway Administration (“**SHA**”) and the Town of Berlin, Maryland (“**TOWN**”) sets forth the agreement (“**AGREEMENT**”) between the parties pertaining to fund the withdrawal and payment of salt and/or aggregate for winter storm events during the winter of 2016-17 beginning August 15, 2016 until May 30, 2017 in accordance with the terms and conditions set forth in an AGREEMENT dated **April 6, 2015 (Control No. PO1320 M-1)** by and between SHA and the TOWN. The total amount to be invoiced during the winter of 2016-2017 is estimated to be Fifteen Thousand Dollars (\$15,000).

In accordance with the AGREEMENT, base rates for SALT and SHA Overhead for this SUPPLEMENTAL LOA are as follows:

SALT: \$120.29 per ton

SHA OVERHEAD: 8.22% (or the prevailing rate as approved by FHWA, and in use at the time of withdrawal)

Should weather severity increase the TOWN’s demand for SALT, and depending on SALT availability from SHA, an Amendment to the LOA and the AGREEMENT will be required for amounts in excess of those funds previously stated.

Pursuant to the terms of the AGREEMENT and SHA’s Procurement regulations, the tonnage price for SALT includes the base rate for delivery and shall be adjusted accordingly at the date of actual withdrawal.

The parties agree to invoicing and payment as sets forth in the AGREEMENT. Additionally, pursuant to the AGREEMENT, SHA may seek recourse against the TOWN’s Highway User  
Laura S. Allen

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Revenue or use of Central Collections Unit (CCU) for outstanding invoices dated sixty days (60) or more.

The parties further agree that SHA may limit and/or deny SALT to the TOWN due to weather severity, shortages, etc. It shall be the TOWN's responsibility to contact SHA to verify the availability of SALT prior to arrival at an SHA facility.

SHA and the TOWN agree to cooperate with each other to accomplish the terms and conditions of this SUPPLEMENTAL LOA and the AGREEMENT.

If the terms of this SUPPLEMENTAL LOA are acceptable to the TOWN, please sign both originals where indicated and return the two (2) originals to:

SHA Agreements Team  
Agreements Coordinator  
707 N. Calvert Street  
Mailstop C-405  
Baltimore, MD 21202

Once both originals are fully executed, one (1) original will be returned to you for the TOWN's use and information.

Sincerely,

MARYLAND STATE HIGHWAY  
ADMINISTRATION

Witness:

\_\_\_\_\_  
Donnie Drewer                      Date  
District Engineer

\_\_\_\_\_


Recommended for Approval:

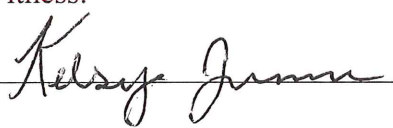
**Verification that SUPPLEMENTAL LOA  
is consistent with AGREEMENT:**

\_\_\_\_\_  
Dennis Rodgers  
Resident Maintenance Engineer

\_\_\_\_\_  
Dale Edwards  
Assistant Agreements Coordinator

**CONCURRENCE:**

TOWN of BERLIN  
  
\_\_\_\_\_  
Laura S. Allen                      8/30/16  
Town Administrator                      Date

Witness:  
  
\_\_\_\_\_



**MOTION OF THE MAYOR AND COUNCIL No. 2016-37**

A motion of Mayor and Council of the Town of Berlin approving the waiver of the permitting fees for the new Police Department for a total of \$50,169.00 to include Permit and Permit Review, Impact fees and the EDU fees.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Sr. Vice President

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

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

## Kelsey Jensen

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**From:** David Engelhart  
**Sent:** Thursday, September 01, 2016 10:16 AM  
**To:** Kelsey Jensen  
**Subject:** FW: Police Station permit fees

[Kelsey, Please put this on the M&C agenda for 9/12/2016.](#)

Thanks, Dave

**From:** geewilliams3 [mailto:geewilliams3@comcast.net]  
**Sent:** Wednesday, August 31, 2016 5:27 PM  
**To:** David Engelhart <dengelhart@berlinmd.gov>  
**Subject:** RE: Police Station permit fees

Dave,  
Due to the sum of fees, I believe this should be addressed at a regular M&C session. Please put on 9/12 agenda.  
Thanks,  
Gee

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** David Engelhart <dengelhart@berlinmd.gov>  
**Date:** 8/31/16 1:17 PM (GMT-05:00)  
**To:** William Gee Williams <geewilliams3@comcast.net>  
**Cc:** Mary Bohlen <mbohlen@berlinmd.gov>, Jeffrey Fleetwood <jfleetwood@berlinmd.gov>, Laura Allen <lallen@berlinmd.gov>  
**Subject:** Police Station permit fees

Gee,

We are very close to issuing the Building permit for the new Police Department building. One of the outstanding items is the permit fees. The Mayor and Council will have to pass a motion to waive the fees and in essence, not pay the Town the fees for its own permit. We can put this on the agenda for the September 12, 2016 Mayor and Council meeting, or to shave some days, poll the Council for their votes.

If collected, the fees would be:

- \$12,069.00 for Permit and Permit Review
- \$9,000.00 Impact fees
- \$29,100.00 EDU fees

Total = \$50,169.00

Please advise how you would like to proceed.

Thanks, Dave

David H. Engelhart, CFM

Planning Director

Town of Berlin, MD

(410) 641-4143



## RESOLUTION NO. 2016-14

## RESOLUTION DECLARING A CIVIL EMERGENCY EXISTS IF CERTAIN CRITERIA ARE MET AND AUTHORIZING THE WORCESTER COUNTY HEALTH DEPARTMENT TO ABATE SAID EMERGENCY TO PREVENT THE SPREAD OF THE ZIKA VIRUS IN THE TOWN OF BERLIN

WHEREAS, the Charter of the Town of Berlin in Section C5-1(13) authorizes the Council to make agreements with other governmental entities for the joint performance of, or for cooperation in, the performance of governmental functions; and

WHEREAS, the Charter of the Town of Berlin in Section C5-1(30), (40) and (48) authorizes the Council to protect and preserve the health of town inhabitants to prevent the introduction of contagious diseases into the town, to prevent and abate all nuisances in the town, and to establish quarantine regulations in the interest of the public health; and

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention have issued health advisories concerning the spread of the Zika virus; and

WHEREAS, the Maryland Department of Health and Mental Hygiene and the Maryland Department of Agriculture have determined that targeted mosquito control activities are necessary to protect the public health and prevent the spread of the Zika virus in the following circumstances: (a) any detection of *Ae. aegypti* mosquitos in an area; (b) detection of threshold levels of *Ae. albopictus* mosquitos are reached in an area; or (c) detection of a potentially viremic case of Zika virus infection in a given area; and

WHEREAS, the County Commissioners have declared by Resolution No. 16-19 attached hereto that if any of the above three conditions are met as determined by the Worcester County Health Officer there is an emergency nuisance under Public Health Section 1-102(f) of the County Code presenting a clear and present danger to the health and safety of the public; and

WHEREAS, the County Commissioners in Resolution No. 16-19 have authorized the Health Department along with the Department of Development, Review and Permitting and Environmental Programs to abate said nuisance immediately by minimizing or eliminating, to the extent reasonably practical, the potential breeding conditions or locations of the targeted mosquito populations in accordance with Public Health 1-102(f) of the County Code, and have declared that such abatement procedures related to the Zika virus are an emergency situation presenting a clear and present danger to the health of the public; and

WHEREAS, the Mayor and Council of the Town of Berlin deem it necessary for the protection of the health and welfare of the citizens of Berlin to be included in the abatement procedures available through the expertise of the County Health Department.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, that in accordance with Charter Sections C5-1(13), (30), (40), and (48), that the County Health Department and related officials may enter upon any property within the Town of Berlin for emergency abatement measures and procedures related to combating the Zika virus.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Mayor and the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Mayor and Town of Berlin.

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

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

**RESOLUTION NO. 16-19**

**RESOLUTION DECLARING AN EMERGENCY PUBLIC NUISANCE EXISTS  
IF CERTAIN CRITERIA IS MET AND AUTHORIZING THE HEALTH DEPARTMENT  
TO ABATE SAID NUISANCE TO PREVENT THE SPREAD OF ZIKA VIRUS**

WHEREAS, the County Commissioners of Worcester County, Maryland adopted, on June 6, 1989, a Resolution Designating County Departments to Investigate and Issue Citations for Nuisances; and

WHEREAS, the Resolution designated the Health Department to investigate, determine the existence of and issue citations for nuisance conditions described in Worcester County Code of Public Local Law, Public Health Section 1-101(a)(3) which states, the existence of any of the following conditions in the County, which are found to be dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the people of the County by the duly designated County department or official, are hereby declared to constitute a public nuisance - "Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health"; and

WHEREAS, the World Health Organization ("WHO") and the Centers for Disease Control and Prevention ("CDC") have issued health advisories concerning the spread of the Zika virus. Zika virus is spread to people through the bite of an infected Aedes species mosquito or through sexual contact from an infected male to a female. Aedes species mosquitos are present in Maryland and specifically in Worcester County. The Zika virus infection can cause illness in humans and the Zika virus infection during pregnancy can cause a serious birth defect called microcephaly, as well as other severe fetal brain defects; and

WHEREAS, the presence of Aedes species mosquitos in connection with the presence of Zika virus in humans in Maryland creates a public health threat as well as a public health nuisance requiring immediate targeted mosquito control activities to include dumping, covering, discarding or otherwise modifying water-holding containers; treating any water holding containers that cannot be dumped, covered, discarded or otherwise modified with long-lasting larvicide; and treating the outdoors in a specified area with adulticide. These measures also may include trapping and testing mosquitos in a specified area; and

WHEREAS, the Maryland Department of Health and Mental Hygiene ("DHMH") and the Maryland Department of Agriculture ("MDA") have determined that targeted mosquito control activities are necessary to protect the public health and prevent the spread of Zika virus in the following circumstances: (a) any detection of Ae. aegypti mosquitos in an area; (b) detection of threshold levels of Ae. albopictus mosquitos are reached in an area; or (c) detection of a potentially viremic case of Zika virus infection in a given area; and

WHEREAS, the County declares that if any of the above three conditions are met as determined by the Worcester County Health Officer or their designee there is an emergency nuisance under Public Health Section 1-102(f) presenting a clear and present danger to the health or safety of the public, and the County authorizes the Health Department along with the Departments of Development Review and Permitting and Environmental Programs to abate the nuisance immediately by minimizing or eliminating, to the extent reasonably practical, the potential breeding conditions or locations of the targeted mosquito populations in accordance with Public Health 1-102(f) of the Code of Public Local Laws of Worcester County, Maryland; and

WHEREAS, said abatement may require the assistance of an outside contractor and in such emergency circumstances the County Commissioners have waived the bidding requirements to hire said contractor;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland, that in accordance with Public Health 1-101(a)(3) and 1-102(f) of the Code of Public Local Laws of Worcester County, Maryland, abatements related to the Zika virus are an emergency situation presenting clear and present danger to the health of the public and as such require an emergency abatement in accordance with this Resolution.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.


PASSED AND ADOPTED this 19<sup>th</sup> day of July, 2016.


ATTEST:

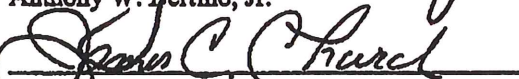
  
Harold L. Higgins  
Chief Administrative Officer

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

  
Madison J. Bunting, Jr., President


  
Merrill W. Lockfaw, Jr., Vice President

  
Anthony W. Bertino, Jr.

  
James C. Church

  
Theodore J. Elder

  
Joseph M. Mitrecio

  
Diana Purnell

**TOWN ADMINISTRATOR'S REPORT**  
**September 12, 2016**

**Requisitions (numeric order)**

Requisition 201700130 Criswell Chevrolet two Chevy Tahoes for the Police Department 01-5200-5255	\$69,900
Requisition 201700132 Electric Power Inc. Replacement breaker 10-5610-5255	\$118,941
Requisition 201700147 Goody Hill Ground Work Inc. Water and sewer install for the new Police Department 01-5200-5255	\$14,000
Requisition 201700148 Intercostal Trading Inc. For chemicals and soda ash 20-5710-5670	\$50,000
Requisition 201700153 Davis, Bowen & Friedel For project inspection and contract management 01-5320-5255	\$20,400



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Berlin Heritage Foundation, Inc.

Post Office Box 351, Berlin, Maryland 21811

August 24, 2016

Ms. Ivy Wells  
Director of Economic & Community Development  
Town of Berlin  
14 S. Main Street  
Berlin, MD 21811

Dear Ivy:

On behalf of the Berlin Heritage Foundation, I would like to thank the Town of Berlin and Berlin Main Street for donating this year's rack cards featuring our 8th annual Berlin Peach Festival.

We also would like to thank you for setting up the shuttle with Ocean Downs Casino and the Worcester County Board of Education. This shuttle was a great help with our festival parking. We certainly appreciate your support of this growing community event and your help in coordinating with the Heritage Festival that same day.

We would also like to thank you for your \$400 donation for our August Concert on the Lawn featuring the Chesapeake Silver Cornet Brass Band. Unfortunately, due to the excessive heat that day, the band had to cancel. Your donation will now be used to co-sponsor our final concert this season on September 11<sup>th</sup>. Swamp Donkey Newgrass will perform. We look forward to another great concert on the lawn and hope you will be able to attend.

Thank you again for helping to make this concert and the 2016 Peach Festival possible.

Sincerely,

Susan Taylor, Curator  
Berlin Heritage Foundation, Inc.



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Berlin Heritage Foundation, Inc.

Post Office Box 351, Berlin, Maryland 21811

August 24, 2016

Mrs. Sharon Timmons  
Town of Berlin  
14 S. Main Street  
Berlin, MD 21811

Dear Sharon:

On behalf of the Berlin Heritage Foundation, I would like to thank you for all of your assistance with our eight annual Berlin Peach Festival. We really appreciate all of the behind-the-scenes jobs you took care of for us, including printing the parking and shuttle signs, contacting Little Miss and Mr. Peach for the opening ceremony, coordinating our meeting with the Town department heads and everything else you handled for the Peach Festival.

We certainly appreciate your support of this growing community event. Thank you again for your commitment to the Taylor House Museum and for your continued support of our many Museum projects, including the Berlin Peach Festival.

Sincerely,

Susan Taylor, Curator  
Berlin Heritage Foundation, Inc.

**From :** Bill McGowan - RD, Dover, DE <Bill.McGowan@de.usda.gov>  
**Subject :** Shannon's summary

Fri, Aug 26, 2016 12:13 PM

**To :**

**Cc :** Kathy Beisner - RD, Dover, DE <Kathy.Beisner@de.usda.gov>, Shannon  
Reed - RD, Dover, DE <Shannon.Reed1@de.usda.gov>

Hi, Gee! I see Dave sent you Shannon's summary. I was going to forward to you and ask your permission to share this with Washington and other State Directors.

I don't know if we discussed but when I came on board in November Rural Development was moving "Community Economic Development" to the front burner. Not creating a new program but essentially helping see beyond the fact that we are more than bankers and loan specialists (that's my take...).

As you can imagine that's quite a challenge in an organization that is not built to change. I think our conversation could help bolster the change makers within Rural Development that do see themselves as community developers first and loan specialists second.

Again, I really enjoyed our conversation. It was and is a highlight of why we do what we do! Let me know if I can forward or if you would like to make changes.

Thanks, Bill

William A. McGowan, Ed.D | State Director  
Delaware and Maryland  
Rural Development  
United States Department of Agriculture  
1221 College Park Drive, Suite 200 | Dover, DE 19904  
Phone: 302.857.3581 | Cell: 302.222.0960 | Fax: 302.857.3640 | TDD: (800) 877-8339  
[www.rurdev.usda.gov](http://www.rurdev.usda.gov) |

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*"Estamos dedicados al futuro de las comunidades rurales"*

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**From:** "Reed, Shannon - RD, Dover, DE" <Shannon.Reed1@de.usda.gov>  
**Date:** August 22, 2016 at 10:16:36 AM EDT  
**To:** "McGowan, Bill - RD, Dover, DE" <Bill.McGowan@de.usda.gov>  
**Subject:** Summary from the Berlin, MD meeting

**Dr. Bill McGowan, State Director, Delaware/Maryland – USDA Rural Development**  
**Gee Williams, Mayor, Town of Berlin, MD**

## **Attributes of a successful and thriving rural community** ***(taken from conversation with the Mayor of Berlin, MD):***

- A strong sense of community exists. The values of the community are shared and widely recognized by all. Community residents, those who come to the community for work, and those who visit the community as guests all have a strong sense of community pride.
- Social integration is happening across racial, socio-economic, and political lines. The community openly acknowledges and transparently addresses issues of racism and inequality.
- The community understands the value of its heritage, but does not live in the past. The community embraces its uniqueness as a strength to build upon, instead of hiding or standardizing its uniqueness to keep up with popular opinions of the era.
- Members can work together as a community to get things done. The community will not let pessimists or cynics stonewall change that will result in the greater good.
- Community members invest time and money in their community first, before asking others to join them in doing so. Financial investments are consistently made in the community by its own members.
- Equal development is happening across the community. When improvements happen in one area of the community, they also happen in all others. Equal amounts of funds are spent on improvements in varying areas.
- Community projects and improvements are done in a purposeful way. When attempting to make big changes through long term plans, the community focuses on obtaining the low hanging fruit first to demonstrate success quickly. Doing so helps gain community member buy in and support for long term changes.
- The community's project pipeline should always be full of interdependent projects all working towards a common goal of community change. If projects are parallel in moving forward alongside each other, when one stalls the others can continue to move forward while solutions get worked out instead of that problem becoming a roadblock for progress on any of other projects.
- The community thinks and works regionally. It maintains good, working relationships with governing authorities, public agencies, private foundations, and local industries. These bodies trust the community.
- Community has a low percentage of rental housing stock. Rental stock ownership is actively engaged in keeping their properties in compliance. When dealing with issues caused by absent landlords or non-resident property owners, the political will exists to hold these property owners accountable using the full extent of the law.
- Helpful advantages for a rural community to have are:
  - A geographical advantage (ex/ close Berlin close to Ocean City).
  - An economic advantage – local industry collaborates locally, regionally, and with competitors to make everyone in the eco-system more competitive.
  - Elected officials who understand how government works and the political intelligence to use what they have to get things done.