



## BERLIN MAYOR AND COUNCIL

### Meeting Agenda

Berlin Town Hall

10 William Street

Monday, July 27, 2020

**SPECIAL NOTICE:** We will be live streaming Mayor and Council Meetings during the ongoing Coronavirus/Covid-19 State of Emergency. Your patience and understanding as we work to meet the restrictions on gathering size, while still conducting Town business is truly appreciated.

- Meeting packets will be posted by 5:00 p.m. on the Wednesday before the meeting.
- Written questions will be accepted to provide the Mayor and Council the opportunity to review and discuss BY 12:00 PM/NOON on the day of the meeting. Submit to:
  - Email: [info@berlinmd.gov](mailto:info@berlinmd.gov), please use M&C Comments as your subject
  - Fax to: 410-641-2316
  - Mail to: Berlin Town Hall, Attn: M&C Comments, 10 Williams St., Berlin, MD 21811. Mail should be posted no later close of business on the Friday before the meeting to help ensure delivery.
  - Drop off in one of the two drop boxes at Town Hall – one is at the rear of the building behind the stair tower, and the other is at the corner of Bay and Williams Street on the building.

**To access the Meeting via live stream on Facebook, please click on the blue Facebook icon at the top of any page on the Town website, [www.berlinmd.gov](http://www.berlinmd.gov), or type @berlinmd in the Facebook search bar.**

**No response will be given to questions and comments submitted via Facebook during a regular meeting.**

**PUBLIC HEARINGS:** If a public hearing is scheduled, questions will also be taken via Facebook during the Public Hearing portion of that meeting. A staff member will monitor the questions for duplicates, language and appropriateness to the Public Hearing topic. Depending on the volume of questions, we may not be able address everyone.

**Responses will be given out loud via the live stream; they WILL NOT be responded to via the comments on Facebook.**



## **BERLIN MAYOR AND COUNCIL**

### **Meeting Agenda**

**Berlin Town Hall**  
**10 William Street**  
**Monday, July 27, 2020**

#### **7:00 PM      REGULAR SESSION – Council Chambers (livestream)**

1. Approval of the Minutes for:
  - a. Regular Session of 07/13/20
2. Special Event Application: Berlin Unity Celebration on Saturday, August 8, 2020 from 1pm-4pm – Representative Adrian Bowen
3. Berlin Fire Company Quarterly Report – President David Fitzgerald
4. Draft Reserve Policy – Town Administrator Jeffrey Fleetwood and Finance Director Natalie Salah
5. Discussion of sewer fund balance reduction owed to general fund – Town Administrator Jeffrey Fleetwood and Finance Director Natalie Salah
6. Discussion re: Community Parks and Playgrounds SFY22 Grant Application – Deputy Town Administrator Mary Bohlen
7. Motion 2020-19: Motion approving the waiver of fees and approval of park use for Worcester County Tennis Clinic – Deputy Town Administrator Mary Bohlen
8. Departmental Reports given by Town Administrator Jeffrey Fleetwood
9. Town Administrator’s Report
10. Comments from the Mayor
11. Comments from the Council
12. Comments from the Public (Questions or comments submitted prior to 12 noon on Monday, July 27, 2020 will be addressed at this time. Questions submitted on Facebook will not be answered during the meeting.)
13. Comments from the Press
14. Adjournment

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Town Administrator Jeffrey Fleetwood at (410) 641-4002. Written materials in alternate formats for persons with disabilities are made available upon request.  
*TTY users dial 7-1-1 in the State of Maryland. TTY users outside Maryland dial 1-800-735-2258*



**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Monday, July 13, 2020**

Agenda Item # 1a

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

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

**Staff Present:** Town Administrator Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Water Resources Director Jamey Latchum, Town Attorney David Gaskill, and Administrative Manager Kelsey Jensen.

Due to the Coronavirus/Covid-19 State of Emergency, this meeting was broadcast live via Facebook. No other persons besides two members of the press and the Parks Commission Members who were sworn in were present in the Council Chambers other than those specified.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:00 PM.

1. Approval of the Minutes for:

a. Executive Session of 06/08/20:

On the motion of Councilmember Gulyas, the Executive Session minutes of June 8, 2020 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>Votina Tally</i>	5				

b. Regular Session of 06/22/20:

On the motion of Councilmember Gulyas, the Regular Session Minutes of June 22, 2020 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. Swearing in of new Parks Commission members

Mayor Williams swore in Mike Wiley, Patricia Dufendach, Sarah Hooper, and Bruce Hyder to continue serving on the Parks Commission.

3. Motion 2020-18: Motion approving Steven Black, owner of Arby's, to purchase and finance one additional EDU

Town Administrator Jeffrey Fleetwood explained that Water Resources Director Jamey Latchum has been reviewing the commercial EDU usage and determined that Arby's was in need of an additional EDU to keep up with their usage. Councilmember Tyndall asked if we would be doing that for all commercial properties or only newer properties; Mr. Fleetwood said that it is their intention to review all commercial EDUs over time.

On the motion of Councilmember Burrell, Motion 2020-18 was 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				

Due to several complaints about the ability to hear the meeting on the Facebook Live, Councilmember Burrell suggested postponing all of the remaining agenda items until the next meeting when hopefully the audio issues will be resolved. Councilmember Tyndall agreed.

On the motion of Councilmember Burrell, postponing remaining agenda items was 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				

4. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 7:15PM.

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,



Kelsey Jensen  
Administrative Manager

Amid everything that is happening with Covid 19, we encourage everyone that is planning to attend the "Berlin Unity Celebration" to practice social distancing and wear a face mask or face coverings. If you or anyone in your household has had a fever or have been diagnosed with coronavirus in the last 7-10 days we ask that you do not attend the event, for the safety of others.

The African American Coalition of Worcester County will have hand sanitizing stations set up at every entry point to the park. There will be 2 stations at the end of the fence, adjacent to the apartments beside the park, 2 stations at the entry to the parking lot, 1 station at the pavilion, and another station at the basketball courts. Each station will include hand sanitizer, disinfectant wipes, disinfectant spray bottle, and temperature gun.

The African American Coalition of Worcester County nor the Town of Berlin, are responsible for any patron who may contract coronavirus. While we encourage social distancing and encourage everyone to do their part to stop the spread of this virus, all participants and patrons will be entering and enjoying this event at their own risk.

Thank you.



**SPECIAL EVENT  
APPLICATION**



This form must be completed in order to hold an event in the Town of Berlin on public streets or property. Additional documents from the Town of Berlin, or another entity, may be required. Please provide as much information as possible. Form must be signed and appropriate contact information provided to be considered. "Same as last year" will not be accepted for any category.

Today's Date: 07-06-2020		Event Start time: 1 pm	Road Closure Start:
Requested Date(s) of the event: <del>07-25-2020</del> 08/08/2020		Event End time: 4 pm	Road Closure End:
Name of Event: Berlin Unity Celebration		*Location of Event: Henry Park	
Estimated number of attendees: 70		*If activity is in a Town park, a Parks Reservation form must be complete.	
Applicant Name: Jeron Whaley		Applicant Cell Phone: 443-880-0910	
Sponsoring Organization or Business Name: African American Coalition of Woc/Solid Park		Email: jeron.d.whaley@gmail.com	
Person(s) to Contact Day of Event: Jeron Whaley Adrian Bowen		Name: Jeron Whaley, Cell # 443-880-0910 Name: Adrian Bowen, Cell # 443-513-1950	
Description of event: An event to bring our community closer. Create a positive vibe during a time where current events have impacted our communities morale.			
If fundraiser, please indicate the beneficiary:			
How many and what types of vendors (ex. Food, craft, art, kids activity, etc.):			
Will there be live music or a DJ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If yes, what type of music Top 100			
What is your plan for the following: Marketing/Advertising: Social Media, word of mouth			
Parking/Shuttle:			
Inclement weather:			
The event sponsor hereby agrees to the following conditions: 1. The Town of Berlin, its representative(s) and/or agent(s) will be held harmless for any loss, damage, or liability incurred in connection with the event. 2. The event sponsor is appropriately insured. Proof of insurance may be required; if the event sponsor does not possess the appropriate insurance, the Town of Berlin may require the purchase of one-time event insurance through the Town of Berlin's insurance carrier. 3. The event sponsor will be responsible for any costs incurred by the Town as a result of damage done during the course of the event to Town-owned, rented, or leased properties. 4. The event sponsor and/or its participating vendors are responsible for obtaining any licenses, permits, rights-of-way, etc. for the event, including any permits required by the Worcester County Health Department, the State Highway Administration or any other agencies as appropriate. Any fees or other conditions associated with such will be the sole responsibility of the event sponsor and/or its participating vendors. 5. Activities must occur within the time frame(s) specified. It is the sponsoring organization's responsibility to ensure that vendors, performers, etc. do not set-up earlier than agreed, and will begin break-down of booths, equipment, etc. promptly. Vendors, etc. must be clear of the street/area within one hour of event ending. Private property remaining beyond one hour will be removed from the street.			
By my signature below I identify myself as the representative of the above-named organization and/or the individual responsible for adherence to the conditions as set forth.			
Signature:		Date: 07-06-2020	
Printed Name: Jeron D. Whaley			

**DETAILS OF EVENT:**

**Shaded areas for office use only**

<b>Street Closure</b>	Note: Location map is required detailing streets to be blocked. Additionally, a State Highway Administration Request for Road Closure may be required.		
Street closure?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Barricade locations must be marked on map.	
Blockage/Closure Time:	Start: _____	End: _____	State Highway Form submitted if applicable? <input type="checkbox"/>
Will on-street parking need to be cleared?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Notes: # of barricades _____ Barricades to be dropped off: _____ Time/Date	No-Parking signs to be placed: _____ Time/date Must be placed 24 hours prior to event.
Will parking areas need to be cleared/closed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

<b>Electric</b>	Note: The Electric Department will assist with completion of Service Form.		
Will there be vendors or activities requiring access to electricity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Request for Electric Service form required including information from each vendor/activity requiring electric. Request for Electric Form submitted? <input checked="" type="checkbox"/>	
Will there be banners to be hung?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, Request to Hang Banner form needed. Banner Form submitted? <input type="checkbox"/>	

<b>Other Items/Services:</b>	If applicable, items listed are in addition to those normally in place.		
Trash cans	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	# Required <u>4</u>	Trash cans to be placed: <u>8/8/20</u> <u>07-25-2020</u> Time/date <u>11am</u>
Picnic Tables	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	# Required <u>5</u> Maximum: 5	To be placed: <u>8/8/20</u> <u>07-25-2020</u> Time/date <u>11am</u>
Stage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Location must be marked on map.	Stage to be placed: _____ Time/date Extensions needed: <input type="checkbox"/>
Temporary Fencing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Location must be marked on map.	Fencing to be placed: _____ Time/date <input type="checkbox"/>
Porta-potties	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	# Standard <u>2</u> # Accessible <u>1</u>	Porta-potties will be placed in the alley on Pitts Street: _____ Time/date
Signs: Other than banners or parking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Informational signs during the event not applicable.	Sign Permit may be required. Planning Office review _____ Date Sign Permit needed/submitted? <input type="checkbox"/>
Will there be vendors/individuals selling goods or services as part of the event?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Vendor's Application and Certification for Peddling and Soliciting will be required for EACH vendor participating in the event. If event/activity is in a municipal park a Business Use of Park Application will be required IN ADDITION to Vendor's Application and Certification for Peddling and Soliciting. Vendor's Permit(s) needed/submitted? <input type="checkbox"/>	

Additional Forms Required:	Yes	No	N/A	Date Rec'd	Initials
State Highway Administration Request for Road Closure					
Park Reservation Application and Permit	✓				
Request for Electric Service	✓				
Request for Banner Placement		✓			
Sign Permit	✓				
Vendor's Application and Certification for Peddling and Soliciting	✓				
Business Use of Park Application	✓				
Proof of Insurance	✓				
Other:					

Approved by the Mayor and Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. For \_\_\_\_\_ Opposed \_\_\_\_\_ Abstain.



**SPECIAL EVENT  
REQUEST FOR ELECTRIC**



This form is in addition to the "Town Street Closure/Request for Services form. This form must be completed if electric service is required for any vendor/activity for an event. It is the event organizer's responsibility to coordinate with vendors regarding their electric needs; Berlin Electric Department staff will be glad to assist with any questions. Form must be signed and appropriate contact information provided to be considered. "Same as last year" will not be accepted for any category.

Today's Date: ~~07/06/2020~~ <sup>8/8/20</sup> \_\_\_\_\_

Event start time: 1 PM

Date(s) of the event: 07/25/2020

Event end time: 4 PM

Name of Event: Berlin Unity Celebration

Number of vendors/activities needing electric service: 2

Contact Name: Jeron Whaley

Contact Phone (Day): 443-880-0910

Sponsoring Organization: African American Coalition of Worcester County, Solid Rock

Email: jeron.dwhaley@gmail.com

Signature: [Handwritten Signature]

Date: 07/06/2020

Printed Name: Jeron D. Whaley

Side 2 must be completed.

NOTE: Electric service is available only in specific locations.

1. Complete the reverse of this form to determine vendors' electric needs. Your vendors should know their requirements.
2. Contact the Berlin Electric Department to discuss needs and to assist in determining the best location for specific vendors/activities requiring electric service.

Electric Utility Director Tim Lawrence  
410-629-1713  
tlawrence@berlinmd.gov

Reviewed by the Electric Utility Department: Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DETAILS OF EVENT: Please copy this page as needed.**

<p>Vendor: _____ Phone: _____</p> <p>Primary Contact: _____</p> <p>Vendor Type: _____</p> <p>Load Information</p> <table style="width:100%; border: none;"> <tr><td>Lighting</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Cooking</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Water Heating</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Miscellaneous</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Specify Unusual Motors</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Other: _____</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Total Load</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Specify Voltage</td><td style="text-align: right;">_____ KW</td></tr> </table> <p>Location of Service: _____ <b>(determined w/Electric Department)</b></p>	Lighting	_____ KW	Cooking	_____ KW	Water Heating	_____ KW	Miscellaneous	_____ KW	Specify Unusual Motors	_____ KW	Other: _____	_____ KW	Total Load	_____ KW	Specify Voltage	_____ KW	<p>Vendor: _____ Phone: _____</p> <p>Primary Contact: _____</p> <p>Vendor Type: _____</p> <p>Load Information</p> <table style="width:100%; border: none;"> <tr><td>Lighting</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Cooking</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Water Heating</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Miscellaneous</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Specify Unusual Motors</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Other: _____</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Total Load</td><td style="text-align: right;">_____ KW</td></tr> <tr><td>Specify Voltage</td><td style="text-align: right;">_____ KW</td></tr> </table> <p>Location of Service: _____ <b>(determined w/Electric Department)</b></p>	Lighting	_____ KW	Cooking	_____ KW	Water Heating	_____ KW	Miscellaneous	_____ KW	Specify Unusual Motors	_____ KW	Other: _____	_____ KW	Total Load	_____ KW	Specify Voltage	_____ KW
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# TOWN OF BERLIN PARK PAVILION RESERVATION FORM



**THIS FORM MUST BE COMPLETED AND DELIVERED TO TOWN HALL WITH DEPOSIT IN ORDER TO CONFIRM RESERVATION. NO VERBAL RESERVATIONS WILL BE ACCEPTED.**

TODAY'S DATE: 07/06/2020

EVENT/ACTIVITY DATE: 8/8/20 TIME FROM: 1 pm TO: 4 pm

NAME: \_\_\_\_\_

Anticipated # of attendees \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

PHONE: 443-880-0910

EMAIL: jeron.dwhaley@gmail.com

ORGANIZATION: African American Coalition  
(IF APPLICABLE) Solid Rock

WILL EVENT INVOLVE FEES PAID BY ATTENDEES AND/OR SALE OF GOODS OR SERVICES?  YES  NO

DESCRIPTION OF EVENT/ACTIVITY: A unity celebration to bring awareness & attention to current events that impact our community.

**PARK REQUESTED**

<input type="checkbox"/> Stephen Decatur Park, Tripoli Street	<input checked="" type="checkbox"/> Dr. William Edward Henry Park, Flower Street
---	--

Use this form for:

- a) One-day pavilion use; and
- b) Gatherings of 50 or fewer people

Individuals/Organizations meeting any of the criteria below must meet with Town Staff. Call 410-641-2770 for information.

- a) More than one consecutive date;
- b) More than 50 people;
- c) Any event/activity that charges attendees a fee and/or involves the sale or goods or services;
- d) Use of any other areas of the park, such as athletic courts;
- e) Use of Heron Park.

Fees: \$50.00 per day plus \$10 for electric (if applicable). \$25.00 will be refunded when facility is left in good condition. Failure to adhere to the parks rules and/or leave the facility in good condition may result in the forfeit of that \$25.00 and/or refusal by the Town of Berlin to permit the user to reserve the park in the future.

**Notes/Comments:** \_\_\_\_\_

I, the undersigned have been provided with a copy of the Park rules and regulations and I understand that I must adhere to these rules. If I fail to adhere to the Park rules and regulations, the Town of Berlin reserves the right to refuse to reserve the park in my name in the future. I further understand that the rules and regulations provided herewith are an excerpt of Chapter 22 of the Code of the Town of Berlin and other sections of that chapter and of the Town Code as a whole may also apply to use of the park(s). I am responsible for collection and removal of all trash associated with my event. I understand that vehicles are not permitted in the parks beyond the parking lots. NO EXCEPTIONS. I understand that this reservation is only for the facility indicated above; all other areas of the park are open to the public and may be in use during my event. The Town of Berlin and its agents are released from all liability associated with damage or injury resulting from the improper use of any equipment provided by the Town of Berlin and from damage or injury associated with the use of any equipment or items brought into the park by me or anyone associated with this event.

Signature: [Handwritten Signature]

Date: 07/06/2020

Office Use: Clerk: _____	Fee Pd: \$ _____	Date: _____	Refund: <input type="checkbox"/> YES <input type="checkbox"/> NO	Date: _____
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## DRAFT RESOLUTION

### A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, ESTABLISHING A GENERAL FUND RESERVE POLICY.

Whereas, the Mayor and Council have the authority to set financial policies for the Town, and

Whereas, the Mayor and Council have determined a policy regarding the establishment and maintenance of General Fund Reserves is consistent with best practices in municipal finance, and

Whereas the Mayor and Council must establish reserves in a manner consistent with the Government Accounting Standards Board (GASB), and

Whereas, the Mayor and Council are able to immediately establish reserves required by grantors, bondholders and higher levels of government and continue the Employee Healthcare Reserve, and

Whereas, the Mayor and Council recognize the benefit of establishing additional reserve categories and target balances as goals to work toward, and

Whereas the Mayor and Council have established a plan to reach those target balances.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin, Maryland that the following General Fund Reserve Policy is established:

#### **Purpose**

The Town will establish and maintain reserve balances to:

- (a) Guard its citizens against service disruptions in the event of economic uncertainties, local disasters and other financial hardships;
- (b) Provide for fluctuations in revenues and expenditures while ensuring adequate cash flow;
- (c) Enable the Town to implement innovative opportunities for the betterment of the community;  
and
- (d) Demonstrate continued credit worthiness to bond rating agencies and the financial community.

#### **General Fund Reserves**

In compliance with GASB Statement No. 54, the General Fund shall contain reserves, which shall be classified as Restricted Fund Balance, Committed Fund Balance, Assigned Fund Balance, or Unassigned Fund Balance.

#### **Reserves Established**

The Town shall maintain minimum fund balances according to the requirements forth in this section.

- (a) Restricted Fund Balance shall be maintained as required by grantors, bondholders and higher levels of government.
- (b) Committed Fund Balance shall be maintained as follows:

There shall be an Employee Healthcare Reserve, in the amount of not less than \$300,000, to mitigate the increase in employee health care costs.

- (c) The Unassigned Fund Balance shall consist of the balance of all amounts not otherwise expended, encumbered, or reserved.

#### **Reserve Categories and Target Balances**

The Town shall transfer \$100,000 per year from Unassigned Fund Balance to obtain minimum fund balances according to the requirements and in the order set forth in this section.

- (1) There shall be a Budget Stabilization Reserve, in an amount sufficient to ensure continuity of Town General Fund operations for a three-month period.
- (2) There shall be a Capital Reserve in the amount of \$100,000 to pay for unplanned but essential capital projects.
- (3) There shall be a Debt Reduction Reserve, in an amount reasonably estimated to pay the Town's debt service (principal plus interest) on any outstanding, long term debt instruments for one year;
- (4) There shall be a Disaster Response and Recovery Reserve, in the amount of \$250,000, to pay the Town's cost of emergency repairs to or replacements of parts of the Town infrastructure damaged by any natural or man-made disaster, or to abate or prevent further damage to life or property.

The Budget Stabilization Reserve and Capital Reserve shall be designated as Assigned Fund Balance. The Debt Reduction Reserve and Disaster Response and Recovery Reserve shall be designated as Committed Fund Balance.

#### **Transfer of Committed Fund Balance**

- (a) On occurrence of a condition for which the Disaster Response and Recovery Reserve was created, the Town Administrator may transfer funds, up to the balance of such reserve, to the appropriate department or departments in the operating budget to abate the condition for which the reserve was created. Any such transfer shall be reported to the Mayor and Council in an open and public meeting within thirty days.
- (b) Except as provided above, no transfer shall be made from the Committed Fund Balance, e.g. the Debt Reduction Reserve, or Employee Healthcare Reserve, without expressed approval of the Mayor and Council given at an open and public meeting.
- (c) Committed Fund Balance shall not be replenished without express approval of the Mayor and Council given at an open and public meeting.

#### **Use, Transfer and Replenishment of Assigned Fund Balance**

- (a) No transfer shall be made from the Assigned Fund Balance, e.g. the Capital Reserve and the Budget Stabilization Reserve, without expressed approval of the Mayor and Council given at an open and public meeting.
- (b) Assigned Fund Balance shall not be replenished without express approval of the Mayor and Council given at an open and public meeting.

### **Transfer and Replenishment of Unassigned Fund Balance**

(a) No transfer shall be made from the Unassigned Fund Balance without expressed approval of the Mayor and Council given at an open and public meeting.

(b) All appropriations that have not been expended, lawfully encumbered, or placed in another reserve, and all surplus revenues as of June 30 shall be placed in the Unassigned Fund Balance.

### **Report on Fund Balance Levels**

(a) The Town Administrator shall report on the fund balance levels to the Mayor and Council as follows:

- (1) During the annual budget adoption process, the Town Administrator shall project the ending fund balances and reserve levels; and
- (2) When the auditor presents the Town's audited financial statements to the Mayor and Council, the Town Administrator shall report the actual fund balances as of the end of the fiscal year.

(b) At any time, if the Unassigned Fund Balance reduced to zero, or is projected to be reduced to zero within the fiscal year, the Town Administrator shall provide a report to the Mayor and Council, along with a plan to maintain the Unassigned Fund Balance with a positive balance.



# Town of Berlin

## MEMORANDUM

July 7, 2020

To: Mayor and Members of the Town Council

From: Finance Director Natalie Saleh

Subject: **Sewer Fund Balance Borrowed from the General Fund**

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This memorandum proposes a reduction of sewer fund balance owed to the general fund and explains the advantages of the balance reduction.

### Sewer Fund Balance

1. Fund Accounting<sup>1</sup> – Historically, state and local governments have established separate funds to help ensure and demonstrate compliance with legal restrictions attached to the use of public money. This approach is called Fund Accounting.
2. Fund<sup>2</sup> – A separate fiscal and accounting entity used to segregate resources related to specific activities (e.g. money in the Electric Fund can only be used to fund activities associated with that function). Historically, funds were placed in separate bank accounts. Modern funds function essentially as categories for organizing information on assets and liabilities for accounting and budgetary purposes. The Town of Berlin has several funds: General Fund, Electric Fund, Water Fund, Sewer Fund, and Stormwater Fund. The General Fund is the Town's principal operating fund, which is consistent with most governments.
3. Fund balance increases and decreases depending on surplus or deficit of cash flow generated from operations. Deficit of cash flow creates borrowing from another fund. In the past, sewer fund cash flow was not sufficient to operate, cover capital expenditures, and satisfy the debt services. As a result, sewer fund borrowed from the general fund to cover the deficit. The amount due to the general fund has increased over the past five years, averaging \$500,000 per year.

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<sup>1</sup> These definitions came from "An Elected Official's Guide to Fund Balance and Net Assets" published by Government Finance Officers Association (GFOA).

<sup>2</sup> These definitions came from "An Elected Official's Guide to Fund Balance and Net Assets" published by Government Finance Officers Association (GFOA).

4. Due from sewer fund to general fund balance ended fiscal year June 30, 2019<sup>3</sup> :

<b>Due to General Fund</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Beginning of the year	\$ 1,176,861	\$1,703,469	\$ 1,912,242	\$ 2,771,320	\$3,383,561
Borrowed from General Fund	526,608	208,773	859,078	612,241	
End of the year	\$1,703,469	\$ 1,912,242	\$ 2,771,320	\$3,383,561	\$3,383,561

5. Sewer fund balance due to the general fund as of June 30, 2019 is \$3.4 million. It is a part of the nonspendable fund balance of the general fund and is not be available to pay current and future expenditures.

### **Recommendations**

- A. Reduce the amount owed from sewer fund to the general fund by \$1.7 million.
- B. Allocate the remainder of the sewer fund amount due to the general fund as an interfund loan to the general fund, causing an established and formal repayment plan.
- C. Establish an attainable ten-year repayment schedule to repay the interfund loan to the general fund.
- D. Include payments in the annual budget as debt service.

Reduction of the sewer fund amount due to the general fund will reduce the nonspendable amount of the general fund. It will provide a structured repayment plan with the date of the loan retirement.

If the recommendations are adapted, this will create a feasible and attainable approach to eliminate the sewer fund balance due to the general fund. It will allow to use sewer interfund loan repayments for future general fund operating, capital, and debt service expenditures.

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<sup>3</sup> Information from Audited financial statements prepared by PKS & Co. P.A.



# STAFF REPORT

TO: Mayor and Council

FROM: Deputy Town Administrator Mary Bohlen

MEETING DATE: July 27, 2020

SUBJECT: Community Parks and Playgrounds Application

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## BACKGROUND

Annually, the Town identifies priority projects for our parks for consideration in applying for Program Open Space funds under the Community Parks and Playgrounds program. Two significant parks projects have been prioritized for many years and both projects have been submitted for grant funding but have not been awarded. Those projects are the Dr. William Henry Park Basketball Courts Lighting and Stephen Decatur Park Permanent Restrooms projects.

Staff has received feedback from the funding agency regarding the unsuccessful applications and the primary indicator is that, while both applications are excellent, new projects are more desirable; the lighting project is considered an enhancement to an existing facility and the restroom project is not as desirable as it is not recreation or play equipment or the like – restrooms are simply not a priority.

## SUMMARY

Based on discussions with the Mayor and Council, Parks Commission and on community input and feedback, each project is equally desirable for Berlin park visitors.

From a grant application standpoint, with both projects having been previously applied for, neither application will require significant development for staff; each will need to be updated with current information, but the “leg work” is complete.

Cost estimates are as follows:

Dr. William Henry Park Basketball Court Lighting: \$102,000

Stephen Decatur Park Permanent Restroom: \$110,000

Recommended match would be 10% of the total cost.

## ADDITIONAL CONSIDERATIONS:

The restroom project will incur additional ongoing costs for cleaning and maintenance. The Henry Park Restroom has been subject to vandalism since completion. Town forces have made a number of changes to address some of those issues and those measures can be addressed in construction for a new unit, but some vandalism is not preventable. One of staff’s biggest concerns is the relative isolation

of Stephen Decatur Park; the Henry Park restrooms have been mistreated despite being surrounded by residences and on a busy street.

**ALTERNATIVES**

1. Staff will update a grant application for whichever of the two projects the Mayor and Council desires for the upcoming funding round.
2. Do not make application in the upcoming funding round and develop new projects for consideration in coming years.



**MOTION OF THE MAYOR AND COUNCIL 2020-19**

**WORCESTER COUNTY RECREATION & PARKS TENNIS CLINIC AND DROP-IN TENNIS PROGRAM**

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO WAIVE FEES AND APPROVE THE USE OF STEPHEN DECATUR PARK BY WORCESTER COUNTY RECREATION & PARKS FOR:

- a. Tennis Clinics on Tuesday, September 15 and September 22, 2020 from 6-7 PM
- b. Drop-In Tennis on Tuesdays from September 29 to October 20, 2020 from 6-8 PM

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_\_ TO \_\_\_\_\_ OPPOSED, WITH \_\_\_\_\_ ABSTAINING.

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the Mayor of the Town of Berlin.

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

ATTEST: \_\_\_\_\_  
Jeffrey Fleetwood, Town Administrator

**Mary Bohlen**

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**From:** Kelly Buchanan <kbuchanan@co.worcester.md.us>  
**Sent:** Monday, July 20, 2020 1:11 PM  
**To:** Mary Bohlen  
**Cc:** Myro Small  
**Subject:** Tennis

Mary,

The Worcester County Recreation & Parks Dept would like to offer a Tennis Clinic on September 15 and September 22<sup>nd</sup> from 6:00-7:00pm. We would like to offer Drop In Tennis Sept 29-October 20<sup>th</sup> from 6-8pm.

Thank you,

***Kelly Buchanan***

Program Manager III  
410-632-2144 ext 2503

[www.worcesterrecandparks.org](http://www.worcesterrecandparks.org)

Check us out on Facebook 



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**BUSINESS USE OF PARK APPLICATION**



This form is required when sale of goods or services is being requested in connection with an event or activity within a Town of Berlin Park, or on a recurring basis within a Town of Berlin Park. A Vendor's Application and Certification for Peddling and Soliciting may also be required.

Name of Business/Organization: Worcester Cty Rec Agent/Responsible Party: Kelly Buchanan  
(Individual Person must be identified)

Address 6030 Public Landing Rd Phone #: (W) 4106322144 (C) \_\_\_\_\_  
Snow Hill, Md 21863 Email: kbuchanan@co.worcester.md.u

Park where activity or event will occur:  Stephen Decatur Park  William Henry Park  Heron Park

Purpose of Facility Use: Tennis Clinic and Drop IN Tennis

Requested Days/Times of Use: Tuesdays, ~~May 5 - May 26, 2020~~ Sept. 15 - Oct. 20

# of Persons Expected to participate in activity/event 10 9/15 + 22 - 6 to 7 pm

List all individuals/employees who may/will conduct the business activity: 9/29 - Oct. 20 - 6-8 pm

1) <u>Kelly Buchanan- 301-787-8349</u>	6)
2)	7)
3)	8)
4)	9)
5)	10)

Please add any other information relevant to this application, including a description of items to be sold, services to be performed and/or fees to be charged:

The fee is \$3 per session. We will have a Stroke Clinic taught by Tennis Pro Bruzz Trutt. The participants will then have the opportunity to apply the skills taught in Tennis Matches.

Reverse must be completed and signed.

**AGREEMENT**

By signing below, the agent/responsible party understands that, until approval by the Mayor and Council, this form is an application for use of the parks for the aforementioned purposes, and not a permit for use. He/She further assumes full responsibility for complying with the rules and regulations set forth in the Town of Berlin Code of Ordinances and, specifically, Chapter 22, "Parks and Recreation", Sec. 22.48-50, as well as any additional terms and conditions imposed by the Mayor and Council of the Town of Berlin. He/She understand that failure to comply may result in:

1. The imposition of limitations to this permit; and/or
2. Withdrawal of this permit; and/or
3. Refusal by the Mayor and Council to authorize future use by the entity.

A copy of this permit must be in the possession of the person conducting the business activity and shown upon request.

I, further acknowledge and agree to the following:

- 1) The Mayor and Council of the Town of Berlin reserves the right to refuse approval of any permit for any reason at their discretion.
- 2) I am responsible for application for and payment of a Town of Berlin Business License Fee or Vendor Permit as applicable under the Code of the Town of Berlin, Chapter 8.
- 3) If the nature of the business activity involves the sale or provision of food or drink to be prepared on site and/or prior to sale and to be sold to and/or consumed by the public, I am responsible for obtaining any and all applicable permits from any other agencies including, but not necessarily limited to, agencies of Worcester County and the State of Maryland. The Mayor and Council of the Town of Berlin reserves the right to deny approval of this permit pending verification of appropriate permits obtained from any other agency as applicable. Alcohol sales are prohibited under any circumstance.
- 4) That, if applicable, I am responsible for completion and submission of road closure permit forms to the State Highway Administration.
- 5) The Town of Berlin is in no way responsible for my adherence to the above conditions and that any fees associated with this permit, including the Town of Berlin Business License Fee and/or Vendor Permit, paid to the Town of Berlin, are separate from and unrelated to any fee charged for any other purpose by any other agency.
- 6) I will maintain insurance appropriate to the activity proposed and will provide proof of said insurance upon request.
- 7) If appropriate to the activity proposed, I will have my customers/clients sign documents acknowledging that the Town of Berlin holds no responsibility for any loss/injury/damage incurred by their participation in my business activity.
- 8) I will be responsible for any damage to Town of Berlin owned or leased property incurred as a result of my use of the facility under this permit.
- 9) Under NO circumstance are motorized vehicles permitted on parks' grounds, except those areas designated for parking of motor vehicles without express written approval by an authorized representative of the Town of Berlin.

Signature: Kelly Buchanan Date: 1/16/2020

Printed Name: Kelly Buchanan

Office Use Only: Date Rec'd: _____ Initials: _____ Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Non-profit organizations:</b> <input type="checkbox"/> Proof of Non-profit certification submitted and verified.
By _____ Date: _____
<b>All others:</b> Mayor and Council of the Town of Berlin on the _____ day of _____.
_____ For to _____ Opposed with _____ Abstaining
Additional Conditions/Notations: _____
_____



## TOWN OF BERLIN SPECIAL USE OF PARK FORM



Note: This form is to be completed by/with Town staff. It will be the determination of Town staff if additional services are required for the event/activity. Based on that determination additional forms and meetings with Town staff may be required to insure a successful event.

TODAY'S DATE: 1/15/202

EVENT/ACTIVITY DATE: ~~5/15-5/17-5/19-5/21~~ 9/15-22 TIME FROM: 6-7: PM TO: 8:00 pm

NAME: Kelly Buchanan

Anticipated # of attendees 1060  
ADDRESS: 6030 Public Landing Rd

Snow Hill, Md 21863

PHONE: 410-632-2144 ext 2503

EMAIL: kbuchanan@co.worcester.md.us

ORGANIZATION: Worcester County Department of R  
(IF APPLICABLE)

WILL EVENT INVOLVE FEES PAID BY ATTENDEES AND/OR SALE OF GOODS OR SERVICES?  YES  NO

DESCRIPTION OF EVENT/ACTIVITY: Tennis Instruction and drop in Tennis- apply skills taught through instruction to tennis matches

### PARK REQUESTED

<input checked="" type="checkbox"/> <b>Stephen Decatur Park, Tripoli Street</b> <input type="checkbox"/> Pavilion <input checked="" type="checkbox"/> # of <u>2</u> Tennis Courts (max 3) <input type="checkbox"/> Other _____	<input type="checkbox"/> <b>Dr. William Edward Henry Park, Flower Street</b> <input type="checkbox"/> Pavilion <input type="checkbox"/> # of _____ Basketball Courts (max 2) <input type="checkbox"/> Other _____
<input type="checkbox"/> <b>Heron Park</b>	

PLEASE CHECK ALL THAT APPLY BELOW:

- More than one consecutive date;
- More than 50 people;
- Any event/activity that charges attendees a fee and/or involves the sale of goods or services;
- Use of areas other than the pavilion

Fees: \$50.00 per day per amenity, plus \$10 for electric (if applicable). \$25.00 will be refunded when facility is left in good condition. Failure to adhere to the parks rules and/or leave the facility in good condition may result in the forfeit of that \$25.00 and/or refusal by the Town of Berlin to permit the user to reserve the park in the future.

Office Use Only:

Fee calculation:  
 \$25.00 X \_\_\_\_\_ (number of facilities requested) = \$ \_\_\_\_\_ X \_\_\_\_\_ (number of days) = (a) \$ \_\_\_\_\_  
 \$10.00 for electric X \_\_\_\_\_ (number of days) = (b) \$ \_\_\_\_\_

(a) + (b) = \$ \_\_\_\_\_ Total fee to be paid

Does activity require any additional Town services?

- Additional trash cans
- Additional picnic tables
- Road Closure
- Other \_\_\_\_\_
- Referral to another department/additional forms to be completed \_\_\_\_\_

**Notes/Comments:** \_\_\_\_\_

I, the undersigned acknowledge and agree to the following:

1. **PARKS RULES:** I have been provided with a copy of the Park rules and regulations and I understand that I must adhere to these rules. If I fail to adhere to the Park rules and regulations, the Town of Berlin reserves the right to refuse to reserve the park in my name in the future. I further understand that the rules and regulations provided herewith are an excerpt of Chapter 22 of the Code of the Town of Berlin and other sections of that chapter and of the Town Code as a whole may also apply to use of the park(s).
2. **VEHICLES STRICTLY PROHIBITED ON PARKS' GROUNDS.** I understand that vehicles are not permitted in the parks beyond the parking lots. **ABSOLUTELY NO EXCEPTIONS** without prior express authorization.
3. **RESERVATION OF FACILITY(IES).** I understand that this reservation is only for the facility(ies) indicated above; all other areas of the park are open to the public and may be in use during my event.
4. **LIABILITY INSURANCE/RELEASE OF LIABILITY:** I certify that I or the organization which I represent possesses appropriate liability insurance and that, upon request, I will provide the Town of Berlin with verification of such insurance. If I do not possess such insurance, I understand that purchase of insurance may be required for this event/activity. The Town of Berlin and its agents are released from all liability associated with damage or injury resulting from the improper use of any equipment provided by the Town of Berlin and from damage or injury associated with the use of any equipment or items brought into the park by me or anyone associated with this event.

Signature: \_\_\_\_\_

*Kelly Berlin*

Date: \_\_\_\_\_

1/16/20

Clerk: \_\_\_\_\_ Fee Pd: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Refund:  YES  NO Date: \_\_\_\_\_

