



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

**Berlin Town Hall**  
**10 William Street**  
**Monday, January 8, 2018**

**6:00 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.
- b. Pursuant to Section §3-305(b)(14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

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

1. Approval of the Minutes for:
  - a. Regular Session of 12/11/17
2. Certificates – Pop Warner National Champions – Berlin Seahawks.
3. Motion 2018-01 – Motion extending the tattoo ordinance moratorium for another 120 days beyond its initial approval.

Staff contact - Town Administrator Laura Allen

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. Chief – Arnold Downing
  - f. Planning – Dave Engelhart
  - g. Economic and Community Development – Ivy Wells
  - h. Managing Director – Jeff Fleetwood
5. Town Administrator’s Report
6. Comments from the Mayor
7. Comments from the Council

8. Comments from the Public

9. Comments from the Press

10. Adjournment

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 Minutes**  
**Monday, December 11, 2017**

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

**Present:** Vice-President Elroy Brittingham, Councilmembers Thom Gulyas, Zackery Tyndall, Dean Burrell, and Troy Purnell.

**Staff Present:** Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Water Resources/Public Works Director Jane Kreiter, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells, and Town Attorney David Gaskill. Police Lt. Robert Fisher was also present.

**Absent:** Mayor Gee Williams

Following the Lord’s Prayer and Pledge of Allegiance, Vice-President Brittingham called the meeting to order at approximately 7:00 PM.

1. Approval of the Minutes for:

a. Executive Session of 11/27/17:

Councilmember Gulyas moved to approve the Executive Session Minutes of November 13, 2017 with one correction: 2<sup>nd</sup> para. Last sentence-“Gropu” should read “Group”. The minutes as corrected were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

b. Statement of Closure for Executive Session of 11/13/17:

Vice-President Brittingham read the Statement of Closure.

c. Regular Session of 11/13/17:

Councilmember Gulyas moved to approve the Regular Session Minutes of November 13, 2017 with one correction: pg. 2, item 3.b., last sentence-should read “Ms. Wells said that they were...” The minutes as corrected were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

2. Review and acceptance of FY 2017 Audited Financial Statements- Michael Kleger and Leslie Michalik of PKS & Company

Various aspects of the statements were reviewed and explained. It was noted that the Town’s overall financial health is good, with revenues increasing approximately 8% from 2016 and expenditures decreasing approximately 9%. Mr. Kleger and Ms. Michalik thanked the Finance Department staff for their work and for providing good records. Following their presentation, Councilmember Tyndall confirmed that the Town has approximately 9 ½ months reserve. Councilmember Burrell asked if the auditors found the information and reports produced from the Tyler Accounting Software readily available and accurate; Ms. Michalik indicated that that was correct. Councilmember Burrell moved to accept the FY2017 Audited Financial Statements as presented and approval was as follows:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

3. Motion 2017-42: Motion awarding contract for the Cedar, Maple, and Pine stormwater project to Barker’s Landing Excavation, LLC-Water Resources Director Jane Kreiter and Consulting Engineer Darl Kolar of EA Engineering and Science

Ms. Kreiter indicated that two bids, from David A. Bramble and Barker’s Landing Excavation, were received. Following review by Mr. Kolar, including contacting references, the recommendation was to award the contract to Barker’s Landing as the most responsive and responsible bidder. Brief discussion followed regarding the bidding process. Councilmember Purnell moved to approve the award to Barker’s Landing Excavation as recommended and approval was as follows:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

4. Motion 2017-43: Motion modifying EA Engineering Science and Technology, Inc., PBC On-Call Services Contract for Stormwater Management Support-Town Administrator Laura Allen

Ms. Allen reminded the Council that modifications to this contract were requested from time-to-time and that the majority of this work was covered by fees collected for building projects. She indicated that the proposal did not include a rate increase; rather the increase was associated with work volume. In the future, the budget would be developed to more adequately address the anticipated contract amount. Following brief discussion, including a review of some of the projects in which EA had assisted the Town in gaining outside funding, Councilmember Purnell moved to approve the award of an additional \$47,500 as proposed and approval was as follows:



Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

5. Motion 2017-44: Motion approving amendment to AT&T Lease Agreement allowing the installation of a generator – Town Administrator Laura Allen

Ms. Allen explained that AT&T was requesting to install a generator at the Franklin Avenue water tower to provide power backup for their antennas and, in lieu of rent, allow the Town to connect equipment. Mr. Michael Rebner of General Dynamics, AT&T’s contractor for this project, addressed the Council explaining that the Town would only be required to connect to the generator; all other associated work and maintenance would be paid for by AT&T. Councilmember Brittingham asked Mr. Rebner what service area was covered by the antennas and Mr. Rebner indicated that it was approximately 3-5 miles. Mr. Gaskill clarified that, while this agreement included no rent for the placement of the generator, AT&T would continue to pay rent for the antennas. Tim Lawrence noted that the cost to the Town would be to re-route some lines underground and to hook-up to the generator – approximately \$1,000 to \$1,500. Councilmember Tyndall asked if the generator would be sufficient for the purpose proposed and Mr. Lawrence and Mr. Rebner indicated that it would. He also asked if there would be any negative impact to nearby residents and Ms. Kreiter indicated that she did not foresee any problems. Councilmember Burrell asked for confirmation that the placement of the generator would not interfere with Town operations and Ms. Kreiter indicated that it would not. Ms. Allen noted that the contract was for five years and Mr. Rebner reaffirmed that AT&T would be responsible for all maintenance. Councilmember Burrell moved to approve the contract as presented and approval was as follows:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

6. Resolution 2017-09: Resolution modifying the equivalent dwelling unit (EDU) financing policy – Town Administrator Laura Allen

Ms. Allen reviewed the history of the EDU financing policy, noting that the proposed resolution, which currently only applies to new businesses, would amend the policy to allow existing businesses seeking to expand to participate in EDU financing. Councilmember Tyndall asked if the Town should consider capping the percentage of EDU’s available; Ms. Allen indicated that the Town would review the situation from time-to-time, but such measures were not currently necessary. Councilmember Tyndall also inquired as to the financing rate, indicating that the Town should not be financing in such a way to be competitive with local banks and other financial institutions. Ms. Allen and Ms. Saleh explained that the financing indicated in the policy was not interest income, but rather administrative in nature, intended to cover the costs incurred by the Town in administering the program. Councilmember Burrell asked for

clarification of a statement Mr. Tyndall had made regarding issues that Worcester County encountered with financing EDU's; Mr. Tyndall indicated that the County was not realizing the applicable income in a timely manner as related to the use of the EDUs. Ms. Allen indicated that this was not a problem for the Town at the moment, but would be periodically reviewed. Ms. Saleh also reminded the Council that, should payments be defaulted, the agreement would cancel and the EDUs would revert. Councilmember Purnell moved to approve the policy amendment and approval was as follows:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

7. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh indicated that the Finance Department was continuing to work on net metering, but that implementation would be pushed back, possibly to January, to allow staff a better understanding of the system.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen had nothing to report. Mr. Tyndall asked about the status of the Henry Park Restroom and Ms. Bohlen deferred to Mr. Engelhart. Mr. Engelhart indicated that he and other Town staff had met with the general contractor on site, who had indicated that the footer and foundation would be on-site before Christmas. Discussion followed regarding the deadline for project completion and what actions would occur if such deadline is not met. Councilmember Burrell asked for an update at each Council Meeting. Ms. Bohlen indicated that she would also provide updates in the weekly report sent by Ms. Allen.

c. Water Resources/Public Works Director – Jane Kreiter

Ms. Kreiter indicated that Town crews had handled the snow over the weekend; plowing had not been necessary, but roads had been salted. She noted that both the Baker Street paving and Cannery Village walking path projects had been delayed from the prior week due to the weather, but were scheduled for this week, weather permitting. In response to a question from Councilmember Brittingham, she indicated that the Town does its own salting along with assisting the State Highway Administration with Main Street. Councilmember Gulyas asked about an issue with the sewer at the new Police Department facility. Ms. Kreiter indicated that a section of the sewer near the building didn't have the appropriate fall and the contractor had been advised that it would need to be fixed. Lt. Fisher confirmed that corrections had begun.

d. Electric Utility Director – Tim Lawrence

Mr. Lawrence reviewed new services which had been installed and indicated that Electric Department crews had been preparing for the Christmas Parade and New Year's Ball Drop, as well as assisting with bulk waste collection. The #2 and #5 engines had recently had work performed. Asplundh Tree Service was scheduled to begin work along Rt. 113, Esham Avenue, West Street and S. Main Street.



e. Police Chief – Arnold Downing

Chief Downing commended the Public Works department for their snow response and indicated that, while there were no accidents in Town, the Police Department had assisted with several accidents outside of Town limits. He thanked all of the outside agencies, Town staff, and volunteers for their parade assistance. Chief also noted that he and Lt. Lawson had conducted Active Assailant Training with Town staff, which had gone well. He anticipated that suggestions and improvements would be forthcoming.

f. Planning and Zoning Director – David Engelhart

Mr. Engelhart provided updated 2017 numbers for his department. In 2016 199 building permits had been issued; thus far in 2017, 230 had been issued. Noting that building permit fees are based on construction estimates, he indicated that, in 2016, fees were based on \$12,800,000 and in 2107, \$21,156,000. He attributed a large portion of the increase to the number of larger projects which had been permitted, such as the Library, Cancer Center and Police Department. Councilmember Gulyas asked about the screening which was required for a recently installed outdoor freezer for Burley Café. Mr. Engelhart indicated that the Historic District Commission had approved the installation with screening, which was to be completed this week. He noted that J&M Meat Market had appeared before the HDC and received approval for signage and other exterior improvements. Councilmember Brittingham asked for a schedule for the opening of the roads leading to and within the Ocean's East property and Mr. Engelhart indicated that he would inquire.

g. Economic and Community Development Director – Ivy Wells

Ms. Wells thanked Councilmember Gulyas for donating the printing of the flyers for the Kids' Ball Drop this New Year's Eve. She announced the receipt of a Main Street Improvement Grant in the amount of \$11,000 for wayfinding signs. She noted that a logo contest was being held in honor of the Town's 2018 150<sup>th</sup> Anniversary. She also thanked all who assisted with the parade and noted that the route reversal worked well. Ms. Wells introduced a promotional video which was currently available via the Berlin Main Street site and noted that she had recently taken the Welcome Center volunteers to a thank you lunch. Councilmember Burrell noted that he had received comments regarding the lack of people of color in the video. Councilmember Brittingham asked if there were plans for the PNC building; Ms. Wells indicated that there were concepts, but no concrete plans. She also noted that J&M Meats would be taking over the current Beez Kneez space at the start of the new year.

h. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood indicated that there were more volunteers for this year's Christmas Parade than in any prior year. He commended the Police Department for the training provided earlier in the day and indicated that the feedback had been excellent. He also reminded those in attendance of the Holiday Luncheon scheduled for Thursday, December 14<sup>th</sup> beginning at noon.

8. Town Administrator's Report – Laura Allen

Ms. Allen also thanked all involved with the parade and noted that she and Ms. Wells would be meeting with Worcester County Economic Development later in the week.

Ms. Allen presented Requisition 201800919 in the amount of \$34,531 for a 2018 Chevy Tahoe and 201800921 in the amount of \$20,152.70 (non-capital) and \$6,395 (capital), both for the Police Department. Brief discussion followed regarding the handling of IT for the Police Department; Chief Downing indicated that it was his goal to contract with Worcester County. On the motion of Councilmember Tyndall, both Requisitions were approved as presented by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

9. Comments from the Mayor:

Vice-President Brittingham extended congratulations to the Berlin Pop Warner Team as National Champions and asked that recognition be given at the next meeting.

10. Comments from the Council:

Councilmember Gulyas thanked all involved with the Christmas activities. He also extended kudos to Ms. Saleh and the Finance Department for such a stellar report.

Councilmembers Tyndall, Purnell and Burrell all echoed the previous comments made.

11. Comments from the Audience – none.

12. Comments from the Press – none.

13. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 8:30 PM.

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Respectfully Submitted,

Mary T. Bohlen  
Administrative Service Director





CERTIFICATES –

POP WARNER NATIONAL CHAMPIONS –

BERLIN SEAHAWKS



MOTION OF THE MAYOR AND COUNCIL 2018-01

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN EXTENDING THE TATTOO ORDINANCE MORATORIUM FOR ANOTHER 120 DAYS BEYOND ITS INITIAL APPROVAL.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_ TO \_\_\_\_ OPPOSED, WITH \_\_\_\_ ABSTAINING AND \_\_\_\_ ABSENT.

\_\_\_\_\_  
ELROY BRITTINGHAM, SR. VICE PRESIDENT

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 BY THE MAYOR OF THE TOWN OF BERLIN.

\_\_\_\_\_  
WM. GEE WILLIAMS, III, MAYOR

ATTEST: \_\_\_\_\_  
LAURA ALLEN  
TOWN ADMINISTRATOR